

**NORTH CAROLINA  
 SOIL & WATER CONSERVATION  
 COMMISSION MEETING MINUTES  
 November 09, 2011**

Archdale Building  
 Ground Floor Hearing Room  
 512 N. Salisbury Street  
 Raleigh, N.C. 27604

Commission Members	Others Present	
Manly West	Pat Harris	Joe Hudyncia
Craig Frazier	David Williams	Kelly Ibrahim
Vicky Porter	Steve Bennett	Ralston James Jr.
Bobby Stanley	Shelly Baird	Ronnie Morgan
Donald Heath	Vernon Cox	Henry Outz
Bill Yarborough	Charles Davenport	Ken Parks
	Tom Ellis	Tina Rowell
	Bryan Evans	Gregg Walker
Commission Counsel	Lisa Fine	Sandra Weitzel
Jennie Hauser	Dick Fowler	Wayne White
Guest	Dewitt Hardee	Natalie Woolard
Dr. Richard Reich	Julie Henshaw	
Michelle Raquet	Tom Hill	

Chairman Manly West called the meeting to order at 9:00 a.m. and charged the commission members to declare any conflict of interest or appearance of conflict of interest that may exist for agenda items to be considered by the commission, as mandated by the State Ethics Act. None were noted. Chairman West requested the Board of Commissioners to introduce themselves, followed by introductions from the audience.

Chairman West congratulated Commissioner Vicky Porter and her husband Tommy who were recently recognized at the Swisher Sweets/Sunbelt Expo Southeastern Farmer of the Year.

**APPROVAL OF AGENDA:** Commissioner Craig Frazier made a motion to approve the agenda. The motion was seconded by Commissioner Donald Heath. Motion carried.

**APPROVAL OF MINUTES:** The minutes of the Commission Meeting held on September 21, 2011 were presented. A motion to approve the minutes was made by Commissioner Vicky Porter and seconded by Commissioner Bobby Stanley. Motion carried.

Chairman West welcomed Dr. Richard Reich, Assistant Commissioner to the NCDA&CS.

**IV. INFORMATIONAL ITEMS**

**4. Division Report:** Mrs. Patricia Harris, Director for Soil and Water Conservation, presented the division report. A handout was provided.

**Discussion:**

- July 1, 2011 transferred from DENR to NCDA&CS. It was noted that the transition from one department to the other was going smoothly.
- Vacancies: Area 5 Coordinator position interviews were to be completed this week; Area 2 Coordinator position interviews to follow. It was noted that the post for the Ag. Cost Share Program Supervisor closes Nov. 10<sup>th</sup>.
- Payments regarding supervisor travel reimbursement, matching funds, cost share, are going well.
- The Division of Soil & Water Conservation is scheduled to consolidate all of the central office staff on the 4<sup>th</sup> floor in March 2012.
- Schedule F (profit and loss statement from farming) was discussed. Mrs. Harris reported that Session Law 2011-391 Section 32 requires Ag Cost Share Program and Ag Water Resources Assistance Program applicants had to provide a Schedule F form for eligibility. It was noted that Ag Cost Share is limited to farmland not the farmer.
  - Mrs. Harris read the following excerpt from the Columbus Soil and Water Conservation District resolution as an acceptable set of options for determining agriculture eligibility based on *“SL 2011-363 Bona Fide Farm documentation which includes the following criteria:*
    - a) *Farm sales tax exemption certificate*
    - b) *Property tax listing showing present use value program eligibility*
    - c) *Schedule F*
    - d) *Forest management plan*
    - e) *Farm ID# by Farm Services Agency with USDA.*

*The Commission may approve an alternate form of documentation on a case-by-case basis if the farm has a conservation plan that meets the statutory purposes of the program.”*
- Mrs. Harris welcomed comments and suggestions from Commission members regarding flexibility on Schedule F. She then excused herself from the presentation to attend the Environmental Review Commission meeting. Mr. David Williams, Deputy Director for the Division of Soil and Water Conservation continued the presentation.
- Federal Assistance under the USDA Emergency Watershed Protection Program for Hurricane Irene. Mr. Williams noted that debris from the storm was blocking streams and drainage ways. The Division is working with USDA and others to find funds to assist with debris removal. Mr. Williams indicated that he had participated in several meetings seeking input from farmers on their Hurricane recovery needs. It is possible that if sites are found that qualify for Emergency Watershed Program assistance, NRCS will award a single contract to the Division to subcontract for debris removal across the eastern part of the state. USDA policy for EWP now restricts its use to sites where the debris is likely to cause flooding that may affect a structure. This is much more restrictive than in the past. It was used extensively for debris removal following Floyd and Isabel.
- The Division has estimated that \$1.2 M is needed for stream cleanup needs in eighteen counties in the eastern part of the State. NRCS has started a damage survey report to assess the actual cost of cleanup. Currently the focus was on the sites eligible for EWP. It was stated that the Division would have to project the cost for sites that do not qualify for EWP. Mr. Williams concluded that the division is looking for additional funds from the Division of Water Resources (and other Divisions) to address the debris removal from farmlands.
- November 2, 2011 Tours – The Division coordinated a tour for Fiscal Research staff in the General Assembly in Surry and Yadkin Counties. Representatives from both Counties were

present. It was stated that Senator East was present in Surry County. The purpose of the visit and photographs from the following sites were discussed in detail:

1. Surry SWCD – Farmer received \$200,000 of assistance through CREP and Ag Cost Share Program.
2. Yadkin SWCD – Lagoon conversion project. Mr. Williams shared detailed information on the Loyd Ray Farm project. He noted that Yadkin SWCD, DSWC & NRCS, Duke University, Duke Energy, and Google were partnering in this project.

The handout provided by Mrs. Harris is attached and made an official part of the minutes.

**Comments & Suggestions from Commission Members:**

- ❖ Chairman West read a draft letter dated November 9<sup>th</sup> addressed to Commissioner Steve Troxler of the NC Department of Agriculture & Consumer Services. The letter was related to Schedule F.
- ❖ Commissioner Donald Heath made a motion to authorize Chairman West to amend the draft letter as needed and to send it to the Commissioner. The motion was seconded by Commissioner Bobby Stanley. Motion carried.
- ❖ The final letter is attached and made an official part of the minutes.
- ❖ Chairman West referred to the five bona fide criteria listed on page 2 of Mrs. Harris' handout.

**5. Association Report:** Commissioner Craig Frazier, President, NCASWCD presented this item. A handout was provided.

**Discussion:**

- Conservation Farm Family – It was noted that the state winner for the 2012 Outstanding Conservation Farm Family is Rodney Purser from the Brown Creek Soil and Water Conservation District representing the mountain region. Commissioner Frazier indicated that the Farm Family will be recognized at the upcoming annual meeting on January 8, 2012. The Association is currently working with partners to improve the financial funding to revamp the Conservation Farm Family program. The Association is seeking a grant with \$5,000 funding each year for five consecutive years.
- State Fair Booth – The Association sponsored a soil and water conservation exhibit at the state fair. The participation was successful. It was noted that a total of 450 Gator tickets were sold.
- Update on Area Meetings – Six area meetings were conducted so far. Commissioner Frazier indicated that the supervisor attendance ranged from 43% to 48% at each meeting.
- 2012 Annual Meeting – The planning and coordination for the upcoming annual meeting scheduled on January 8-10, 2012 was on going. The meeting is scheduled at the Sheraton Greensboro at Four Seasons. The online registration closes December 1, 2011. All registration information can be accessed through the Association website at [www.ncaswcd.org](http://www.ncaswcd.org).

The handout provided is attached and made an official part of the minutes.

**6. NRCS Report:** Mr. Greg Walker, Assistant State Conservationist for NRCS programs presented an overview of the following:

**Discussion:**

- EQIP 2012 Program: It was noted that the program received \$4M of additional funds. Mr. Walker further explained for 2012 EQIP will use a multi-state regional payment schedule for all practices. He also noted four special initiatives that will be administered from national headquarters. These are:
  1. Organic

- 2. Seasonal High Tunnel
- 3. Farm Energy
- 4. Air Quality
- An additional timeline was made to accommodate the four new initiatives in achieving their goals. The deadlines for submission are: February 3, 2012, March 10, 2012, and June 1, 2012.
- Mr. Walker concluded his presentation and welcomed comments and suggestions from Commission members.

**7. Neuse & Tar-Pamlico Annual Reports:** Mrs. Kelly Ibrahim Neuse/Tar Pamlico Basin Coordinator presented an overview of the Neuse & Tar-Pamlico Annual Reports. A handout was provided.

**Discussion:**

- **Effective:** Neuse was effective August 1998 & Tar-Pamlico was effective September 2001
- **Goal:** Both have a 30% Nitrogen reduction goal. Tar-Pamlico also included a goal of no net increase in Phosphorus loss.
- **Implementation:** Collective strategies implemented through establishment of 2 Basin Oversight Committees (BOCs) and 31 local advisory committees (LACs).
- **Map:** A map was shown as part of the presentation to the Commission that identified the Neuse and Tar-Pamlico areas.
- Mrs. Ibrahim explained the tables in her power point presentation as follows:
  1. Neuse estimated Nitrogen Loss Reduction Reports results were compared. A total of a 49% reduction was achieved in the Neuse River Basin in CY2010. It was noted that all counties met at least a 30% reduction.
  2. Tar-Pamlico estimated Nitrogen Loss Reductions Reports results were compared. A total of a 52% reduction was achieved in the Tar-Pamlico River Basin in CY2010. All counties continued to meet at least a 30% reduction.
  3. Phosphorus Loss Tracking of the Tar-Pamlico River Basin was discussed as follows:
    - (a) Rule: No net increase in phosphorus loss from 1991 baseline;
    - (b) Method to qualitatively track phosphorus approved in 2005. Track 9 factors which include BMP installation, soil test phosphorus and animal waste phosphorus;
    - (c) 2010 found no net increase in phosphorus loss risk;
    - (d) BOC will continue to monitor trends.
- Falls Lake NSW Strategy was discussed in detail. A map was shown as part of the presentation. Mrs. Ibrahim identified some of the counties affected. NSW strategy was effective January 2011. The Counties were listed as Person, Orange, Durham, Granville, Wake and Franklin. From the 2006 baseline, the strategy mandates a 40% nitrogen reduction, and 77% phosphorus reduction.
- It was noted that the Agriculture will have a two-staged approach. Stage 1 will be achieved by 2021 with 20% nitrogen reduction, and 40% phosphorus reduction. Stage 2 will be achieved by 2036 with 40% nitrogen reduction, and 77% phosphorus reduction. It was further explained that a requirement to buffer all cropland and fencing out all livestock were needed to achieve if the goals of stage one are not met by 2021.
- Strategy Timeline was discussed.
  - i. Farmer Registration currently underway, including on-line registration. Brochures were distributed to all counties.
  - ii. Falls Lake Watershed Oversight Committee met in August and November 2011. They are scheduled to meet monthly.
  - iii. Accounting methodology expected to the EMC in March 2012
  - iv. First annual report in July 2012
- **Funding for Technicians:** Six technicians located in Durham, Franklin, Wilson, Pitt, Wayne, Hyde; Half position in Jones; these are funded through Cost Share Program Technical Assistance

Funds and EPA 319 grant funds. The funds were obtained to secure funding for technicians through September 2013. It was noted that the Division is seeking additional funds through NC Attorney General's Environmental Enhancement Grant Program in order to extend the funds until 2015.

- Future Steps for Neuse and Tar-Pamlico Areas: Continue to encourage BMP implementation; Technician & Local Advisory Committee meetings (LAC) will be held in Winter-Spring 2012; Continue to help implement Falls Lake NSW Strategy; Farmer Registration; Developing Baseline Accounting and Reports for next year; Targeted outreach for Falls Lake NSW Strategy and Management of Water Control Structures.
- Mrs. Ibrahim concluded her presentation and acknowledged the groups that helped with the report.

## **ACTION ITEMS**

**8. Consent Agenda:** Commissioner Craig Frazier made a motion to approve the consent agenda. The motion was seconded by Commissioner Bill Yarborough and it passed unanimously.

### **A. Approval of NCACSP supervisor contracts**

**9. Agriculture Water Resources Assistance Program:** Mrs. Julie Henshaw, NPS Section Chief, presented the following recommendations. She identified the three work groups: (1) The Policy Workgroup, (2) The Best Management Practice Workgroup, and (3) The Technical Assistance and Training Workgroup. Mrs. Henshaw also identified a list of different organizations that helped with the recommendation process. A handout was provided.

### **Discussion:**

- Authorizing Legislation (Session Law 2011-145): Mrs. Henshaw read an excerpt:
  - "Program Purpose: Identify opportunities to increase water use efficiency, availability and storage; Implement BMPs to conserve and protect water resources; Increase water use efficiency; Increase water storage and availability for agricultural purposes."
  - It was noted that this year \$1,000,000 was received for this program.
- Mrs. Henshaw recommended three goals to encumber the \$1M funds: (1) Determine initial goals, (2) State allocation for new pond construction, and (3) Distribute District allocations.

The following recommendations were presented to the Commission for consideration:

#### **1. Initial Goal Recommendations:**

- (a) Allocate the appropriated \$1M nonrecurring funds using a pilot program approach;
- (b) Use Agricultural Water Definition, from Protecting Agriculture Water Resources in North Carolina Strategic Plan (February 2011) to determine eligibility.

Mrs. Henshaw read the definition as follows: "*Agricultural water is considered to be any water on farms, from surface or subsurface sources, that is used in the production, maintenance, protection or on-farm preparation or treatment of agriculture commodities or products as necessary to grow and/or prepare them for on-farm use or transfer into any form of trade as is normally done with agricultural plant or animal commerce.*";

- (c) Percent Cost Share limited to 75% of Cost Share Rate;
- (d) Contract maintenance period for practices is 10 years that mirrors other conservation programs;
- (e) Allocation method needed that allows for funding of ponds (i.e.: 40% request for State allocation for new pond construction, and 60% for District allocations).

- Mrs. Henshaw noted that this percentage split is recommended to maintain the majority of AgWRAP funding at the local district level. This will allow the Districts to continue their local leadership and implementation of this cost share program.

**Comments & Suggestions from Commission Members:**

- ❖ Commissioner Donald Heath made a motion to approve the allocation of the funds. The motion was seconded by Commissioner Bobby Stanley. Motion carried.
- 2. State allocation for new pond construction \$340,000 (40%):** Mrs. Henshaw indicated the distribution goals were necessary to have adequate representation across the state in various agricultural sectors. She expressed that the construction of new ponds were especially needed in all three geographic regions of the state.
- Mrs. Henshaw noted the agricultural sectors as identified in the NC Strategic Plan (February 2011) to receive funding for new ponds as follows: Aquaculture, Field Crops, Forestry, Fruit and Vegetable, Green Industry, and Livestock and Poultry. She added that the farms would be eligible to compete in the multiple categories depending on how and where the water is used from the newly constructed pond.
  - Cost Share Caps: Ponds would be cost shared as percent of actual cost. At the 75% Cost Share rate, the cap on pond construction will be \$15,000, and \$7,500 for private engineering; at the 90% Cost Share rate for limited resources farmers, beginning farmers and those who participate in the Enhanced Voluntary Agriculture Districts, would be eligible receive 90% Cost Share rate. The cap on pond construction will be \$18,000 and \$9,000 for private engineering.
  - Mrs. Henshaw read the Pond Evaluation Criteria that was included on page 3 of the handout.
  - A timeline associated with this option was noted (indicated on page 1 and 2 of the handout). Mrs. Henshaw expressed that the application period would be open until February 10, 2012. The recommendation for approval regarding the construction of new ponds will be brought back to the Commission at the March 21, 2012 SWC Commission meeting.

**Comments & Suggestions from Commission Members:**

- ❖ Commissioner Bill Yarborough made a motion to approve the allocation of the funds for the new timeline for pond construction. The motion was seconded by Commissioner Craig Frazier. Motion carried.
- 3. District Allocation \$510,000 (60%):** Mrs. Henshaw noted the following:
- Eligible Conservation Practices: agricultural water supply pond, agricultural pond sediment removal, agricultural pond repair or retrofit, conservation irrigation conversion, micro-irrigation system, wells, and other potential BMPs under consideration.
  - Parameters: Mrs. Henshaw reviewed the parameters listed on page 4 of the handout.
  - Mrs. Henshaw referred to the timeline on page 2 and noted that the PY2012 AgWRAP contracts due date will be June 6, 2012. It was noted that a notification would be mailed to all Districts to inquire their funding requirements towards encumbering funds for contracts due by June 6, 2012.
  - Mrs. Henshaw concluded her presentation and expressed that the recommendation would be brought back to the Commission at the next SWC meeting on January 8, 2012.

The handout provided is attached and made an official part of the minutes.

**Comments & Suggestions from Commission Members:**

- ❖ Commission members asked clarifying questions.
- ❖ Chairman West clarified that the changes and adjustments would be made from time to time based on the recommendations from the AgWRAP Committee.

- ❖ Commissioner Bill Yarborough made a motion to approve the District allocations of the funds based on the parameters and timeline. The motion was seconded by Commissioner Vicky Porter. Motion carried.

**10. 319 Grant Allocations:** Mr. Tom Hill, NPS Planning Coordinator presented this item. A handout was provided.

**Discussion:**

- The Division received four EPA 319 grants for 2011 fiscal year. Mr. Hill pointed out that one of the grants was for the Neuse & Tar-Pamlico positions, the other three were allotted for BMP implementation projects.
- A request was made to the Commission to approve the recommendation for the Best Management Practice Implementation in the Dan River Watershed. The three Participating Districts were identified as Caswell, Rockingham, and Stokes. He indicated that the three Districts have requested even allocations (\$79,333 per each District).
- It was noted that the NPS staff would be meeting with the Virginia Districts after the Commission meeting; they are looking for additional funds.
- Mr. Hill concluded his presentation and welcomed comments and suggestions from Commission members.

The handout provided is attached and made an official part of the minutes.

**Comments & Suggestions from Commission Members:**

- ❖ Commissioner Craig Frazier made a motion to approve the 319 grant allocation of the funds. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

**11. Conservation Effects Requirements for NC ACSP Contracts:** Mrs. Kelly Ibrahim presented this item.

**Discussion:**

- **History & Purpose:** The workgroup started at the February 2010 TRC meeting. The purpose was to consolidate which effects are required (nitrogen, phosphorous and soil loss) for each practice within the Cost Share program and to approve uniform tools used to calculate effects.
- **Group Members:** Mrs. Ibrahim pointed out that the group representatives were diverse from federal, state, and county level.
- The group surveyed Districts via email regarding tools used across the state. They reviewed BMPs in the NCACSP manual by section. Part of the survey was to determine the tools used to calculate the effects.
- Another survey was conducted in Waynesville at the DEW Ag-Tract.
- **Findings from the survey:** The tools available for District staff were: Nitrogen Loss Estimation Worksheet (NLEW); Phosphorus Loss Assessment Tool (PLAT); Revised Universal Soil Loss Equation-2 (RUSLE-2); Gully Worksheet; Sediment Removal Spreadsheet; and the Guidance for Stream Restoration.
- NLEW only applies for specific practices in the program (such as Buffers, Nutrient Scavenger, and Water Control Structures).
- PLAT is only needed when there is a soil erosion value greater than zero in RUSLE-2 (matrix reads "*PLAT ONLY IF EROSION*") listed on page 2 of the handout).
- PLAT & Nutrient Management Software is being upgraded
- **Recommendations from the Conservation Effects Estimation Workgroup (CEEW):** Create a matrix in each BMP section with the BMPs listed along with the tools required for the

calculations. This matrix was provided for the Commission members. It was noted that if approved by the Commission this information will be included in the ACSP manual. Mrs. Ibrahim reviewed the scientifically based tools for calculation as NLEW, PLAT, RUSLE-2, Gully Worksheet, and Engineering Worksheets.

- It was noted that the CEEW continues to explore the use of the NRCS Conservation System Guides to document effects from BMPs not calculated with NLEW, PLAT, RUSLE-2 or Worksheet guidance documents.
- Other items discussed were training; create a download website on the portal, and timeline.
- Mrs. Ibrahim expressed that this was presented at the SWCC meeting in March 2011 as an information item only. This information was also presented at the May TRC meeting. The Conservation Effects Matrix was presented at the July 2011 meeting.
- A recommendation to approve the Conservation Effects Matrix to be included in the program manual effective this fiscal year was requested.
- Mrs. Ibrahim concluded his presentation and welcomed comments and suggestions from Commission members.

The handout provided is attached and made an official part of the minutes.

**Comments & Suggestions from Commission Members:**

- ❖ Commissioner Vicky Porter made a motion to include the matrix in the manual that will be made effective this fiscal year. The motion was seconded by Commissioner Craig Frazier. Motion carried.

*The Commission took a short recess at 10:13 a.m. and reconvened at 10:22 a.m.*

**12. District Issues:**

**A. Post-Approval – 74-12-01-09; Pitt SWCD**

Mrs. Henshaw introduced this request on behalf of Mr. Charles Davenport, District Supervisor, and Mr. Bryan Evans, Technician of Pitt SWCD. She informed the Commission that they request a post-approval in the amount of \$903 for repair of a damaged cost shared BMP.

**Discussion:**

The proposed request from Pitt SWCD is as follows:

- Pitt SWCD would like to request permission from Soil and Water Conservation for repair to the grass waterway contract (2007 contract). The damage was due to Hurricane Irene, the land owner had to fix the problem immediately due to the type of business.
- Mr. Davenport and Mr. Evans, representatives from Pitt SWCD, addressed the Commission regarding their concerns for post-approval on their contract for damage caused by Hurricane Irene. A letter dated September 15, 2011 with a detailed explanation was submitted to the Commission for review. Mr. Evans noted that the damage appears to have been caused by storm debris blocking the outlet on the field, with 14” of rainfall in a 24 hour period, the damage was significant. It was noted that the damage was on a strawberry farm and the producer had to fix the problem immediately prior to Commission approval, in order to fumigate and lay the plastic for the next crop and to maintain the schedule on the farm.

The handout is attached and made an official part of the minutes.

**Comments and Suggestion from Commission Members:**

- ❖ Commissioner Bill Yarborough approved the post-approval for repair contract #74-12-01-09 in the amount of \$903. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

## **B. Post Approval – 04-09-252-16; Brown Creek SWCD**

### **Discussion:**

- Mrs. Henshaw introduced Mr. Ronald Morgan, Chairman for Brown Creek SWCD, and Ms. Tina Rowell, District Administrator for Brown Creek SWCD, to share their concerns about the 2009 contract.
- A letter dated October 27, 2011 requesting post-approval to use the PY2012 Cost Share funds to pay the cooperators for the completion of BMP installation was submitted to the Commission for review.
- Mr. Morgan and Ms. Rowell explained in detail that the error was due to an employee oversight. The work was completed but due to the changes in staff at the Brown Creek Division the dates on the cooperators contract differed from the dates on the file contract.
- It was noted that the funds for this contract has expired and the District is requesting approval from the Commission to use the PY2012 Cost Share funds.

The handout is attached and made an official part of the minutes.

### **Comments and Suggestion from Commission Members:**

- ❖ Commission members asked clarifying questions.
- ❖ Ms. Rowell noted that Chris Childers, representative from NRCS certified that the job was completed.
- ❖ After clarifying questions from the Commission, Mrs. Rowell indicated that the total amount requested was \$12,133.
- ❖ Mrs. Henshaw confirmed that staff is recommending post-approval and assured the Commission that all documents are in order. She informed the Commission that the future staff will be trained in accordance with the Rules and Procedures set in the manual approved by the Commission.
- ❖ Commissioner Donald Heath made a motion to approve the post-approval contract for 04-09-252-16. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

## **13. Cooperator request for relief from contract maintenance obligation:**

### **Discussion:**

- Mr. R. Wayne White from K. W. Farms presented this item. Letter dated October 27, 2011 regarding Poultry Litter Distribution System for Cost Share Contract # 19-06-18-02 (PY 2006) was presented to the Commission for review.
- Due to the economy, the poultry integrator OMTRON USA LLC closed its facility in Siler City, NC. Mr. White indicated that Cost Share Program provided \$7,000 of the purchase price and clarified that the current payback amount requested \$4,550.
- Mr. White requested the Commission that the payback amount be forgiven. He expressed that this would allow his company to sell the spreader and truck to offset current debt.

The handout is attached and made an official part of the minutes.

### **Comments and Suggestion from Commission Members:**

- ❖ Chairman West clarified the amount since there were two conflicting amounts indicated in the letter. Mr. White confirmed the total payback amount as \$4,550 and added that it was a typing error.
- ❖ Chairman West read the following General Policies for the NC Agriculture Cost Share Program as stated in the manual:

- *“Item#5 – If an operator sells property which contains a Cost Shared BMP(s) during the maintenance period, he/she is required to repay the State a pro-rated amount of the original cost(s) or arrange for the buyer to assume (in writing) the maintenance of the BMP (SWCC policy approved 08/21/96).*
- *Item#7 – Operators who receive Cost Share funds for the purchase of equipment are prohibited from using the Cost Shared equipment as collateral during the maintenance period. In addition, if the Cost Shared equipment is sold during the maintenance period, the operator must repay the State a pro-rated amount of the original Cost Share payment. (SWCC policy approved 08/21/96).”*
- ❖ Commission members sought clarification.
- ❖ Mrs. Jennie Hauser, Commission Counsel, clarified that Item #5 was a “sale of property” and Item #7 was a “sale of equipment”.
- ❖ Commissioner Craig Frazier made a motion not to approve the request for relief from contract maintenance obligation. The motion was seconded by Commissioner Vicky Porter. Motion carried.
- ❖ Chairman West requested staff to rephrase and clarify the wording in both items #5 and #7 of the policy. The Commission suggested that the policies be brought back to the agenda (as an action item) at the next upcoming meeting in January 2012.
- ❖ Mrs. Henshaw noted that the changes will be shared at the Cost Share meeting on December 6, 2011, and later be presented as a recommendation at the SWC Commission meeting on January 8, 2012.

**14. Revision nomination form for supervisor for appointment/reappointment:** Mr. David Williams presented this item regarding guiding principles for the two forms. A handout was provided.

**Discussion:**

- Mr. Williams recommended that the committee eliminate the yes/no questions and replace it with a certification by the Chairman, and that the Supervisors considered the rules indicated by the guiding principles at the time of their approval for nomination.

The handout is attached and made an official part of the minutes.

**Comments and Suggestions from Commission members:**

- ❖ Commission members suggested a minor changes in both forms to read as follows:
  - “he or she” replaced with “nominee or appointee”
  - Appointment for Supervisor Form - Page 2 delete “Re-appointment”
  - Appointments for Re-appointment of Supervisor Form - Page 2 delete “Appointment”.
- ❖ Commissioner Donald Heath made a motion to approve the revised changes in both forms. The motion was seconded by Commissioner Craig Frazier. Motion carried.

**15. Cost Share Committee Report:** Mrs. Julie Henshaw presented the following recommendation:

**Discussion:**

A handout was presented.

1. **Consideration of self-certification for incentive BMPs form:** The draft form is on page 2 of the handout. Mrs. Henshaw expressed as part of the program review process, districts requested that the division develop a self-certification form for incentive practices. She indicated that the committee recommends that the Commission approve the self-certification incentive BMPs form for district use this year.

**Comments and Suggestions from Commission members:**

- ❖ Commissioner Bobby Stanley made a motion to approve the self-certification for the incentive BMPs form. The motion was seconded by Commissioner Donald Heath. Motion carried.
2. **Consideration of procedures for request for payments (RFPs):** Mrs. Henshaw noted that Districts have requested guidance on the proper procedures for obtaining signatures on requests for payments. The Committee recommends that the Commission provide the following guidance:
- Boards are encouraged to consider and approve RFPs at board meetings.
  - Boards can delegate signature authority on RFPs to a person, not a position. This delegation should be recorded in board minutes and include the name of the person and the delegated authority. The authority remains with the person until rescinded.
  - RFPs must be complete, including proper job approval authority signature or letter, prior to approval

Mrs. Henshaw requested Commission to approve the Procedures for Request for Payments (RFPs).

**Comments and Suggestions from Commission members:**

- ❖ Chairman West stated that all Districts are not following the same procedures. The implementation of the procedures will enable Districts to comply with the guidance legally.
- ❖ Commissioner Craig Frazier made a motion to approve the procedures for request for payments. The motion was seconded by Commissioner Vicky Porter. Motion carried.

3. **BMP Contract obligations and exceptions:** Mrs. Henshaw shared information that several districts have inquired about BMP maintenance agreements, and measuring compliance. She noted that the Cost Share Committee is working on drafting policies for Commission review.
4. **Consideration of developing a planning policy for cost share programs:** Mrs. Henshaw indicated that the committee reviewed the 2007 Conservation Planning for Agriculture Cost Share Program (ACSP) Contracts memo and technical quality assurance checklist for conservation plans that support ACSP contracts. The committee recommends creating a subcommittee to develop a planning policy for Commission Cost Share Programs, and recommends that a Commission member serve on this subcommittee. This subcommittee will also include district employees and provide opportunity for district staff and supervisors input. The goal is to present a policy for consideration at the May Commission meeting, and have the policy go into effect for Program Year 2013.

**Comments and Suggestions from Commission members:**

- ❖ Commissioner Craig Frazier made a motion to approve the subcommittee. The motion was seconded by Commissioner Bobby Stanley. Motion carried.
  - ❖ Chairman West appointed Commissioner Bill Yarborough to serve on the subcommittee to develop a planning policy for Commission Cost Share Programs. Mrs. Henshaw noted that the next Cost Share Committee meeting will be on December 6, 2011.
  - ❖ Chairman West appointed Commissioner Vicky Porter to serve in his place as Commissioner to the Cost Share Committee. He noted that his term expires in January 2011 and needed a replacement.
5. **Upcoming Meeting date:** December 6, 2011 10 a.m.-2 p.m.; Archdale Building, 5<sup>th</sup> Floor Conference Room with web and teleconference.

**VI. Public Comments:**

- Mr. Charles Davenport, Pitt SWCD thanked Commissioner Manly West for his dedicated years of service.
- Chairman West acknowledged Mrs. Michelle Raquet who was present in the audience and thanked her for her service.

#### VII. ADJOURNMENT

With there being no further items to discuss the meeting adjourned at 11:04 a.m. The next Commission meeting is scheduled for January 8, 2012 at the Sheraton Four Seasons in Greensboro.

Patricia K. Harris 1.08.2012  
Patricia K. Harris, Director  
Division of Soil & Water Conservation, Raleigh, N.C.  
(Sign & Date)

Daphne Pinto 1-8-12  
Daphne Pinto, Recording Secretary  
(Sign & Date)

*These minutes were approved by the North Carolina Soil & Water Conservation Commission on January 8, 2012.*

Patricia K. Harris 1.08.2012  
Patricia K. Harris, Director  
(Sign & Date)

**ITEM #4**

**Soil & Water Conservation  
Commission**

**Division Report**

November 9, 2011

Pat Harris, Director  
North Carolina Division of  
Soil & Water Conservation



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**Division of Soil & Water Conservation**

- July 1, 2011 transferred from DENR to NCDA&CS
- Prior to July 1st, NCDA&CS had 1,371 permanent and 682 temporary for a total of 2,053 positions
- After July 1st, NCDA&CS has 2,095 permanent and 838 temporary for a total of 2,993 positions
- Oct. 16 – migrated DSWC employee NCIDs
- Oct. 27 – migrated DSWC email addresses
- Differences in business operations



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**Division of Soil & Water Conservation**

- **Mission:** *To foster voluntary, incentive-driven management of soil, water and related natural resources for the benefit of the environment, economy and all citizens*
- Area 5 Coordinator interviews to be completed this week; Area 6 Coordinator interviews scheduled in near future
- Ag Cost Share Program Supervisor post closes Nov. 10
- Working closely with department staff to ensure payment of supervisor travel, matching funds, cost share, etc.



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**Division of Soil & Water Conservation**

- DENR management and select divisions moving into Green Square
- March 2012 – DSWC scheduled to consolidate central office staff on 4<sup>th</sup> floor
- Moving costs associated with upgrading IT wiring and purchase of separate server
- NCDA&CS and DENR working to address cost share database challenges (e.g. keep existing database running and complete new database programming and reporting functions)




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**Schedule F**

- Schedule F is profit & loss statement from farming appended to the 1040 form
- SL 2011-391 Section 32 requires ACSP & AgWRAP applicants to provide Schedule F to establish they are engaged in farming
- ACSP not limited to those actively engaged in farming (eligibility tied farmland & not farmer)
- Other issues - Incorporated farms do not file Schedule F; privacy concerns by farmers; added costs to DSWC/SWCD to maintain confidentiality; new farms who may not file Schedule F; landowner versus farmer as applicant




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**Schedule F – Welcome Ideas**

- Department & division working to resolve
- Area 5 resolution to appeal Section 32 (narrow)
- Columbus SWCD resolution broader range of eligibility determinations & patterned after SL 2011-363 Bona Fide Farm documentation including:
  - a. farm sales tax exemption certificate
  - b. property tax listing showing present use value program eligibility
  - c. Schedule F
  - d. Forest management plan
  - e. Farm ID # by Farm Services Agency




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### Schedule F – Welcome Ideas

- Columbus SWCD resolution also states, "The Commission may approve an alternate form of documentation that the applicant is engaged in farming on a **case-by-case basis** if the farm has a conservation plan that meets the statutory purposes of the program."
- Other ideas?



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### Hurricane Irene, August 26-27, 2011

- NCDA&CS agree to serve as sponsor to request federal assistance under the USDA emergency watershed act
- EWP addresses woody & other debris blocking streams and drainageways that threaten structures
- ~1.2M; seeking matching funds from the State
- Assessing 30-40 sites in 18 counties
- Also seeking grant from Division of Water Resources to address debris removal from farmland

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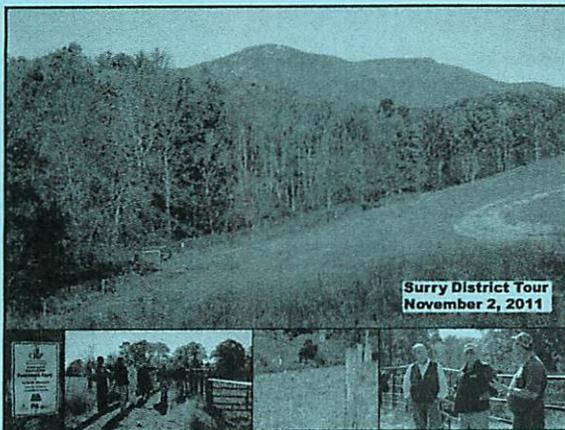
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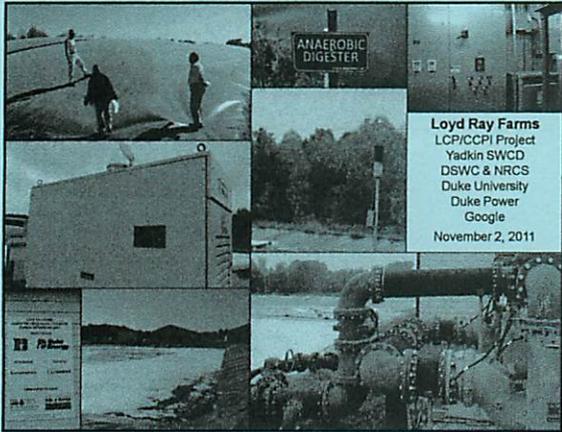
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November 9, 2011

**Manly West**  
Chairman

The Honorable Steve Troxler  
Commissioner of Agriculture  
1001 Mail Service Center  
Raleigh, NC 27699-1001

**James Ferguson**

**Craig Frazier**

Dear Commissioner Troxler:

**Donald Heath**

**Vicky Porter**

**Bobby Stanley**

**Bill Yarborough**

The Soil and Water Conservation Commission is proud of its record of accomplishment in creating, implementing, and supervising the NC Agriculture Cost Share Program (authorized by G.S. 106-850) since 1984. The General Assembly has now given the Commission authority to create and implement the new NC Agricultural Water Resources Assistance Program (authorized by G.S. 139-60). Section 32 of S.L. 2011-391 established a new requirement for both programs that all applicants must provide a copy of their federal tax Schedule F (Form 1040) for the most recent tax year to establish that they are engaged in farming.

The Commission has heard from local soil and water conservation districts and from farmers and agricultural landowners across the state that this new requirement is creating a great hardship for program implementation. The requirement prevents many potential high priority applicants who would otherwise meet the purposes of the programs from being eligible to apply. Among the classes of applicants who are negatively affected are:

- Owners of agricultural land who are not themselves actively farming their land therefore do not have a Schedule F. It is critical that these programs remain open to agricultural landowners to enable districts to address natural resource concerns on these lands. Often agricultural producers are unwilling to invest in and accept an obligation to maintain for up to ten years conservation best management practices on land that they do not own.
- Farms that are structured as a corporation or other legal entity for which a Schedule F is not required.
- A new farmer or person who has farmed intermittently but who may not have filed a Schedule F for the "most recent" tax year, even if they have filed them in the past and will file one for the current tax year.

Another concern is that many farmers who do have a Schedule F are understandably very reluctant to provide this private information to the Commission or even to their local soil and water conservation districts. This concern may prevent these farmers from seeking the voluntary assistance they need to address high priority resource concerns and it may undermine the important trust relationship between agricultural landowners and local districts.

North Carolina  
Soil and Water  
Conservation Commission

1614 Mail Service Center  
Raleigh, NC 27699

(919) 733-2302

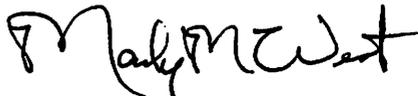
The Commission requests the Department work with the members of the General Assembly to seek amendments to this requirement that will alleviate these unintended consequences without delay. If other forms of documentation instead of or in addition to Schedule F were allowed, these concerns could be largely alleviated. One option would be to include some or all of the five criteria permitted in S.L. 2011-363 to provide evidence that an operation is a bona fide farm.

Since there may be other categories of potential applicants who may still be unintentionally excluded, we also request a provision to allow the Commission to approve an application as an exception to the specific criteria on a case-by-case basis if the farm has a conservation plan that meets the statutory purposes of the program.

The Commission is eager to assist the Department and the General Assembly to implement a more workable approach that still meets the intent of the General Assembly. Please contact me at 252-207-7711 or by email at [MMWest@mchsi.com](mailto:MMWest@mchsi.com) if you have questions or need other input on this topic.

Thank you for your urgent attention to this request.

Sincerely,

A handwritten signature in black ink that reads "Manly M. West". The signature is written in a cursive, somewhat stylized font.

Manly M. West, Chairman

Cc: Commission Members  
Pat Harris

**NC Association of Soil and Water Conservation Districts**  
**Report to the Commission**  
**November 9, 2011**

**Conservation Farm Family** – The state winner for the 2012 Outstanding Conservation Farm Family and representing the mountain region is Rodney Purser from the Brown Creek Soil and Water Conservation District. This farm is diversified with breeder eggs, swine, beef cows, and goats. Best management practices include livestock exclusion from surface waters, watering tanks, the first forced air composter in Anson County, and heavy use areas. A very young farmer, Purser is active as a member of the Murphy Brown Grower Council and is a past member of the board of directors for the Anson County Cattleman's Association. The farm is enrolled in Anson County's Enhanced Voluntary Agriculture District.

The Association is currently considering ways to expand and improve the program with hopes of providing stronger financial support to the winning district to help offset the cost of the on-farm celebration. Outside funding is being sought to support this effort. The goal is to announce a "new" conservation farm family program at the 2012 annual meeting and the selection of the first farm under the "new" program will be made part of the 75<sup>th</sup> anniversary celebration.

**State Fair Booth** – Once again the Association sponsored a soil and water conservation exhibit at the state fair. The booth included the traditional Wheel of Conservation but also had a new look and feel. Thanks to the hard work of the planning committee a soils tunnel, several soil monoliths, and a conservation farming exhibit borrowed from the Bladen SWCD gave the booth a new look and feel. Sales of Gator tickets were brisk with almost 450 being sold.

**Area Meetings** – Attendance by soil and water district supervisors at the first four Fall Area Meetings has been strong. As of October 27, meetings have been held in Areas 1, 2, 6, and 8 with supervisor attendance ranging from 43% to 48%.

**2012 Annual Meeting** – Planning for the upcoming January 8-10, 2012 annual meeting is beginning to intensify. Numerous planning and coordination meetings have been held with Division staff as well as NCDAs marketing and graphic design specialist in preparation for the meeting. The Sheraton Greensboro at Four Seasons promises to be an excellent meeting location and an outstanding slate of speakers is planned. On line registration closes December 1, 2011 and all registration information can be accessed through the Association web site at [www.ncaswcd.org](http://www.ncaswcd.org).

# ITEM # 9

## THE NORTH CAROLINA AGRICULTURAL WATER RESOURCES ASSISTANCE PROGRAM (AgWRAP) AGWRAP WORKGROUP DRAFT RECOMMENDATIONS: OCTOBER 28, 2011

### Authorizing Legislation (Session Law 2011-145):

- Program Purpose:
  - Identify opportunities to increase water use efficiency, availability and storage
  - Implement BMPs to conserve and protect water resources
  - Increase water use efficiency
  - Increase water storage and availability for agricultural purposes
- Administered by NC Soil and Water Conservation Commission through Conservation Districts
- \$1,000,000 set aside for this program
- Up to 15% of funds can be used by Division and Districts to provide technical and engineering assistance, and to administer program

Role of Stakeholder Advisory Committee is to provide input and advise the Soil and Water Conservation Commission on:

1. Development and administration of program, including development of annual goals
2. Potential best management practices for cost-share funding
3. Criteria to allocate funds to local soil and water conservation districts
4. Process for soliciting applications for selection of farmers to participate in program
5. Other potential funding sources to investigate and pursue to supplement State funds, including federal, local, and private sources
6. Technical assistance needed to assist participants with practices and to facilitate the timely transfer of technology among participants
7. Adoption of temporary and permanent rules as necessary to implement the program

### Timeline for program development and implementation

#### Draft Pond Application Timeline

Soil and Water Conservation Commission opens application period for state allocation for pond contracts	November 9
Districts submit pond contracts to Division of Soil and Water Conservation	November 9 – February 10
State pond applications reviewed according to approved criteria	February 10 – March 9
Soil and Water Conservation Commission approves state pond contracts	March 21

## Draft District Allocation Timeline

Open requests for Soil and Water Conservation Districts for AgWRAP funding for PY2012 district allocation	November 15
Soil and Water Conservation Districts requests for AgWRAP funding for PY2012 district allocation	December 16
Soil and Water Conservation Commission approves district allocation	January 8
PY2012 AgWRAP contracts due	June 6

### Determine initial goals given limited funding

- **Allocate the appropriated \$1M nonrecurring funds using a pilot program approach**  
Decisions made will be incorporated into draft rules for the program, but funds will be allocated this year, while the rule making effort is underway.
- **Use Agricultural Water Definition, from Protecting Agriculture Water Resources in North Carolina Strategic Plan (February 2011) to determine eligibility.**  
*Agricultural water is considered to be any water on farms, from surface or subsurface sources, that is used in the production, maintenance, protection or on-farm preparation or treatment of agriculture commodities or products as necessary to grow and/or prepare them for on-farm use or transfer into any form of trade as is normally done with agricultural plant or animal commerce. This expressly includes any on-farm cleaning or processing to make the agricultural product ready for sale or other transfer to any consumer in a usable form. It does not include water used in the manufacture or extended processing of plants or animals or their products when the processor is not the grower or producer and/or is beyond the first handler of the farm product.*
- **Percent Cost Share:** limited to 75%
- **Contract maintenance period for practices:** 10 years
- **Allocation method needed that allows for funding of ponds**
  - State allocation for new pond construction: \$340,000 (40%)
  - District allocations: \$510,000 (60%)

This percentage split is recommended to maintain the majority (60%) of AgWRAP funding at the district level. This will allow the districts' locally led process of program implementation to continue, similar to the Agriculture Cost Share Program and Community Conservation Assistance Program. The state allocation is being recommended because ponds are expensive practices. Due to the limited program funding, if 100% of funds were allocated to districts, no district would have enough funds to construct a pond. The recommendation of 40% takes into consideration existing district and division workload, while allowing funding for a minimum of 15 new agricultural ponds.

**State allocation for new pond construction:** \$340,000 (40%)

### **Distribution Goals**

- Goal to fund a minimum of one pond per geographic area: Coastal Plain, Piedmont, Mountain
- Goal to distribute funding for ponds among a variety of agricultural sectors identified in the Protecting Agriculture Water Resources in North Carolina Strategic Plan (February 2011):
  - Aquaculture
  - Field crops
  - Forestry
  - Fruit and vegetable
  - Green industry
  - Livestock and poultry (and forages and drinking water for same)

\*For farms with multiple sectors, the farm can compete in multiple sectors where applicable. Example: farm has field crops and vegetables. Proposing pond to irrigate vegetables. Project would only compete in the vegetable sector. If pond would irrigate both; the project would compete in both sectors.

**Cost Share Caps:** \$15,000 (75%) or \$18,000 (90%\*) for pond installation (75% or 90%\* of actual costs not to exceed caps); \$7,500 (75%) or \$9,000 (90%\*) for private PE design.

\*Higher cap for limited and beginning resource farmers and those in Enhanced Voluntary Agriculture Districts (90% cost share assistance).

### **Pond evaluation criteria**

- What percent of this operation's water use demand is reliably provided by existing water sources?
- What percent of this operation's total water use demand could be supplied by the pond in this application?
- How is your production limited by the amount of water you have access to? Please explain (25 word limit explaining what the producer is trying to move towards).
- How is your existing water supply limiting your ability to adapt to changing markets? Please explain (25 word limit explaining what the producer is trying to move towards).
- Do you use a public water system?
- What percent will this pond decrease your dependence on a public water system or waters identified as a "threatened" (ex. CCUA, others, data from DWR)?
- What water conservation measures (steps taken to improve efficiency) are on the operation currently?
- Has a 401/404 exemption, permit or determination of no permit required been obtained? If not, date requested?
- Is an engineering design complete for this pond?
- Is this farm enrolled in a Voluntary Agriculture District?
- Is this farm enrolled in an Enhanced Voluntary Agriculture District?

**District allocations:** \$510,000 (60%)

Funds will be allocated to districts requesting an allocation based on the parameters below.

Parameter	Source	Weight
Number of farms (total operations)	2007 Census of Agriculture	20%
Total acres of land in farms (subtracting woodland acres)	2007 Census of Agriculture	20%
Limited water sources and Central Capacity Use Areas	Compilation of data sources including Division of Water Resources, Ag Statistics, Duke University Nicholas Institute, etc.	20%
Precipitation/Drought measure (data source not finalized yet)	State Climate Office of NC	10%
Agriculture (income, farm-related totals - receipts, measured in \$)	2007 Census of Agriculture	10%
Agricultural Water Use	Annual Agricultural Water Survey	20%
<b>Total</b>		<b>100%</b>

**Next Policy Workgroup Meeting: November 21st: 10:00am -12:30pm**, NC Farm Bureau, 3<sup>rd</sup> floor Board Room in Raleigh.

**Eligible conservation practices**

- Agricultural water supply pond
- Agricultural pond sediment removal
- Agricultural pond repair or retrofit
- Conservation irrigation conversion
- Micro-irrigation system
- Well
- Other BMPs under consideration: *cisterns, specialized equipment for green industry, roof water runoff into storage ponds/temporary water holding pond, water re-use including reclaimed water, diversions to increase infiltration*

**Next BMP Workgroup Meeting: November 4<sup>th</sup>: 8:30am -12:00pm**, Farm Service Agency Office, Conference Room (2<sup>nd</sup> floor) at 4407 Bland Road in Raleigh.

**Assess needs and provide training for technical specialists within conservation partnership**

With the current time table for implementing the state allocation for pond installation, the initial priority for training will be focused on the following items:

- a. Pond Site Assessment (including specific such as geology, soils, topography etc.)
- b. Water Use Calculation
- c. Pond Exemption/Regulations

A Pond Site Assessment Training will be scheduled late November/December timeframe, and districts will have a division contact person to assist them in the interim.

**Next Technical Assistance Workgroup Meeting: November 10<sup>th</sup>: 10:00am -12:30pm, location TBD with Conference call/webinar option.**

Pond evaluation criteria	Response	Point values	Comments
<b>Demonstrated water use need</b>			
What percent of your water use demand is reliably provided by existing water sources?	%	20	Multiply each percent by 0.15 to obtain number of points. Subtract value from 1.
What percent of total water use demand could be supplied by the pond in this application?	%	20	Multiply each percent by 0.15 to obtain number of points.
How is your production limited by the amount of water you have access to? Please explain (25 word limit explaining the limitations).	text	10	
How is your existing water supply limiting your ability to adapt to changing markets? Please explain (25 word limit explaining what the producer is trying to move towards).	text	10	
Do you use a public water system for irrigation, animal watering, on-farm processing, or other use described in the agricultural water definition? Yes/No	Yes/No		
What percent will this pond decrease your dependence on a public water system or water identified as "limited" (ex. CCUA, others, data from DWR)?	%	30	Multiply each percent by 0.3 to obtain number of points.
<b>Reducing stress on existing water resources</b>			
Geographic location of proposed pond location: Recommendation: % under weighted measure of US Drought Monitor (5-10yrs - DO-D4); percent of normal <u>or</u> standardized precipitation index in months of May -August (10 years)	Lat/long	10	
<b>Site considerations</b>			
What water conservation measures (steps taken to improve efficiency ) are on the operation currently? Have district list - then assign points as described		30	3 points per measure, max of 30 points. *add categories of measures and have points assigned based on the type of category
401/404 exemption, permit or determination of no permit required obtained	Yes/No	20	
Design complete	Yes/No	20	Note that up to \$7,500 (75% of actual cost) can be used for private engineers to complete designs per pond.
Farm is enrolled in a Voluntary Agriculture District	Yes/No	10	
Farm is enrolled in an Enhanced Voluntary Agriculture District	Yes/No	15	Only receive points for this parameter, not VAD points too
<b>TOTAL</b>		<b>195</b>	

**ITEM # 9**

**Agenda Item #10 – Grant Allocations**

The Division received four EPA 319 grants this cycle (2011 fiscal year). Three of these contracts will have BMP allocations associated with them. Following is a brief description of the project with the recommendations for allocations by Division staff to each of the participating districts.

**EPA 319 Grant #1:****A Focused Effort for Best Management Practice Implementation in the Dan River Watershed*****Participating Districts:***

- Caswell \$79,333
- Rockingham \$79,333
- Stokes \$79,333

***Allocation Parameters:***

- Please see attached Priority Ranking Form for the Dan River project, this will be at the district level for this project
- All participating districts have similar acreages within project scope
- All participating districts have comparably acreages of impaired streams/waterbodies
- All participating districts agreed to even allocations

***Grant Funding:***

- \$295,000 total funds to be contracted
- \$ 47,500 Salary/benefits for Watershed Coordinator position (1 year)
- \$238,000 for BMP implementation

***Recommendation:***

- \$79,333 for each district allocated when a fully executed contract is received
- Remaining \$1 will go to the District that encumbers their funds first!

BMP	Nitrogen Reduction	Phosphorus Reduction	Soil Loss Reduction	Waste Managed	Acres Affected	Comments
Field Border	NCANAT	NCANAT	RUSLE 2	NA	Planted & Drainage Area	
Filter Strip	NCANAT	NCANAT	RUSLE 2	NA	Planted & Drainage Area	
Grade Stabilization Structure	NA	NA	GULLY WORKSHEET	NA	Drainage Area	
Grassed Waterway	NCANAT	NCANAT	RUSLE 2/ GULLY WORKSHEET	NA	Planted & Drainage Area	
Nutrient Management	NCANAT	NCANAT	NA	NA	Planted Area	
Rock-Lined Outlet	NA	NA	GULLY WORKSHEET	NA	Drainage Area	
Sediment Basin	NCANAT	NCANAT	RUSLE 2	NA	Drainage Area	
Water Control Structure	NCANAT	NCANAT	NA	NA	Drainage Area	
Riparian Buffer	NCANAT	NCANAT	RUSLE 2	NA	Planted & Drainage Area	
Streambank & Shoreline Protection			HILL GUIDANCE DOCUMENT		Treated Streambank Area & Buffer	
Stream Restoration			HILL GUIDANCE DOCUMENT		Treated Streambank Area & Buffer	
Agricultural Road Repair/Stabilization	NA	NA	GULLY WORKSHEET	NA	Drainage Area	
Abandoned Well Closure					NA	
Agricultural Pond Restoration/Repair	NCANAT	NCANAT	HICE/WILLIAMS WORKSHEET FOR SEDIMENT REMOVAL, GULLY WORKSHEET FOR LARGE AREA REPAIR IN SPILLWAY OR DAM.	NA	Watershed Acreage	
Precision Nutrient Management	USE APPLICATION RECORDS, REPORTED ON RFP	USE APPLICATION RECORDS, REPORTED ON RFP	NA	NA	Planted Area	

ITEM #11

BMP	Nitrogen Reduction	Phosphorus Reduction	Soil Loss Reduction	Waste Managed	Acres Affected	Comments
3-yr Con. Tillage/Grain & Cotton	NLEW Piedmont & Mountain Only	PLAT	RUSLE 2	NA	PLANTED ACREAGE	
3-yr Con. Tillage/Peanuts, Sweet Corn, Tobacco & Vegetables	NLEW Piedmont & Mountain Only	PLAT	RUSLE 2	NA	PLANTED ACREAGE	
Critical Area Planting		PLAT	RUSLE 2	NA	PLANTED ACREAGE	
Cropland Conversion	NLEW	PLAT	RUSLE 2	NA	PLANTED ACREAGE	
Diversion		PLAT ONLY IF EROSION	RUSLE 2	NA	PLANTED ACREAGE & DRAINAGE AREA	
Land Smoothing				NA	PLANTED ACREAGE & DRAINAGE AREA	
Long-Term No-till	NLEW Piedmont & Mountain Only	PLAT	RUSLE 2	NA	PLANTED ACREAGE	
Pasture Land Conversion	NLEW	PLAT	RUSLE 2	NA	PLANTED ACREAGE	
Sod-Based Rotation	NLEW	PLAT	RUSLE 2	NA	PLANTED ACREAGE	
Stripcropping		PLAT ONLY IF EROSION	RUSLE 2	NA	PLANTED ACREAGE & DRAINAGE AREA	
Terraces		PLAT ONLY IF EROSION	RUSLE 2	NA	PLANTED ACREAGE & DRAINAGE AREA	
Wetland Restoration Systems	NLEW	PLAT	RUSLE 2	NA	PLANTED ACREAGE & DRAINAGE AREA	
Conservation Cover		PLAT ONLY IF EROSION	RUSLE 2	NA	PLANTED ACREAGE	
Nutrient Scavenger Crop	NLEW	PLAT ONLY IF EROSION	RUSLE 2	NA	PLANTED ACREAGE	
Cover Crop		PLAT ONLY IF EROSION	RUSLE 2	NA	PLANTED ACREAGE	
Micro-Irrigation System		PLAT ONLY IF EROSION	RUSLE 2	NA	PLANTED ACREAGE	
Rooftop Runoff Management System			RUSLE 2 / GULLY WORKSHEET	NA	TREATED AREA	
Prescribed Grazing	(PASTURE GROUP?)	PLAT ONLY IF EROSION	RUSLE 2	NA	PLANTED ACREAGE	
Crop Residue Management	NLEW Piedmont & Mountain Only	PLAT ONLY IF EROSION	RUSLE 2	NA	PLANTED ACREAGE	

<b>BMP</b>	<b>Nitrogen Reduction</b>	<b>Phosphorus Reduction</b>	<b>Soil Loss Reduction</b>	<b>N &amp; P Waste Managed</b>	<b>Acres Affected</b>	<b>Animal Type</b>	<b>Animal Units</b>	<b>Comments</b>
Closure-Waste Impoundments				yes - from waste management plan	yes	yes	yes	
Retrofit on On-going Animal Operations				yes - from waste management plan	yes	yes	yes	
Constructed Wetlands				yes - from waste management plan	yes	yes	yes	
Controlled Livestock Lounging Areas				yes - from waste management plan	yes	yes	yes	
Dry Stack				yes - from waste management plan	yes	yes	yes	
Feeding/Waste Storage Structure				yes - from waste management plan	yes	yes	yes	
Heavy Use Area Protection				yes - from waste management plan	yes	yes	yes	
Waste Treatment Lagoon/Storage Pond				yes - from waste management plan	yes	yes	yes	
Livestock Mortality Management System				yes - from waste management plan	yes	yes	yes	
Waste Application System				yes - from waste management plan	yes	yes	yes	
Storm Water Management System				yes - from waste management plan	yes	yes	yes	
Odor Control Management System					yes	yes	yes	
Insect Control Practice				yes - from waste management plan	yes	yes	yes	
Manure/Litter Transport Incentive				yes - from waste management plan	yes	yes	yes	
Solids Separation from Tank-Based Aquaculture Production				yes - from waste management plan	yes	yes	yes	
Conscentrated Nutrient Source Management System				yes - from waste management plan	yes	yes	yes	
Manure Composting Facility				yes - from waste management plan	yes	yes	yes	
Lagoon Biosolids Removal Incentive				yes - from waste management plan	yes	yes	yes	

<b>BMP</b>	<b>Nitrogen Reduction</b>	<b>Phosphorus Reduction</b>	<b>Soil Loss Reduction</b>	<b>Waste Managed</b>	<b>Acres Affected</b>	<b>Animal Type</b>	<b>Animal Units</b>	<b>Comments</b>
Heavy Use Area Protection	no	no			yes	yes	yes	
Livestock Exclusion System	no	no			yes	yes	yes	
Spring Development	no	no			yes	yes	yes	
Stock Trail & Walkway	no	no			yes	yes	yes	
Stream Crossing	no	no			yes	yes	yes	
Trough or Tank	no	no			yes	yes	yes	
Well	no	no			yes	yes	yes	
Windmills	no	no			yes	yes	yes	
Livestock Feeding Area	no	no			yes	yes	yes	

<b>BMP</b>	<b>Nitrogen Reduction</b>	<b>Phosphorus Reduction</b>	<b>Soil Loss Reduction</b>	<b>Waste Managed</b>	<b>Acres Affected</b>	<b>Comments</b>
Agrichemical Handling Facility					yes	
Fertigation Back Flow Prevention System					yes	
Chemigation Back Flow Prevention System					yes	
Portable Agrichemical Mixing Station					yes	
Agrichemical Containment and Mixing Facility					yes	



Board Members

Charles Davenport, Chair  
Charles Farley, Vice-Chair  
Steve Sutton, Sec. / Tres.  
Thurston James, Member  
C. Leroy Smith, Member

September 15, 2011

Manly West, Chairman  
NC Soil and Water Conservation Commission  
1614 Mail Service Center  
Raleigh, NC 27699-1614

Mr. West,

On August 29, 2011, Pitt SWCD staff received a request for assistance by SAMs Farm, Inc of Winterville, NC in reference to damage caused by Hurricane Irene. The farm is a strawberry operation that has participated in NCACSP in the past. The damage was to a previously constructed grassed waterway installed with State Cost Share contract #74-07-25-09 / 319AS in August of 2007. Up until this storm event, the waterway had functioned properly and had been observed to be in good working order by District staff.

The damage appears to have been caused by storm debris blocking the outlet on the opposite side of the field, causing water from approximately 13" of rainfall in a 24 hour period to run across the field, cutting a gully. Sediment from the gully was caught by the waterway, but the waterway was filled completely for a section of about 300'.

Staff gathered the needed information on August 30, 2011 and took an application from the producer. The producer advised this land had to be fixed immediately because of the window for fumigating and laying plastic for the next crop. Staff explained that a contract would need to be approved before work commenced and laid out a time line for possible approval. Planning and design commenced immediately and the contract was submitted to the Board for approval on September 6, 2011. Staff advised us that this may be a post-approval request to you at that time if special provisions were not made for post-hurricane assistance. We approved the application and contract at this meeting and also approved making the post-approval request if that was needed.

Following the meeting, staff contacted SAMs Farm, Inc and learned that the work had been completed due to the short window of time for returning to the field. Staff submitted the application and contract to Raleigh with notification that this would be a post-approval request.

[www.pittswcd.us](http://www.pittswcd.us)

**ITEM #12A**

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In closing, the Pitt Soil and Water Conservation District, respectfully request post-approval for repair contract #74-12-01-09 in the amount of \$903. Staff has completed the construction check and the work completed does meet required standards for this practice. Thank you in advance for your consideration regarding this issue.

Sincerely,



Charles S. Davenport, Chair  
Pitt Soil and Water Conservation District

Cc: Julie Henshaw, NCACSP  
Lisa Fine, NCACSP

[www.pittswcd.us](http://www.pittswcd.us)



1758 Morven Road  
Wadesboro, NC 28170

Phone: (704) 694-3516  
Fax: (704) 694-2593

October 27, 2011

Soil & Water Conservation Commission  
1614 Mail Service Center  
Raleigh NC 27699-1614

The Brown Creek Soil & Water Conservation District (Anson County) is requesting to be put on the agenda for the Commission meeting on November 9, 2011 in regards to contract number 04-09-252-16. The funds for this contract have expired and the District is requesting approval from the Soil and Water Commission to use the 2012 cost share funds to pay the cooperator for BMP installation that has been completed.

Sincerely,

A handwritten signature in cursive script that reads "Ronald M. Morgan".

Ronald M. Morgan  
Chairman, BCSWCD

**ITEM #12B**

October 27, 2011

To: North Carolina Soil & Water Commission  
NC Dept. of Agriculture & Consumer Services  
Raleigh, NC 27699-1614

From: R Wayne White  
K W Farms  
5014 Silk Hope Gum Springs Road  
Pittsboro, NC 27312

Re: Cost Share Contract # 19-06-18-02  
Poultry Litter Distribution System

Honorable Commissioners:

The North Carolina Soil and Water Conservation Cost Share Program is one of the best programs the citizens of North Carolina have in place to encourage farmers to put in use "Best Practices" for distributing poultry litter. Poultry Farmers like myself do not always have the financial resources to implement conservation practices as we would like. This cost sharing program makes possible for farmers to be better stewards of our resources.

In September, 2005 K W Farms was accepted for the Cost Share Program that allowed the purchase of a Chandler Hydraulic spreader system. The cost share program provided \$7,000 of the purchase price. The current payback to the cost share program is \$4,450 as of October, 2011.

On October 4, 2011 the poultry integrator OMTRON USA LLC d/b/a Townsends Inc closed it's facility in Siler City, NC. This closure resulted in over 170 contract poultry farmers having to shutdown operations.

As you are aware, the poultry industry in North Carolina and Chatham County especially, are in very hart times. While other integrators are operating in Chatham County they are not expanding at this time. The prospect of my farm being picked-up by one of these integrators in the near term is not likely.

I am respectfully requesting the payback amount of \$4,550 be forgiven. This would allow the sell of the spreader and truck to help offset current debt.

Respectively yours

R Wayne White  
K W Farms

**ITEM #13**



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/

DRAFT

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and send 1 copy to the address above; keep a copy 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 within the first year after appointment? Check for "Yes" [ ]
Has the nominee been contacted to determine his or her 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 he or she willing to attend and participate in local district meetings? Check for "Yes" [ ]
Is he or she willing to attend and participate in Area meetings? Check for "Yes" [ ]
Is he or she 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.

SWCD Chair
Printed name:

Date

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.

SWCD Chair
Printed name:

Date

Individual recommended for appointment
Printed name:

Date

**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 or 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?



DRAFT

DIVISION OF SOIL AND WATER CONSERVATION
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NOMINATION OF SUPERVISOR FOR REAPPOINTMENT

Complete and send 1 copy to the address above; keep a copy 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 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).

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.

SWCD Chair
Printed name:

Date

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.

SWCD Chair
Printed name:

Date

Individual recommended for reappointment
Printed name:

Date

**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 or 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?

SOIL AND WATER CONSERVATION COST SHARE COMMITTEE: REPORT AND RECOMMENDATIONS: 11/8/11

**I. Consideration of self-certification for incentive BMPs form**

As part of the program review process, districts requested that the division develop a self-certification form for incentive practices. This form was modified based on an example provided by Jones Soil and Water Conservation District, and requires that producers self-certify the incentive practice they are enrolling in and that they have not exceeded the caps per practice. This form includes language about practice adoption, and state that caps are associated with the individual and/or their business entities. The committee recommends that the Commission approve the self-certification incentive BMPs form for district use this year.

**II. Consideration of procedures for request for payments (RFPs)**

Districts have requested guidance on the proper procedures for obtaining signatures on requests for payments. The committee recommends that the Commission provide the following guidance:

- Boards are encouraged to consider and approve RFPs at board meetings.
- Boards can delegate signature authority on RFPs to a person, not a position. This delegation should be recorded in board minutes and include the name of the person and the delegated authority. The authority remains with the person until rescinded.
- RFPs must be complete, including proper job approval authority signature or letter, prior to approval.

**III. BMP contract obligations and exceptions**

Several districts have inquired about BMP maintenance agreements and measuring compliance. Questions tend to center on when operations go out of business, declare bankruptcy, or the cooperator passes away. The committee will be working on drafting policies for Commission review that clarify the definitions of no fault of the producer and non-compliance, and will be presenting a substitution of parties agreement for consideration.

**IV. Consideration of developing a planning policy for cost share programs**

The committee reviewed the 2007 *Conservation Planning for Agriculture Cost Share Program (ACSP) Contracts memo and technical quality assurance checklist for conservation plans that support ACSP contracts*. The committee recommends creating a subcommittee to develop a planning policy for Commission cost share programs, and recommends that a Commission member serve on this subcommittee. This subcommittee will also include district employees and provide opportunity for district staff and supervisors input. The goal is to present a policy for consideration at the May Commission meeting, and have the policy go into effect for Program Year 2013.

**V. Upcoming meeting dates:**

- December 6th 10am -2pm; Archdale Building, 5<sup>th</sup> Floor Conference Room with web and teleconference

NCDA&CS  
DSWC**DRAFT**NC-ACSP-NC  
(11/2011)**North Carolina Agriculture Cost Share Program  
Self-Certification for Incentive BMPs**

Contract number:

Cooperator:

BMP:

Amount:

The purpose of this addendum is to allow applicants to certify that they are eligible for the practices noted above. Producers who have adopted this practice as defined in the BMP policy on lands that they farm in any district are not eligible. A producer is defined as individuals and/or corporations associated with a farming operation, regardless of geographic location. All applicants may be asked to submit documents and maps necessary to justify their claim.

This information will be maintained in the district file as a portion of the application and is part of the public record.

To be considered for application eligibility for incentive BMPs, you must complete and initial the statements below. Please complete a separate form for each incentive BMP for which you or your farming operation have received cost share assistance through the NC Agriculture Cost Share Program.

**Incentive BMP Farmer Certification**

Please initial next to the statement according to your certification:

I hereby certify that I have not adopted the practice above on any land that I farm.

I hereby certify that I have received incentive BMP payments for the \_\_\_\_\_ incentive BMP in \_\_\_\_\_ County in the amount of \$\_\_\_\_\_. The total does not exceed the BMP dollar cap established for this incentive BMP set forth in the NC Agriculture Cost Share Program. I understand that I may be asked to provide documents and maps to justify my claim.

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date