



**NORTH CAROLINA
SOIL & WATER CONSERVATION
COMMISSION MEETING MINUTES
May 16, 2012**

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

Commission Members	Others Present	
Vicky Porter	Pat Harris	Kirsten Frazier
Craig Frazier	David Williams	Julie Henshaw
Bobby Stanley	Dr. Kenneth Taylor	Kelly Ibrahim
Donald Heath	Danielle Adams	Ralston James
Tommy Houser	Steve Bennett	Chester Lowder
Charles Hughes	Shelly Baird	Denny Norris
Bill Yarborough	Brian Chatham	Ken Parks
	Vernon Cox	Eric Pare
Commission Counsel	Davis Ferguson	Pat Stanley
Jennie Hauser	Lisa Fine	Sandra Weitzel
Guest	Kristina Fischer	Natalie Woolard
	Matt Flint	
	Dick Fowler	

Chairwoman Vicky Porter called the meeting to order at 9:02 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 under consideration, as mandated by the State Ethics Act. Commissioner Tommy Houser noted a conflict of interest in item# 10e (contract # 55-12-802-03).

Chairwoman Porter requested Commission members to introduce themselves, followed by introductions from the audience.

Chairwoman Porter then read the following excerpt from the State Ethics Commission’s Evaluation regarding the Commission member statements of economic interest filed by Ms. Teresa H. Pell, SEI Attorney.

“We are in receipt of Mr. Thomas D. Houser’s 2012, Statement of Economic Interest. We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity. Mr. Houser will fill the role of First Vice-President of the North Carolina Association of Soil and Water Conservation Districts on the Commission. He is the Chairman of the Lincoln County Soil and Water District and owner of Houser Farms. Thus, he has the potential for a conflict of interest. Mr. Houser must exercise appropriate caution in the performance of

his public duties should issues involving his district or farm come before the Commission. This would include recusing himself to the extent that his interests would influence or could reasonably appear to influence his actions.”

APPROVAL OF AGENDA: Chairwoman Porter highlighted a change in the agenda that added item 10e “contract # 55-12-802-03”, and removed item 15b “Post approval contracts 19-2012-08-02, 19-2012-05-02, 19-2012-19-20; Chatham SWCD”. Commissioner Craig Frazier made a motion to approve the agenda with the changes. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

APPROVAL OF MINUTES: The minutes of the Commission meeting held on March 21, 2012 were presented. A motion to approve the minutes was made by Commissioner Donald Heath and seconded by Commissioner Tommy Houser. Motion carried.

IV. INFORMATIONAL ITEMS

5. Division Report: Mrs. Patricia Harris, Director of the Division of Soil and Water Conservation, presented the division report. Her presentation included the following:

- Update on the 2012 Commission Schedule
- August 14-16, 2012 Conservation Employees Training (CET)
- Division staffing update regarding available positions and vacancies
- FY 2011-2012 Supervisor Travel Budget – compared April 30, 2011 (100% expended) to April 30, 2012 (89% expended)
- District Supervisor Travel Funds – appropriated and expended were discussed. Projected May 31, 2012 as the last date that travels will be honored for reimbursement.
- Division staff move to the fourth floor is on schedule for May 23-24, 2012. It was noted that the Division staff will be off line for a week during the move.
- Mrs. Harris announced the resignation of Mrs. Shelly Baird effective May 18, 2012. Mrs. Baird accepted the Executive Director’s position with the Nanticoke Watershed Alliance, a small nonprofit dedicated to protecting the natural resources of the Nanticoke River in Maryland.
- Mrs. Baird thanked the Commission and staff for their support.

Comments & Suggestions from Commission Members:

- Chairwoman Porter expressed her appreciation on behalf of the Commission and thanked Mrs. Baird for her dedicated years of service with the Division of Soil and Water Conservation.
- Commission members requested clarification for next year’s projected budget. Mrs. Harris informed the Commission that the budget for FY2012-2013 is basically the same as the current FY2011-2012 unless the legislature makes any changes during this short session.

The handout provided for Item 5 is attached and has been made an official part of the minutes.

6. Association Report: Commissioner Donald Heath, NCASWCD President, presented a brief overview on the following:

- Market Based Conservation Initiative
- Legislative Breakfast
- Congressional Agenda
- Conservation Farm Family Program

- Conservation Education Contests
- State Legislative Agenda
- Envirothon

The handout provided for Item 6 is attached and has been made an official part of the minutes.

Comments & Suggestions from Commission Members:

- Commission members asked clarifying question on Health Care Plan for Supervisors
- It was discussed that the supervisors are not state employees but the association is looking into getting a package deal with a national carrier such as Blue Cross Blue Shield for Supervisors.

7. NRCS Report: Mr. Matt Flint, representative from the National Resources Conservation Service (NRCS) presented a brief overview of the following on behalf of Mr. JB Martin, State Conservationist for NRCS:

- Conservation Planning – The values it has to district operations, quality of service, and overall partnership provided in the state.
- Conservation practice – How it works together in the system to accomplish the natural resources objectives with the districts?
- Detail on the conservation plan, vision, narrative, and certification was discussed.
- Mr. Flint shared information on soil testing capabilities, environmental documentation for technical assistance and financial assistance for conservation.

Comments & Suggestions from Commission Members:

- Commission Members made comments on conservation planning. A recommendation was made that staff (district representatives) gather input regarding the Certified Conservation Planner process and report back to the Commission. It was stated that having certified staff would help with the sustainability of conservation planning and NRCS would help with part of the funding.
- Commissioner Bill Yarborough made a motion to request District representatives of the three geographic regions and the Area Coordinators study district employee attitudes about becoming certified conservation planners. He added that the area coordinators need to identify concerns from their Districts regarding the certified conservation planner process and report back to the Commission. The motion was seconded by Commissioner Bobby Stanley. Motion passed.

8. Shale Gas Exploration in N.C. – Soil & Water Conservation Perspective: Dr. Kenneth B. Taylor, Assistant State Geologist and Chief of N.C. Geological Survey gave a brief overview of the following:

- Map showing the three Mesozoic basins – Dan River Basin, Durham Sub-basin, and Sanford Sub-basin. Ways to examine the resources and its potentials were discussed.
- Role of N.C. Geological Survey
- Basin and Source Rock
- Time Line – Deep River Basin
- Generalized Cross Section
- Seismic Line 113
- Organic Geochemistry
- USGS/NCGS Resource Assessment
- Current Technology
- Categories of Hydrocarbon Occurrence

The handout provided for Item 8 is attached and has been made an official part of the minutes.

9. Shale Gas Exploration Concerns: Ms. Danielle Adams, Durham SWCD shared her concerns about the shale gas exploration and how we can protect our natural resources. Ms. Adams noted that Durham is part of the Triassic region and that fracking was a concern. She discussed issues concerning the mineral rights of landowners. Concerns regarding horizontal and lateral drilling and its protection were shared. In conclusion, Ms. Adams pointed out that educational material need to go out to districts and be given to land owners regarding their rights. She added that water monitoring in rural parts of the county was necessary and requested a Senate Bill to protect farm, land and home owners.

Chairwoman Porter expressed her support on conservation protection but noted that the Commission will not take any action.

The Commission took a short recess at 10:22 a.m. and reconvened at 10:34 a.m.

V. ACTION ITEMS

10. Consent Agenda: Commissioner Bill Yarborough made a motion to approve the consent agenda. The motion was seconded by Commissioner Charles Hughes and it passed unanimously.

A. Nomination of Supervisors

Jeremy P. Fox; Madison SWCD
 Steven Pulnam; Lenoir SWCD
 W. G. "Dub" Potts; Davie SWCD

Resignation letter from the following:

Jim Brown; Madison SWCD
 Elizabeth Leonard; Davie SWCD
 Kelly Hoke; Catawba County

B. Approval of Cost Share Supervisor Contracts

Contract No.	District	Supervisor Name	Practice(s)	Contract Amount
08-12-08-12	Bertie	Robert L Hoggard	In-line water control structure	\$649
27-12-07-11	Currituck	Manly M West	Crop residue management	\$2,645
53-12-15-02	Lee	John Gross	Grassed waterways, terraces	\$2,066
53-12-13-02	Lee	Michael Gaster	Ag pond sediment removal	\$3,000
53-12-14-05	Lee	John Gross	Ag pond sediment removal	\$3,000
76-12-803-02	Randolph	Shane Whitaker	Pond Repair-cleanout & dam repair	\$2,588
76-12-804-02	Randolph	Shane Whitaker	Ag Pond	\$8,250

97-12-801-16	Wilkes	Zack Myers	Well & Pump	\$4,016
--------------	--------	------------	-------------	---------

C. Technical Specialist Designation

Waste Utilization Planning/Nutrient Management (WUP/NM)

Gene Anderson; Pitt SWCD

Professional Engineers (who are not employees)

Robert Hoffland; NC Professional Engineer for the State of NC is requesting designation for the following categories:

- Irrigation Equipment (I); WUP/NM
- Wettable Acres (WA); Runoff Controls (RC)
- Water Management (WM); Structural Animal Waste Design and Inspection (SD/SI)

D. Job Approval Authority

Pond Site Assessment:

Bryan Evans; Pitt SWCD

Gail Hughes; Orange SWCD

Sediment Removal Planning and Certification:

Sam Warren; Division ATAC Position

Bryan Evans; Pitt SWCD

Critical Area Planting (CCAP)

Mike Dupree; Durham SWCD

James Massey; Johnston SWCD

Riparian Buffer (CCAP)

James Massey; Johnston SWCD

Grassed Swale (CCAP)

James Massey; Johnston SWCD

E. Commission member contract approval

Contract Number 55-12-802-03; Tommy Houser; agricultural water supply/reuse pond; \$18,000

Commissioner Bill Yarborough made a motion to approve the contract # 55-12-802-03 for agricultural water supply/reuse pond for Tommy Houser. The motion was seconded by Commissioner Bobby Stanley and it passed unanimously.

11. Supplemental ACSP Allocation: Mrs. Kelly Ibrahim, Ag Cost Share Manager presented this item.

Three counties were omitted from the supplemental ACSP allocation approved at the March meeting, and the Division recommended the following allocations to the three counties:

- Camden SWCD; \$4,407
- Jackson SWCD; \$3,722
- Swain SWCD; \$8,623

Commissioner Craig Frazier made a motion to approve the supplemental allocation. The motion was seconded by Commissioner Donald Heath. Motion carried.

12. AgWRAP Review Committee Recommendations: Mrs. Natalie Woolard, Technical Services Section Chief presented the following recommendations:

- a. Consideration of modifications to the well BMP
Commissioner Bill Yarborough made a motion to approve the modifications to the well BMP according to the committee recommendations. The motion was seconded by Commissioner Tommy Houser. Motion carried.
- b. Consideration of modifications to agricultural pond repair/retrofit BMP
Commissioner Bill Yarborough made a motion to approve the modifications to the agricultural pond repair/retrofit BMP according to the committee recommendations. The motion was seconded by Commissioner Craig Frazier. Motion carried.
- c. Consideration of modifications to the Agricultural Water Supply/Reuse Pond
Commissioner Craig Frazier made a motion to approve the modifications to the agricultural water supply/reuse pond according to the committee recommendations. The motion was seconded by Commissioner Tommy Houser. Motion carried.
- d. Water use meter BMP status was discussed.

The handout provided for Item 12 is attached and has been made an official part of the minutes.

13. ACSP Technical Review Committee Recommendations: Mrs. Julie Henshaw, NPS Section Chief, presented the following recommendations:

- a. Consideration of modifications to the critical area planting BMP
Commission members noted that policy #1c the new language added needs to be removed. It now reads *"Any area with slopes greater than 30 percent must be permanently fenced to exclude livestock for ten (10) years and must be planted to trees or permanent wildlife cover."* Policy #4 was changed to read, *"Soil amendments and/or compost may be encouraged to increase fertility, organic matter or soil permeability."*

Commissioner Bill Yarborough made a motion to approve the amendment in attachment 13a, to remove the underlined language in policy# 1c and a change in phrase in policy #4. The motion was seconded by Commissioner Donald Heath. Motion carried with the changes.

- b. Consideration of modifications to the agricultural pond restoration/repair BMP
The TRC is recommending the Commission separate the existing agricultural pond restoration/repair BMP into two practices: agricultural pond repair/retrofit and agricultural pond sediment removal. Ms. Henshaw noted that both practices will be consistent with the same practices available through the AgWRAP.

Commissioner Craig Frazier made a motion to approve the revisions to the agricultural pond restoration/repair BMP. The motion was seconded by Commissioner Bill Yarborough. Motion carried.

The handout provided for items 13a and 13b are attached and has been made an official part of the minutes, as attachments 13a and 13b.

14. Cost Share Committee Recommendations: Mrs. Julie Henshaw presented the following:

- a. Consideration of district comment period for draft policy addressing supplemental allocations of cost share financial assistance: Mrs. Henshaw indicated that committee recommends the Commission approve a public comment period through June 25, 2012 on the draft policy provided in the attachment 14a. She summarized the draft policy.

Commissioner Craig Frazier made a motion to approve a public comment period for the draft policy for supplemental allocations of cost share financial assistance per the committee's recommendation. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

- b. Consideration of modifications to revision policy: Mrs. Henshaw noted that the revisions to Supervisor contracts need Commission approval on a case by case basis prior to their approval by the Division.

Commissioner Donald Heath made a motion to approve the modifications to the policy affecting revisions per the committee's recommendation. The motion was seconded by Commissioner Charles Hughes. Motion carried.

- c. Consideration of revisions to district supervisor use of cost share program funds policies: Mrs. Henshaw noted that the revisions for supervisors' contracts and supplements for supervisors' contracts both require Commission approval prior to Division approval.

Commissioner Bobby Stanley made a motion to approve the revisions to district supervisor use of cost share program funds policy per the committee's recommendation. The motion was seconded by Commissioner Bill Yarborough. Motion carried.

- d. Consideration of revisions to committee structure: Mrs. Henshaw noted that the Cost Share Committee's purpose is to review the process to allocate cost share funds to Districts and to ensure appropriate accountability for program implementation. Based on recommendations from the Area II district issues committee, the committee would like to expand membership to include two additional representatives of technical district employees to coincide with the three NRCS areas of the state. The Cost Share Committee recommends the Commission adopt the revised committee structure, and request additional technical district employees to serve on the committee through the District Employees Association.

Commissioner Craig Frazier made a motion to approve the revisions to committee structure per the committee's recommendation. The motion was seconded by Commissioner Donald Heath. Motion carried.

- e. Revision of notarization statement on BMP Fund Certification form: Mrs. Henshaw noted that the division is modifying the BMP Fund Certification form to comply with the Notary Public Act. It was noted that Ms. Jennie Hauser, Commission Counsel, has provided a revised notarization statement for the BMP Fund Certification form and the revised form will be available online.

Commissioner Bill Yarborough made a motion to approve the revisions of notarization statement on BMP Fund Certification form. The motion was seconded by Commissioner Tommy Houser. Motion carried.

Commission members requested to review the notarized statement on BMP Fund Certification form. Commission Counsel noted that the specification of responsibilities for certification is an excerpt from Chapter 139 to be signed under oath. Ms. Hauser expressed that if the Commission feels this certification form seems problematic then it should be changed in the General Statute.

The handout provided for items #14a, #14b, and #14c is attached and has been made an official part of the minutes.

15. District Issues: Mrs. Kelly Ibrahim presented the following:

- a. Post approval contract # 95-2012-10-14; Watauga SWCD
Commissioner Bobby Stanley made a motion to approve the contract# 95-2012-10-14. The motion was seconded by Commissioner Bill Yarborough. Motion carried.
- b. Post approval contract # 19-2012-08-02, 19-2012-05-02, 19-2012-19-20; Chatham SWCD
This item was removed from the agenda.

16. Supervisor Training Requirements: Mrs. Pat Harris presented the following:

- Update on supervisors' that failed to attend the School of Government Training for 2012. A draft letter based on the Commission's request was provided.
- Commissioner Craig Frazier made a motion to approve the supervisor training requirements. The motion was seconded by Commissioner Tommy Houser. Motion carried.

The handout provided for Item 16 is attached and has been made an official part of the minutes.

17. Commission Vice-Chairman Selection:

Commissioner Bill Yarborough declined the position as Vice Chairman. By consensus a motion was made to nominate Commissioner Craig Frazier and it passed unanimously.

VI. PUBLIC COMMENTS: None

VII. ADJOURNMENT

With there being no further items to discuss, Chairwoman Porter adjourned the meeting at 11:25 a.m. The next Commission meeting is scheduled for July 18, 2012 at the Archdale Building, Raleigh.



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



Daphne Pinto, Recording Secretary
(Sign & Date)

These minutes were approved by the North Carolina Soil & Water Conservation Commission on July 18, 2012.

Patricia K. Harris

Patricia K. Harris, Director
(Sign & Date)

Item #5

North Carolina Soil & Water Conservation Commission

May 16, 2012 Director's Report

Pat Harris, Director
Division of Soil & Water Conservation



2012 Soil & Water Conservation Commission



Donald Heath, Charles Hughes, Tommy Houser, Vicky Porter, Craig Frazier, Bobby Stanley & Bill Yarborough

2012 Commission Schedule

District items due to Division	Work session	Commission meeting
July 2	July 17 (7 pm)	July 18 (9 am)
July 31	August 14 (10 am)	August 14 (4 pm)
September 4	September 18 (7 pm)	September 19 (9 am)
November 5	November 20 (7 pm)	November 21 (9 am)

<http://www.ncagr.gov/sw/soilandwaterconservationcommission.html>



2012 Conservation Employees Training (CET)

- August 14-16, 2012 in Greensboro, N.C.
- Commission meeting August 14
- *Goal is to offer more than awareness training – participants will leave with new skill sets*
- Sandra Weitzel, event coordinator



Division Staffing Update

- 46 positions
- Vacancies
 - Area 2 Coordinator – posted/interviewing
 - 319 Env. Sr. Specialist* – posted
 - Engineering Tech – screening
 - CREP Manager – recommended
 - CREP Engineering Tech.*
 - CREP Env. Specialist*

*Receipt supported



FY2011-2012 Supervisor Travel

Supervisor travel, per diem & subsistence (10%)

	April 30, 2012	April 30, 2011
Authorized budget	\$ 252,040	\$ 280,040
Balance	\$ 27,724	\$141
Percentage expended	89%	100%

District Supervisor Travel Funds Appropriated & Expended

	Appropriated	Expended	Notice (Depleted)
FY 2009-2010	\$289,690	\$293,803	May 28, 2010 (June 19, 2010)
FY 2010-2011	\$289,690	\$293, 898	March 28, 2011 (April 13, 2011)
FY 2011-2012	\$261,690	---	May 31, 2012 (?????)



May 23 & 24

Thank you Shelly for a job well done!



“Put every acre to its best use and treat every acre according to its needs”



NCASWCD Report to the Commission May 16, 2012

Market Based Conservation Initiative – This pilot program with the Marines, which involves 16 eastern counties, continues to move forward. Recent sign off on the pilot project has been received from the Marines with recommendation for approval being sent to the Principle Deputy Assistant Secretary of the Navy. It is anticipated that final approval by the Department of Navy and the Office of the Secretary of Defense will be secured by the end of May. The Association is in the process to preparing training material and marketing information to be used by local Districts when the project is rolled out. On April 24, Dick Fowler, Executive Director, briefed Cooperative Extension Service District Directors on the project.

Legislative Breakfast – Planning continues for the Legislative Breakfast which is planned for Thursday, June 14. The breakfast will start at 7:30 a.m. and will be over by 8:30 a.m. after a short program. Location for the breakfast is the Legislative Building Cafeteria. Assistance is being provided by the NC Department of Agriculture graphics department regarding development of the invitations, the program, and several banners to commemorate the 75th anniversary of soil and water conservation districts. Participation by soil and water supervisors is critically important.

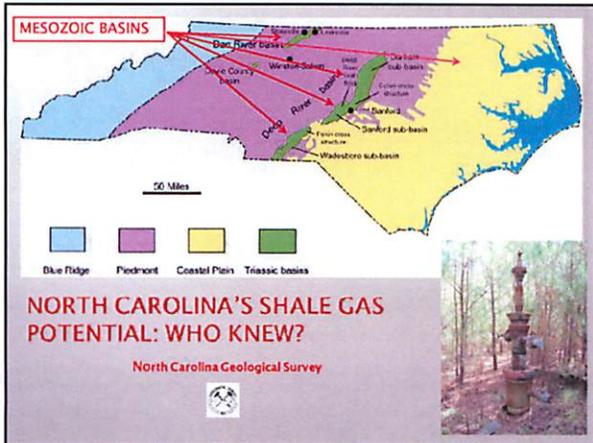
Congressional Agenda –On Monday, March 26, President Donald Heath, Legislative Chair Charles Davenport, NACD Board Member Franklin Williams, Executive Director Dick Fowler, and State Conservationist JB Martin visited North Carolina congressional offices of Congressmen Kissell and McIntyre and Congresswoman Ellmers. The primary subject for discussion was Title II of the upcoming Farm Bill and the discussion of talking points as developed by NACD. These meetings were very positive and productive. In addition, Legislative Chair Charles Davenport personally visited with Congressman Butterfield. Markup of the Farm Bill has recently passed the Senate Agriculture Subcommittee with a favorable vote for conservation programs.

Conservation Farm Family Program – Sixteen conservation districts nominated farm families for state-wide competition in the recently revamped Outstanding Conservation Farm Family Program. Area judging has been completed and the following districts will compete at the regional level: Mountain Region: Haywood (Area 1), Wilkes (Area 2), and Iredell (Area 8); Piedmont Region: Alamance (Area 3), Durham (Area 4), and Robeson (Area 7). No nominations were received from the Coastal Region which includes Areas 5 and 6. Regional judging will be completed in May with state judging scheduled for June.

Conservation Education Contests – Judging is underway at the state level for the following contests: essay, poster, computer designed slide show, and the computer designed poster. Competition regarding the state speech contest was held Friday, May 11 in Raleigh.

State Legislative Agenda – The Association is working to address legislative priorities as reported out of the Legislative Committee during the recent annual meeting. Of particular note is progress regarding AgWRAP. Working in collaboration with the NCDA and the Farm Bureau, support has been identified to make the program recurring with an initial funding level of \$1 million. This decision will likely be made at the top of the House and Senate appropriations committees. The Association is also looking into the possibility of district supervisors becoming eligible to participate in the state health benefits plan. The likely hood of this being accomplished during the upcoming short session is being assessed.

Envirothon – A very successful event was held April 20-21 at Cedarock Park in Burlington with approximately 50 teams competing at both the high school and middle school levels. First place teams include: Wilson County home school team “Organic Waste” at the middle school level and Wake County Enloe High School team “Sub Chronic Exposure” at the high school level.



Role of N.C. Geological Survey

- The 1823 organic act which created the North Carolina Geological Survey (NCGS) tasked us to examine, describe and map the geology, geologic hazards, and mineral resources of North Carolina and publish these findings in NCGS reports and maps.
- Provide unbiased, impartial and relevant technical information to all parties.
- The NCGS is the custodian of rock cores, cuttings, geophysical logs, etc.



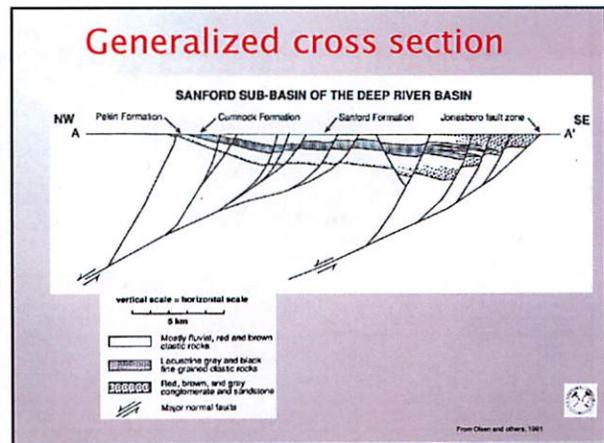
Basin and Source Rock Overview

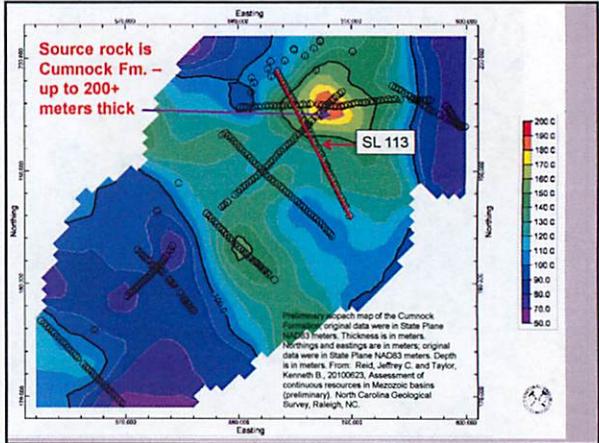
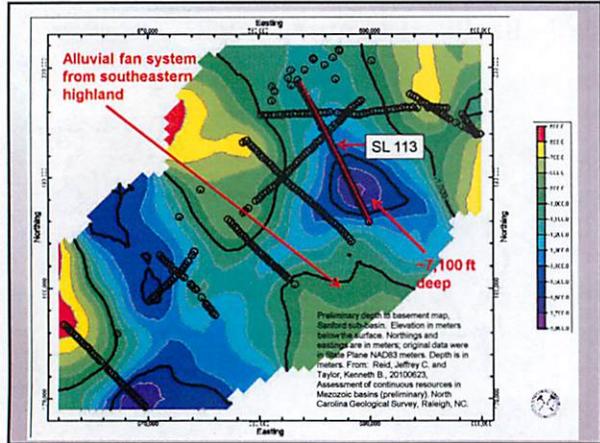
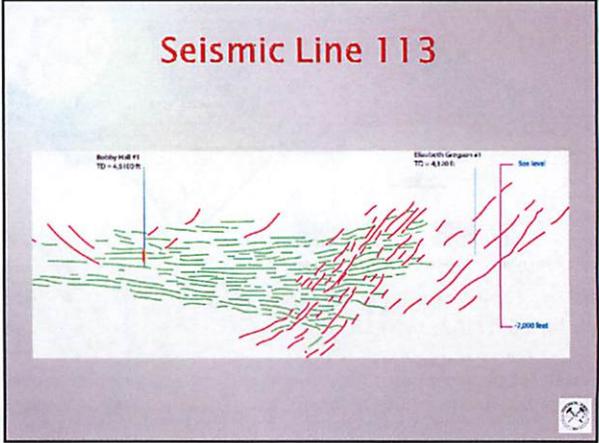
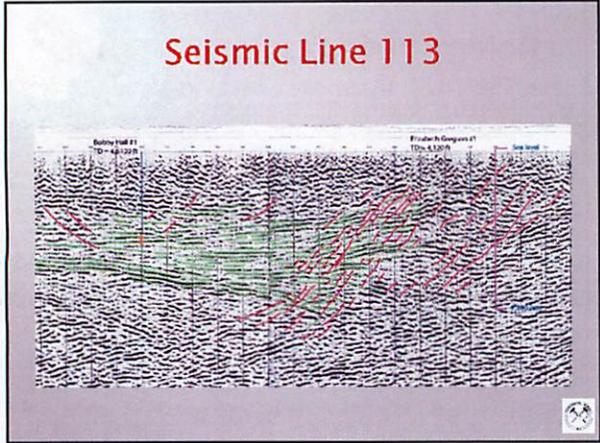
Map showing the distribution of Mesozoic basins in North Carolina (from Reid and Milici, 2008).

- Deep River Basin – 150-mile-long northeast trending half-graben (rift basin) with a steeply dipping eastern border fault.
- ~7,000 feet of Triassic strata.
- Lake deposits similar to African rift valley lakes.
- ~59,000+ acre prospective area.
- Total petroleum system containing:
 - Source rock
 - Seal
 - Traps / reservoir
- Relatively untested exploration area.

Time line – Deep River Basin

- 1775 – Revolutionary War era, coal exploration for iron and munitions.
- 1861 – 1873 – Civil war and post war coal production.
- 1920's – 1940's – Underground coal mining, exploration; 1925 coal mine explosion (killed 53 workers).
- 1980's – 1990's – Petroleum drilling (preceded seismic – vertical holes).
- 2008 – Organic geochemical data published (Reid and Milici – USGS OFR 2008-1108). NCGS recognizes thick section of organic shale as a potential gas resource.
- 2009 NCGS publishes 'Natural Gas and Oil in North Carolina' Information Circular 36.
- 2009 NCGS Open-File Report 2009-01 (Shale Gas Potential...).
- 2009 – 2010 Presentations made to interested industry, governmental and environmental groups.
- 2010 North Carolina Geological Survey / U.S. Geological Survey Resource assessment (currently in progress).

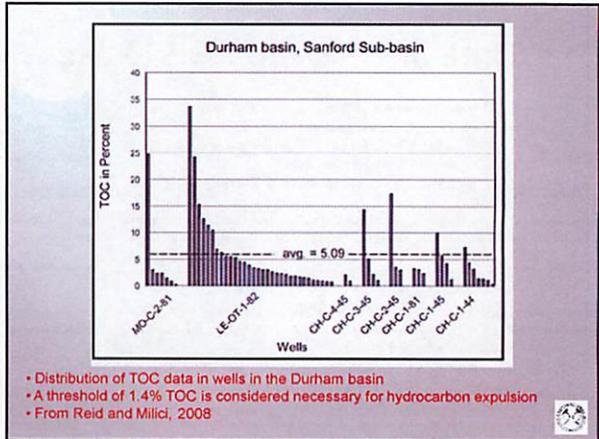


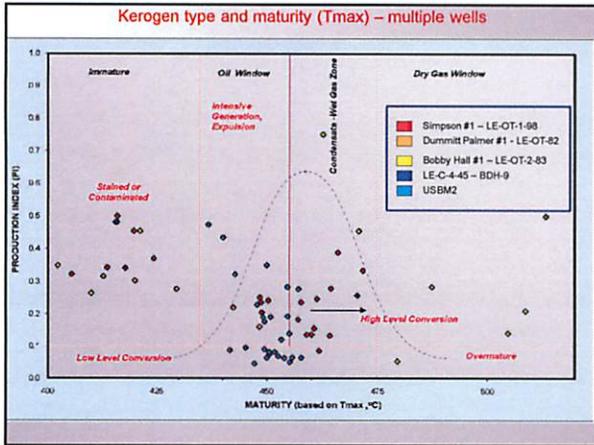


Organic geochemistry

- ❑ Sediments are predominantly gas prone with some oil shows.
- ❑ TOC data exceeds the conservative 1.4% threshold necessary for hydrocarbon expulsion.
- ❑ Organic matter derived from terrestrial Type III woody (coaly) material and from lacustrine Type I (algal material).
- ❑ Thermal alteration data (TAI) and vitrinite reflectance data (%Ro) indicate levels of thermal maturity suitable to generate hydrocarbons.

Reid and Milici (USGS OFR 2008-1108)





USGS/NCGS Resource Assessment

- ▣ **Current focus:** Rigorous, science-based assessment of technically recoverable natural gas.
- ▣ **Methodology:** Numerical, conservative approach to be computed by the U.S. Geological Survey.
- ▣ **Completion date:** Winter 2012.
- ▣ **Publication date:** sometime in 2012.

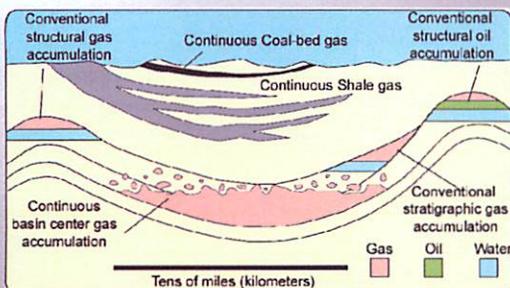


Current technology

- ▣ Current technology allows "shale gas = natural gas" to be recovered from shale formations with a high degree of organic content.
- ▣ Modern exploration and gas production technology, such as horizontal drilling and hydraulic-fracturing, has enabled the extraction of shale gas in similar formations in other states.
- ▣ Unconventional energy resource.



Categories of hydrocarbon occurrence (Schmoker, 1995)





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

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and send 1 copy to the address above; keep a copy for your file

The supervisors of the DAVIE Soil and Water Conservation District of DAVIE 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 May 16, 2012 and ending Dec, 2014 to fill the expired or un-expired term of Elizabeth Leonard.

Name of nominee: W. G. "Dub" Potts
Address of nominee, City, State, Zip: 167 Home Potts Rd, Mocksville, NC 27028
Email address of nominee: dubpotts@yadtel.net
Home phone: (336) 998-6526
Mobile phone: (336) 816-2420
Business phone: (336) 816-2420
Occupation: Retired School Administrator; Part time consultant
Age: 62

Education: Ed.S. Appalachian State University;
Positions of leadership NOW held by nominee: Chair, Smart Start of Davie County; Elder Hillsdale Baptist
Former occupations or positions of leadership contributing to nominee's qualifications: Public school administrator (Superintendent - Principal - Asst. Principal)
Other pertinent information: Resident of Davie County

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

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination.

John T. Peeler
SWCD Chair
Printed name:

5-1-12
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.

JOHN T. PEELER
SWCD Chair
Printed name:

5-1-12
Date

W. G. "Dub" Potts
Individual recommended for appointment
Printed name:

5-1-12
Date

May 1, 2012

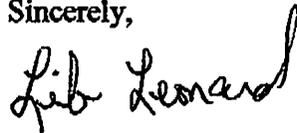
Mr. John Peeler, Chairman
Davie Soil and Water Conservation District
Davie County Office Building, Rm. 313
180 South Main Street
Mocksville NC 27028

Dear John:

I am requesting that you accept my resignation from my position of Supervisor of the Davie Soil and Water Conservation District effective May 15th, 2012.

It has been a pleasure serving on this Board but I feel that I need to resign due to health issues that I am facing.

Sincerely,



Lib Leonard

ATTACHMENT 10B

**NCACSP Supervisor Contracts
Soil and Water Conservation Commission**

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Bertie	08-12-08-12	Robert L Hoggard	In-line water control structure	\$ 649	
Currituck	27-12-07-11	Manly M West	Crop residue management	\$ 2,645	
Lee	53-12-15-02	John Gross	Grassed waterways, terraces	\$ 2,066	
Lee	53-12-13-02	Michael Gaster	Ag pond sediment removal	\$ 3,000	(\$ 861 CS, \$2139 AgWRAP)
Lee	53-12-14-05	John Gross	Ag pond sediment removal	\$ 3,000	(\$ 861 CS, \$2139 AgWRAP)
SWCC/Lincoln	55-12-802-03	Tommy Houser	Ag pond	\$ 18,000	AgWRAP
Randolph	76-12-803-02	Shane Whitaker	Pond Repair -cleanout & dam repair	\$ 2,588	AgWRAP
Randolph	76-12-804-02	Shane Whitaker	Ag pond	\$ 8,250	AgWRAP
Wilkes	97-12-801-16	Zack Myers	Well & pump	\$ 4,016	

Total Number of Supervisor Contracts: 8

Total	\$	44,214	CS	\$11,098
			AgWrap	\$33,116

NCDA&CS
DSWC



NC-ACSP-1B
(07/2011)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA AGRICULTURE COST SHARE PROGRAM

As a Soil and Water District Supervisor, for the Bertie Soil and Water Conservation District, I have applied for, or stand to benefit* from, a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed grant is for the installation of the following best management practices to improve water quality and/or reduce sedimentation.

Best Management Practices: In - Line Water Control

Contract Number: 08-12-08-12 Contract Amount \$ 649

Score on priority ranking sheet: 8

Cost Share Rate: (75%) 90% other _____ (circle one)

Relative Rank (e.g., ranked 8th out of 12 projects considered): 8th out of 9 projects

Were any higher or equally ranked contracts were denied? No

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

Supervisor Name: Robert L. Hoggard

x Robert L. Hoggard
(District Supervisor's Signature)

31 12/12
Date

Approved by:

Blair Knovich
(District Chairperson's Signature)

3-12-12
Date

The Soil & Water Commission has approved the subject application for a grant.

(SWCC Chairperson's Signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA AGRICULTURE COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Currituck Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under the Agriculture Cost Share Program for Nonpoint Source Pollution Control or the Agricultural Water Resources Assistance Program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application.
The proposed contract is for the installation of the following best management practices.

Best Management Practices: Crop residue Management

Contract Number: 27-12-09-11 Contract Amount \$ 2,644.65 ^{# 2645}

Score on priority ranking sheet: 50

Cost Share Rate: 75% 90% other 75 (circle one)

Relative Rank (e.g., ranked 8th out of 12 projects considered): 5th of 9

Were any higher or equally ranked contracts were denied? No

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

Supervisor Name: Marilyn West

Marilyn West
(District Supervisor's Signature)

3/13/12
Date

Approved by:

[Signature]
(District Chairperson's Signature)

3/27/12
Date

The Soil & Water Commission has approved the subject application for a grant.

(SWCC Chairperson's Signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA AGRICULTURE COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the LEE Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under the Agriculture Cost Share Program for Nonpoint Source Pollution Control or the Agricultural Water Resources Assistance Program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application.

The proposed contract is for the installation of the following best management practices.

Best Management Practices: Grassed Waterways, Terraces

Contract Number: 53-12-15-02 Contract Amount \$ 2066

Score on priority ranking sheet: 200

Cost Share Rate: 75% 90% other _____ (circle one)

Relative Rank (e.g., ranked 8th out of 12 projects considered): Ranked 1st of 3 projects

Were any higher or equally ranked contracts were denied? No

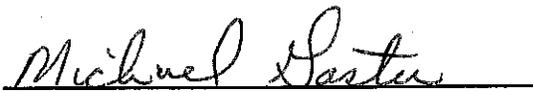
If yes, give an explanation as to why the supervisor's contract was approved over the other contracts.: _____

Supervisor Name: John Gross


(District Supervisor's Signature)

03/05/2012
Date

Approved by:


(District Chairperson's Signature)

03/06/2012
Date

The Soil & Water Commission has approved the subject application for a grant.

(SWCC Chairperson's Signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA AGRICULTURE COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the LEE Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under the Agriculture Cost Share Program for Nonpoint Source Pollution Control or the Agricultural Water Resources Assistance Program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application.

The proposed contract is for the installation of the following best management practices.

Best Management Practices: Ag. Pond Sediment Removal

Contract Number: 53-12-13-02 Contract Amount \$ 3000

Score on priority ranking sheet: 185

861 CS # 2139 Ag WRAP

Cost Share Rate: 75% 90% other _____ (circle one)

Relative Rank (e.g., ranked 8th out of 12 projects considered): Ranked 2nd of 3 projects

Were any higher or equally ranked contracts were denied? No

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

Supervisor Name: Michael Gaster

Michael Gaster
(District Supervisor's Signature)

03/06/2012
Date

Approved by:

Tony Bagan
(District Chairperson's Signature)
VICE

03/06/2012
Date

The Soil & Water Commission has approved the subject application for a grant.

(SWCC Chairperson's Signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA AGRICULTURE COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the LEE Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under the Agriculture Cost Share Program for Nonpoint Source Pollution Control or the Agricultural Water Resources Assistance Program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application.

The proposed contract is for the installation of the following best management practices.

Best Management Practices: Ag. Pond Sediment Removal

Contract Number: 53-12-14-02 Contract Amount \$ 3,000

Score on priority ranking sheet: 160

\$861CS \$213.9 AgWRAP

Cost Share Rate: 75% 90% other _____ (circle one)

Relative Rank (e.g., ranked 8th out of 12 projects considered): Ranked 3rd of 3 projects

Were any higher or equally ranked contracts were denied? No

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

Supervisor Name: John Gross


(District Supervisor's Signature)

03/05/2012
Date

Approved by:


(District Chairperson's Signature)

03/06/2012
Date

The Soil & Water Commission has approved the subject application for a grant.

(SWCC Chairperson's Signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

**ADDENDUM TO APPLICATION FOR ASSISTANCE
NORTH CAROLINA AGRICULTURE COST SHARE PROGRAM**

As a Soil & Water Conservation Commission Member, I have applied for or stand to benefit* from a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control. I did not vote on the approval, or denial, of the application, or attempt to influence the outcome of any action on the application. The proposed grant is for the installation of the following best management practices to improve water quality and/or reduce sedimentation.

Best Management Practices: Pond. AgWrap

Contract Number: 55-12-802-03 Contract Amount \$ 18,000.00

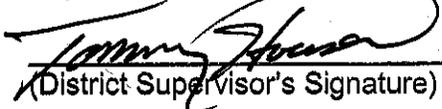
Score on priority ranking sheet: N/A

Relative Rank (e.g., ranked 8th out of 12 projects considered): N/A

Were any higher or equally ranked contracts were denied? _____

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

Supervisor Name: Tommy Houser


(District Supervisor's Signature)

4-23-12
Date

Approved by:


(District Vice Chairperson's Signature)

4-24-2012
Date

The Soil & Water Commission has approved the subject application for a grant.

(SWCC Chairperson's Signature)
(Pursuant G.S. 139-8(b)(2))

Date

Approved by:

(Commissioner of Agriculture)
(Pursuant G.S. 139-4(e)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA AGRICULTURE COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Randolph Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under the Agriculture Cost Share Program for Nonpoint Source Pollution Control or the Agricultural Water Resources Assistance Program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application.

The proposed contract is for the installation of the following best management practices.

Best Management Practices: AGRICULTURAL WATER SUPPLY POND

Contract Number: 76-12-807-02 Contract Amount \$ 8,250

Score on priority ranking sheet: 75

Cost Share Rate: 75% 90% other _____ (circle one)

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

Were any higher or equally ranked contracts were denied? no

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

Supervisor Name: Shane Whitaker

(District Supervisor's Signature)

Date

Approved by: _____

(District Chairperson's Signature)

Date

The Soil & Water Commission has approved the subject application for a grant.

(SWCC Chairperson's Signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA AGRICULTURE COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Randolph Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under the Agriculture Cost Share Program for Nonpoint Source Pollution Control or the Agricultural Water Resources Assistance Program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application.
The proposed contract is for the installation of the following best management practices.

Best Management Practices: pond repair - cleanout + dam repair

Contract Number: 70-12-804-02 Contract Amount \$ 2588

Score on priority ranking sheet: 100

Cost Share Rate: 75% 90% other 50% (circle one)

Relative Rank (e.g., ranked 8th out of 12 projects considered): 3rd of 13

Were any higher or equally ranked contracts were denied? No

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

Supervisor Name: Shane Whitaker (son of applicant)

(District Supervisor's Signature)

Date

Approved by:

(District Chairperson's Signature)

Date

The Soil & Water Commission has approved the subject application for a grant.

(SWCC Chairperson's Signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA AGRICULTURE COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Wilkes Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under the Agriculture Cost Share Program for Nonpoint Source Pollution Control or the Agricultural Water Resources Assistance Program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application.
The proposed contract is for the installation of the following best management practices.

Best Management Practices: Well/Pump

Contract Number: 97-12-801-16 Contract Amount \$ 4,016.00

Score on priority ranking sheet: 160

Cost Share Rate: (75%) 90% other _____ (circle one)

Relative Rank (e.g., ranked 8th out of 12 projects considered): Ranked 1st Out 2 projects

Were any higher or equally ranked contracts were denied? NO

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

Supervisor Name: Zack Myers

Zack Myers
(District Supervisor's Signature)

4/9/12
Date

Approved by:

Brian Davis
(District Chairperson's Signature)

4/9/12
Date

The Soil & Water Commission has approved the subject application for a grant.

(SWCC Chairperson's Signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.



Technical Specialist Designation Recommendations

May 16th 2012

1. The Soil and Water Conservation Commission has authority to designate water quality technical specialists based upon specific criteria and procedures (15A NCAC 06H .0101). This authority extends to individuals who have been assigned approval authority by USDA NRCS, NC Cooperative Extension, Department of Agriculture & Consumer Services and the Division. District staff is assigned the approval authority by the USDA NRCS. This process allows for each agency personnel to ensure an employee not only has completed the training requirements, but has also demonstrated proficiency prior to obtaining a technical specialist designation.

Mr. Gene Anderson, from the Pitt Soil and Water Conservation District, has requested to be designated technical specialist for the Waste Utilization Planning/Nutrient Management category.

Mr. Anderson has successfully completed the required training and his technical competency has been verified by their respective NRCS Area Office. Therefore I recommend this designation for approval.

2. Individuals who are not employees of the above mentioned agencies or who are professional engineers must submit a completed application to seek designation. The Division has received an application from Mr. Robert Hoffland requesting designation for the following categories:

Irrigation Equipment (I)	Waste Utilization Planning/Nutrient Management (WUP/NM)
Wettable Acres (WA)	Runoff Controls (RC)
Water Management (WM)	Structural Animal Waste Design and Inspection (SD/SI)

Mr. Hoffland is a North Carolina Professional Engineer. Pursuant to the education requirements of this rule, I recommend the Commission approve this designation request.

State of North Carolina
 NC Soil and Water Conservation Commission
 Division of Soil and Water Conservation

APPLICATION FOR DESIGNATION AS A "TECHNICAL SPECIALIST"
 (Pursuant to 15A NCAC 2T .0100, 15A NCAC 6F & 15A NCAC 6H)

Applicant's Name Robert O. Hoffland Home Phone # (936) 588-1777

Business Name Hoffland Environmental, Inc. Work Phone # (936) 856-4515

Mailing Address 10391 Silver Springs Rd.

City Conroe State Texas Zip 77303

Email rh@hoffland.net

I. Place a check (✓) mark by the category(s) for which you are seeking approval authority and indicate the years of experience in each category being sought. See Attachment 1 for a description of each category and the minimum requirements for designation.

✓	Designation Category	Category Code	Years of Experience
✓	Irrigation Equipment	(I)	12
✓	Waste Utilization Planning/Nutrient Management	(WUP/NM)	14
	Inorganic Nutrient Management	(INM)	
✓	Wettable Acres	(WA)	14
✓	Runoff Controls	(RC)	14
✓	Water Management	(WM)	14
✓	Structural Animal Waste	(SD – Design) (SI – Inspection)	14

II. List applicable education, registrations, certifications, etc. currently held.

North Carolina Professional Engineer - # 22807

PE License Missouri Oct 1967

North Carolina May 1, 1997

III. Provide information on required training courses attended (See Technical Specialist Criteria).

Name of Training Course	Primary Instructor	Date(s) attended
not required due to 15 NCAC 06H.0104 (d)		

IV. Provide evidence of experience by each category sought. Types of documentation that are also accepted as evidence of experience can be Waste Utilization Plans, Nutrient Management Plans, and Irrigation Designs etc.

Category Code	Type of Facility/Operation	Relative Experience	County
SD, SJ, WUP WM, AC	5000 Sow Farrow to wean	Designed, Permitted and installed innovative Plant, AW 1960/67	Wayne
SD, SJ, WUP WM, RC	20,000 Finishers	Harrel's farm, design and installed anaerobic/aerobic System Harrel farm	Sampson
SD, SJ, WUP WM	10,000 Finishers	Designed and installed anaerobic treatment unit, Vestal farm	DuPLIN COUNTY
SD, SJ, WUP WM	2300 Sow Farrow to wean	Phosphate Reduction System	LITITZ, PA
SD, SJ, WUP WM	1700 Farrow to Finish	1 Meg watt anaerobic digestion Renewable Energy Project	Maroni CYPRUS
SD, SJ, WUP WM	2500 Sow Farrow to wean	Anaerobic digesters, solids separation	MORGANTOWN PA

V. List three references for each category of authority sought. These references should be able to attest to your technical proficiency. (Attach additional sheets as necessary)

Category Code	Name	Address	Phone
J, WUP, WA, RC WM, SD, SI	Todd Ballance	604 Benton Pond Road Fremont, NC 27850	(919) 222-0626
"	Dr. Prince Dugba	1451 NC Hiway 11 Magnolia, NC 28453	(910) 284-4058
"	David Mercer	107 Cassadale Drive Goldsboro, NC 27534	(919) 738-6109
"	Dale Rohrer	726 West Lexington LITITZ, PA 17543	(717) 587-5184
"	Demetris Atxentionou	Marone, CYPRUS	011-357-99665493

VI. List your employment record for the past five years, starting with your current employer. (Attach additional sheets as necessary)

Employer	Address	Phone	Start/End Date
Hoffland Environmental, Inc.	10391 Silver Springs Rd. Conroe, TX 77303	(936) 856-4515	May 1978 to Date

VI. Provide a copy of related school transcripts, degrees, certifications, etc.

I certify that the information provided above is true, complete and correct to the best of my knowledge and belief. In the event confirmation is needed in connection with my qualifications, I authorize employers, clients, educational institutions, associations, registration and licensing boards to furnish whatever detail is available concerning my qualifications.

Robert Hoffland
Applicant's Signature

April 3, 2012
Date

Please mail completed application to: Division of Soil and Water Conservation
943 Washington Square Mall
Washington, NC 27889



SWCC Job Approval Authority Recommendations

May, 16, 2012

The following individuals have submitted requests to obtain Commission Job Approval Authority for the respective categories.

1. Pond Site Assessment
Bryan Evans –Pitt Sol and Water Conservation District
Gail Hughes – Orange Soil and Water Conservation District
2. Sediment Removal Planning and Certification
Sam Warren – ATAC Employee
Bryan Evans – Pitt Soil and Water Conservation District
3. Critical Area Planting (CCAP)
Mike Dupree – Durham Soil and Water Conservation District
James Massey – Johnston Soil and Water Conservation District
4. Riparian Buffer (CCAP)
James Massey – Johnston Soil and Water Conservation District
5. Grassed Swale (CCAP)
James Massey – Johnston Soil and Water Conservation District

All employees have successfully completed the requirements and have acquired confirmation of demonstrated technical proficiency from a Division engineer and/or NRCS; therefore I recommend that these job approval authority requests be approved.

MAILING ADDRESS
Division of Soil and Water Conservation
1614 Mail Service Center
Raleigh, NC 27699-1614

Telephone: 919-733-2302
Fax Number: 919-733-3559

An Equal Opportunity Employer

LOCATION
Archdale Building
512 N. Salisbury Street, Suite 504
Raleigh, NC 27604

ATTACHMENT 11

	District	Amount Requested	What they would have received in March
15	Camden	\$4,407	\$4,407
50	Jackson	\$3,722	\$3,722
87	Swain	\$8,623	\$4,676

**Agricultural Water Resources Assistance Program (AgWRAP) Review Committee Recommendations:
May 2012**

a. Consideration of modifications to the well BMP

The changes to the policies clarify permitting requirements, adequate water supplies, and job approval authority.

The committee recommends the Commission adopt the revised policies for this program year.

b. Consideration of modifications to agricultural pond repair/retrofit BMP

The changes to the policies clarify design requirements according to the hazard classification of the pond. The policy revision includes provisions for the development of an emergency action plan, with a template provided, for low and intermediate hazard ponds. It also allows for temporary exception to the livestock exclusion requirement due to emergency situations.

The committee recommends the Commission adopt the revised policies for this program year.

c. Consideration of modifications to the Agricultural Water Supply/Reuse Pond

The policy revision includes provisions for the development of an emergency action plan, with a template provided, for low and intermediate hazard ponds. It also allows for temporary exception to the livestock exclusion requirement due to emergency situations.

The committee recommends the Commission adopt the revised policies for this program year.

d. Water use meter BMP status

The committee and a workgroup have drafted a water use meter BMP that is still under development. The following items are still being finalized for this new BMP: job approval authority, whether it will be a required in combination with irrigation BMPs, cost share eligibility, record keeping requirements, and finding an appropriate specification to reference as a separate practice.

The committee will present a BMP for consideration for next program year at the next Commission meeting.

e. Next meeting date

June 8, 2012: 9:30am -12:00pm; NC Farm Bureau Office (5301 Glenwood Avenue in Raleigh), Press Room with remote access.

Well

Definition/Purpose

A well means constructing a drilled, driven or dug well to supply water from an underground source.

Policies

1. Pumps, solar pumps, and wells must have a qualifying statement that they will be used for agricultural use only.
2. Installation of the well must include wellhead protection.
3. The average cost for pumps for wells include all costs associated with installation and is based on actual cost. The maximum actual cost for a pump is \$2,667 for all three areas. (\$6,667 for solar powered pumps for all three areas).
 - a. The cost for the pump includes all costs associated with pump installation, including the cost of getting electricity to the pump.
 - b. The solar powered pump installation is limited to sites where, due to the topography, property lines, etc., it is not possible to locate the tank or trough such that water may be supplied by gravity. The pump cost includes a submersible pump, photovoltaic panels, control box, support structure, pump cable, drop pipe, and fittings to make up plumbing at pump.
4. Life of the BMP is 10 years.
5. Cooperator is encouraged to install water conservation measures and practical livestock exclusion fencing.
6. Cooperators are responsible for obtaining and complying with all required permits and local requirements if applicable.
7. Where there are already adequate water resources available under the control of the producer, backup wells are not cost shareable through AgWRAP. Public water supply is not considered under the control of the producer.
8. Wells are allowed for operations served by public water systems if the well will reduce dependence on the public water system.
9. Well repairs are cost shareable, including a pump if needed.

12. New wells, well repairs and pump installation must be completed by a well contractor certified by the North Carolina Well Contractors Certification Commission. A NC certified well contractor is allowed to sign as Job Approval Authority within their approved level of certification.
13. New pumps or replacement pumps for existing wells are not cost shareable components.
14. Acres irrigated or number of animals watered is required on the contract for wells that are not part of a pond system.

Specifications

North Carolina NRCS Technical Guide, Section IV, Specification # 642 (Wells)

Agricultural Pond Repair/Retrofit

Definition/Purpose

Repair or retrofit of existing agricultural pond systems. Benefits may include water supply, erosion control, flood control, and sediment and nutrient reductions from farm fields.

Policies

1. The pond shall be for agricultural use.
2. For projects involving dam, spillway, or overflow pipe upgrades:
 - a. The design and final repair/retrofit must be certified by a professional engineer or an individual with appropriate job approval authority.
 - b. Cost share will be based on actual cost with receipts required not to exceed the cap, for repair/retrofit plus engineering costs, if applicable.
3. The pond repair must be designed to the references below based on its hazard classification:
 - a. For excavated ponds in which the depth of water is less than 3 feet at the auxiliary spillway elevation, the pond will be designed in accordance with the NRCS Standard 378.
 - b. Low Hazard Classification – All designs must meet either NRCS Standard 378 (Pond) or the NC Dam Safety Law (15A NCAC 02K .0100) regardless of if they fall under the Dam Safety Permitting Requirements. The design components may not be mixed within the two standards.
 - i. An Emergency Action Plan shall be completed for all repairs for low hazard class structures.
 - c. Intermediate Hazard Classification – All designs for repairs must meet the NC Dam Safety Law (15A NCAC 02K .0100) regardless of if they fall under the Dam Safety Permitting Requirements.
 - i. An Emergency Action Plan shall be completed for all repairs for intermediate hazard class structures.
 - ii. If pond was originally designed to meet low hazard class standards and now classed as intermediate hazard then,
 1. For intermediate repairs where principle spillway has to be removed then design to state dam safety law.
 2. For intermediate repairs where the existing principle spillway can be repaired, the minimum design shall be such that the auxiliary spillway is only activated once every 10 years and the auxiliary spillway shall be designed to pass the dam safety intermediate hazard class criteria.
 - d. High Hazard Classification – All designs must meet NC Dam Safety Law (15A NCAC 02K .0100).
4. Operation and Maintenance Plan is required.
5. Livestock shall be excluded from the pond. In cases of emergency, cooperators may contact their district and request a temporary exception. Duration of exception will be determined by

the district and supporting notes will be included in the contract file. Emergencies may be defined as power outages, pump failures, extreme periods of drought and/or depletion or contamination of the existing water source.

6. Ponds for irrigation only, without ~~animal~~ livestock access, do not require fencing.
7. Gallons of agricultural water storage increase or protected is required on the contract.
8. Cooperators are responsible for obtaining and complying with all required permits.
9. Minimum life of BMP is 10 years.
10. If the pond is no longer used for agriculture during the maintenance period, the cost share contract shall be considered out of compliance.
11. The District shall inspect the site annually during the maintenance period.

Specifications

North Carolina NRCS Technical Guide, Section IV, Code #378 (Pond), Code #402. (Dam), [NC Dam Safety Law \(15A NCAC 02K .0100\)](#)

Agricultural Water Supply/Reuse Pond

Definition/Purpose

Construct agricultural ponds for water supply for irrigation or livestock watering. Benefits may include water supply, erosion control, flood control, and sediment and nutrient reductions from farm fields.

Policies

1. The pond shall be for agricultural use and includes all associated components to meet the intent of the design.
2. The Preliminary Site Assessment Tool for New Ponds must be completed.
3. The pond must be certified by a professional engineer or an individual with appropriate job approval authority.
4. The pond must be designed to the references below based on its hazard classification:
 - a. For excavated ponds in which the depth of water is less than 3 feet at the auxiliary spillway elevation, the pond will be designed in accordance with the NRCS Standard 378.
 - a. Low Hazard Classification – All designs must meet *either* NRCS Standard 378 (Pond) *or* the NC Dam Safety Law (15A NCAC 02K .0100) regardless of if they fall under the Dam Safety Permitting Requirements. The design components may not be mixed within the two standards. An Emergency Action Plan shall be completed for all repairs for low hazard class structures.
 - b. Intermediate Hazard Classification – All designs must meet the NC Dam Safety Law (15A NCAC 02K .0100) regardless of if they fall under the Dam Safety Permitting Requirements. An Emergency Action Plan shall be completed for all repairs for intermediate hazard class structures.
 - b. High Hazard Classification – All designs must meet NC Dam Safety Law (15A NCAC 02K .0100).
5. A method for distributing the water from irrigation ponds must be available.
6. Receipts are required for reimbursement based on 75% of actual cost.
7. Operation and Maintenance Plan is required.
8. Livestock shall be excluded from the pond. In cases of emergency, cooperators may contact their district and request a temporary exception. Duration of exception will be determined by the district and supporting notes will be included in the contract file. Emergencies may be defined as power outages, pump failures, extreme periods of drought and/or depletion or contamination of the existing water source.
9. Ponds for irrigation only, without ~~animal~~ livestock access, do not require fencing.

10. For fencing to be eligible for cost share assistance, the minimum standard the cooperator shall follow is the NRCS 382 standard for the appropriate type of operation for stream exclusion/interior fencing.
 - a. For livestock operations, the minimum standard the cooperator shall follow is the NRCS 382 standard for stream exclusion/interior fencing with the following exceptions:
 1. Corner brace post assembly requirements in curves or turns from 20 degrees -50 degrees. Technical staff with appropriate job approval authority will determine whether or not corner brace assemblies are required in curves or turns from 20 degrees -50 degrees. For turns greater than 50 degrees, corner brace assemblies are required.
 2. Allow the use of existing materials. Installation must be certified by technical staff with appropriate job approval authority that the fencing will meet the contract life (10 years).
 - b. The applicable funding cap for pond construction shall include the cost of cost-shared fencing.
11. Where fencing is required, but not cost-shared the applicant shall not be required to meet the NRCS 382 standard, only to demonstrate that the fencing is adequate to exclude livestock.
12. Additional water can be used to fill ponds including stormwater runoff, wells, streams and other water resources.
13. The pond shall not be used as a commercial aquaculture production pond.
14. In cases where aquaculture production water is being collected NRCS Standard 313 (Waste Storage Facility) shall be used.
15. Cooperators are responsible for obtaining and complying with all required permits.
16. Gallons of agricultural water storage increase is required on the contract.
17. Minimum life of BMP is 10 years.
18. If an irrigation pond is converted to a livestock pond during the contract maintenance period, fencing is required and is not eligible for cost share assistance.
19. If the pond is no longer used for agriculture during the maintenance period, the cost share contract shall be considered out of compliance.
20. The District shall inspect the site annually during the maintenance period.

Specifications

North Carolina NRCS Technical Guide, Section IV, Code 313 (Waste Storage Facility), Code #378 (Pond), Code #402. (Dam), NC Dam Safety Law (15A NCAC 02K .0100), NRCS Fact Sheet: Preliminary Site Assessment for New Ponds.

Agriculture Cost Share Program Technical Review Committee Recommendations: May 2012

The Technical Review Committee participated in a field tour on May 2, 2012 and met on May 3, 2012 in Olin, North Carolina. The Alexander Soil and Water Conservation District and NRCS arranged an informative tour on Wednesday afternoon, and recommendations regarding the practices visited will be brought to future meetings. The TRC offers the following recommendation for the Commission's consideration.

A. Consideration of modifications to the critical area planting BMP

The TRC is recommending the Commission revise policies of the critical area planting BMP to provide additional information regarding vegetation establishment. The proposed changes are underlined using the track changes tool on the following pages.

B. Consideration of revisions to the agricultural pond restoration/repair BMP

The TRC is recommending the Commission separate the existing agricultural pond restoration/repair BMP into two practices: agricultural pond repair/retrofit and agricultural pond sediment removal. The BMPs are attached for consideration. The policies of both of these practices will be consistent with the same practices available through the Agricultural Water Resources Assistance Program (AgWRAP).

The TRC also discussed additional items that do not require Commission action at this time including workgroup reports on precision farming, crop residue management and enhanced water management. Items that will be presented at the June 28th meeting in Raleigh include: consideration of the draft PY2013 average cost list, consideration of the precision agrichemical application BMP, modifications to the stream crossing BMP and workgroup reports.

Draft meeting minutes are available on the TRC website: <http://www.ncagr.gov/sw/meeting-minutes.html>

Critical Area Planting

Definition/Purpose

A Critical Area Planting means an area of highly erodible land that cannot be stabilized by ordinary conservation treatment on which permanent perennial vegetative cover is established and protected to improve water quality. Benefits may include reduced soil erosion and sedimentation. (DIP)

Policies

1. Critical Area Treatment for Pasture:

- a. All critical area plantings in pasture must be temporarily fenced to exclude livestock for at least two (2) years (no cost share on temporary fence).
- b. Any contiguous area greater than one-half (1/2) acre must be permanently fenced to exclude livestock for ten (10) years.
- c. Special caution must be used on vegetation selection for steep slope areas. Trees are allowed, but must be planted so that shading will not increase erosion. Establishment materials include: sod, compost, compost socks, shrubs and native grasses/wildflowers. Any area with slopes greater than 30 percent must be permanently fenced to exclude livestock for ten (10) years and must be planted to trees or permanent wildlife cover.
- d. Cost Share Program funding may be used for permanent fence.
- e. If significantly less fencing than planned in the CPO is cancelled, expires or is not installed, a statement signed by the technician must be submitted to the Division explaining why the fencing was not installed, why significantly less fencing was installed, or indicating that fencing was installed at the cooperator's expense. The statement should indicate that a site visit was performed, along with the date of the site visit to establish the status of the required fencing. Failure to install required fencing constitutes non-compliance and procedure relative to non-compliance must be followed.

2. All NRCS standards and NC Agriculture Cost Share Program policies relative to vegetation must be followed. (See Section V for guidance.)

3. Vegetation shall be established using the NRCS critical area planting standard (NC FOTG 342), including the shaping of the site as needed to eliminate gullies, seedbed preparation, liming and fertilization according to a soil test, the selection of plant species adapted to the site and intended use, and mulching.

4. Soil amendments and/or compost may be required to increase fertility, organic matter or soil permeability.

5. Existing established vegetation should not be removed, unless its presence interferes with establishing desired vegetation for stabilizing the area.

5. BMP soil and phosphorus impacts are required on the contract. Include the planted acreage as well. Refer to the Minimum NCACSP Effects Requirements table later in this section for the correct methods of calculation.

6. Minimum life of BMP is ten (10) years.

Specifications

N. C. NRCS Technical Guide, Section IV, Specification #342 (Critical Area Planting) and #382 (Fence).

Agricultural Pond Repair/Retrofit

Definition/Purpose

Repair or retrofit of existing agricultural pond systems. Benefits may include water supply, erosion control, flood control, and sediment and nutrient reductions from farm fields.

Policies

1. The pond shall be for agricultural use.
2. For projects involving dam, spillway, or overflow pipe upgrades:
 - a. The design and final repair/retrofit must be certified by a professional engineer or an individual with appropriate job approval authority.
 - b. Cost share will be based on actual cost with receipts required not to exceed the cap, for repair/retrofit plus engineering costs, if applicable.
3. The pond repair must be designed to the references below based on its hazard classification:
 - a. For excavated ponds in which the depth of water is less than 3 feet at the auxiliary spillway elevation, the pond will be designed in accordance with the NRCS Standard 378.
 - b. Low Hazard Classification – All designs must meet *either* NRCS Standard 378 (Pond) *or* the NC Dam Safety Law (15A NCAC 02K .0100) regardless of if they fall under the Dam Safety Permitting Requirements. The design components may not be mixed within the two standards. A modified Emergency Action Plan shall be completed for all repairs for low hazard class structures.
 - c. Intermediate Hazard Classification – All designs for repairs must meet the NC Dam Safety Law (15A NCAC 02K .0100) regardless of if they fall under the Dam Safety Permitting Requirements.
 - i. An Emergency Action Plan shall be completed for all repairs for intermediate hazard class structures.
 - ii. If pond was originally designed to meet low hazard class standards and now classed as intermediate hazard then,
 1. For intermediate repairs where principle spillway has to be removed then design to state dam safety law.
 2. For intermediate repairs where the existing principle spillway can be repaired, the minimum design shall be such that the auxiliary spillway is only activated once every 10 years and the auxiliary spillway shall be designed to pass the dam safety intermediate hazard class criteria.
 - d. High Hazard Classification – All designs must meet NC Dam Safety Law (15A NCAC 02K .0100).
4. Operation and Maintenance Plan is required.
5. Livestock shall be excluded from the pond. In cases of emergency, cooperators may contact their district and request a temporary exception. Duration of exception will be determined by the district and supporting notes will be included in the contract file. Emergencies may be

ATTACHMENT 13b

defined as power outages, pump failures, extreme periods of drought and/or depletion or contamination of the existing water source.

6. Ponds without livestock access do not require fencing.
7. Cooperators are responsible for obtaining and complying with all required permits.
8. Minimum life of BMP is 10 years.
9. If the pond is no longer used for agriculture during the maintenance period, the cost share contract shall be considered out of compliance.
10. The District shall inspect the site annually during the maintenance period.

Specifications

North Carolina NRCS Technical Guide, Section IV, Code #378 (Pond), Code #402. (Dam)

Agricultural Pond Sediment Removal

Definition/Purpose

Remove sediment from existing agricultural ponds to increase water storage capacity. Benefits may include water supply, erosion control, flood control, and sediment and nutrient reductions from farm fields.

Policies

1. The pond shall be for agricultural use.
2. A sediment removal plan shall be developed to ensure proper sediment removal, maintaining stable side slopes and protecting the dam. This plan must be developed by a professional engineer or staff with appropriate job approval authority.
3. For projects involving removal of accumulated sediment only:
 - a. No activities that may threaten the integrity of the dam; no removal of sediment from the face, base, or vicinity of the dam; and no deposition of spoil on the dam shall be permitted.
 - b. An assessment of sediment sources and options for minimizing sedimentation shall be provided to the cooperator.
 - c. Cost share will be based on actual cost with receipts required not to exceed the cap.
4. Cooperators are responsible for obtaining and complying with all required permits.
5. Minimum life of BMP is 1year. Cooperators are ineligible to reapply for assistance for this practice for this pond for a period of 10 years; unless the sedimentation is occurring due to no fault of the cooperator.

Specifications

North Carolina NRCS Technical Guide, Section IV, Code #378 (Pond)

Soil and Water Conservation Cost Share Committee Recommendations: May 2012

a. Consideration of district comment period for draft policy addressing supplemental allocations of cost share financial assistance

A request for suggestions on how the Soil and Water Conservation Commission should conduct supplemental allocations of cost share financial assistance was distributed through the district listserv on March 23, 2012. A specific letter was sent to each district office to encourage responses. The committee drafted a policy based on the comments received, and this draft policy is attached for review.

The committee recommends that the Commission approve a public comment period through June 25, 2012 on the attached draft policy. This draft public comment period will be noticed through the district listserv.

b. Consideration of modifications to revision policy

The committee recommends the Commission adopt the revised policies for this program year.

c. Consideration of revisions to district supervisor use of cost share program funds policies

The committee recommends the Commission adopt the revised policies for this program year.

d. Consideration of revisions to committee structure

The Commission established the cost share committee to review the process for allocating cost share funds to districts and to ensure appropriate accountability for cost share program implementation at the September 16, 2009 meeting. The committee is currently comprised of the following representatives: commission member, general counsel to the commission, two division employees – a regional coordinator and NPS section chief, district employee, and NRCS employee. Based on recommendations from the Area II district issues committee, the committee would like to expand membership to include two additional representatives of technical district employees to coincide with the three NRCS areas of the state.

The committee recommends the Commission adopt the revised committee structure, and request additional technical district employees to serve on the committee through the District Employees Association.

e. Revision of notarization statement on BMP Fund Certification form

The General Assembly changed the form of the approved notarial certificate in its 2005 and 2006 revisions to the Notary Public Act. The division is modifying the BMP Fund Certification form to comply with the Notary Public Act. Jennie Hauser has provided a revised notarization statement for the BMP Fund Certification form, and the revised form will be available online. The Division is reviewing all its forms to see if there are others that require conforming changes.

f. Next meeting date

June 29, 2012: 9:00am -12:00pm; Archdale Building, 5th Floor Conference Room with remote access.

**POLICY ADDRESSING SUPPLEMENTAL ALLOCATIONS
OF COST SHARE FINANCIAL ASSISTANCE**

This policy specifies the process for allocating supplemental funds for cost share financial assistance to districts each spring.

Supplemental allocation requirements

By January 15th of each year, the division will determine if sufficient funding is available to conduct a supplemental allocation. Sufficient funding is defined as having \$200,000 or more available for allocation to districts. Division staff will send a notice to districts stating the amount of funds available for a supplemental allocation, and requesting cancellations be completed by February 1st.

Eligibility

To be eligible to request funds, a district must meet the requirements below:

- Obligate 75% or more of BMP funds to contracts in the cost share online contracting system by February 15th. Contracts do not have to be approved by the district board or division in order to meet this percentage.
- Request a supplemental allocation amount by February 15th.

Allocation methodology

Funds will be allocated using the same parameters as the initial allocations for the current program year. Districts will not receive more than the amount of their supplemental allocation request.

Policy distribution

- Information about this policy will be distributed electronically with the initial financial assistance allocation of the program year.
- A reminder will be distributed electronically by January 15th regarding the supplemental allocation request and contract cancellation timeline.
- A final reminder will be distributed electronically by February 1st.

REVISIONS

Revisions are used when there are ~~Significant~~ changes to BMPs as contracted,

sSubstituting BMPs or addition of a new BMP requires a new contract ~~Division approval~~ prior to installation -- ~~submit a revised NC-ACSP-11~~.

Minor changes in size, quantity, amount or components of previously approved BMPs do not require prior approval -- indicate change on NC-ACSP-11 and/or NC-ACSP-3 (request for payment). When submitting the request for payment, make appropriate revisions and mark (X) revised on the planned treatment completed line on the NC-ACSP-3. Remember using the same item # means you are replacing the original item # with the one on the request for payment and using an unused item # means you are adding another item to the contract.

Only a current year contract can exceed the original contract amount IF you have money in your district account to cover the increase. You cannot increase the total of a prior year contract; you can only revise the BMPs within the contract (see supplements).

Revisions to Supervisor contracts ~~do not~~ need Commission approval on a case by case basis prior to approval by the Division.

DISTRICT SUPERVISOR USE OF AGRICULTURE COST SHARE PROGRAM FUNDS

The 1995 General Assembly enacted Senate Bill 917 to address the use of Cost Share Program funds by District Supervisors. The practice of Supervisors obtaining Cost Share Program funds has been questionable under state law which regulates the availability of grants to members of boards and commissions who administer those grant programs. The purpose of this legislation is not to limit Supervisors' eligibility for Cost Share Program funds but to provide a clear legal process for Supervisors to be considered for, and participate in, Cost Share Program grants.

Senate Bill 917 amended General Statute 139, Sections 4 and 8, of the District Law to address the availability of the Cost Share Program to Supervisors. Specifically, the new law sets the two following requirements for a Supervisor to apply for and receive a grant under the Cost Share Program:

- 1) The Supervisor does not vote on the application or attempt to influence the outcome of any action on the application, and
- 2) The application is approved by the Commission.

To comply with this General Statute amendment, Supervisor contracts must receive Commission approval on a case by case basis prior to approval by the Division. This includes contracts for land owned or operated by supervisors or for which the supervisor has a financial interest. A Supervisor serving on the Commission must follow a similar process with final approval from the Secretary of the Department of Agriculture and Consumer Services (see Section VI for applicable forms). A Supervisor designation process is discussed below and becomes effective with PY 96 allocations.

When completing the name and address of the applicant and landowner on the NC-ACSP-1, Application form, the District **must always designate if they are a District Supervisor (DS) or a Non-District Supervisor (NDS)**. The NC-ACSP-3, Request for Payment, also contains a field titled for designation of Supervisor status. These fields on each of the Cost Share Program forms **must always be completed designating the applicant and landowner as a DS or NDS**. Also, for a District Supervisor, either form NC-ACSP-1A and NC-ACSP-1B must be completed and submitted with the contract. If the applicant is the District Chair, the Vice Chair of the Board of Supervisors must sign the NC-ACSP-1B form as the representative for the District.

The Soil and Water Conservation Commission at its May 13, 1998 meeting approved the following guidance to the Division staff in reference to ACSP contracts for Commission members and District Supervisors:

- If a district supervisor lives in one district and applies for cost share in another district, his or her contract is required to be approved ~~on a case by case basis~~ by the Soil and Water Conservation Commission prior to approval by the Division.
- Repairs for supervisors' contracts require Commission approval ~~on a case by case basis~~ prior to approval by the Division.

ATTACHMENT 14c

- Revisions for supervisors' contracts ~~do not~~ require Commission approval ~~on a case by case basis~~ prior to approval by the Division.
- Supplements for supervisors' contracts require Commission approval on ~~a case by case basis~~ prior to approval by the Division.
- Six-month extensions for supervisors contracts permitted under the Commission's Policy on Interim Performance Measures for Agriculture Cost Share Program Contracts may be approved by the District Board and **do not** require Commission approval ~~on a case by case basis~~.

In January 2002 the Commission clarified that it wanted to have information presented to assure that supervisor contracts were not given preferential consideration. The Commission will now require the following information to be submitted for its consideration for all ACSP contracts for District supervisors:

1. Score on priority ranking sheet
2. How the contract ranked relative to others considered (e.g., ranked 8th out of 12 projects presented)
3. Whether any higher or equally ranked contracts were denied.
4. If answer to 3 is yes, then give an explanation as to why the supervisor's contract was approved over the other contracts.



WATAUGA SOIL AND WATER CONSERVATION DISTRICT
971 West King Street
Boone, NC 28607-3468

Phone: 828-264-0842

TTY 1-800-735-2962

Fax 828-264-3067

Board of Supervisors

Denny Norris, Chair
Thad Taylor, Vice-Chair
Tracy Taylor
Al Childers
Jim Bryan

April 26th, 2012

To North Carolina Soil and Water Commission :

The Watauga soil and water board is requesting the approval and payment of contract number 95-12-10-14. The contract is for 700ft of fence that is needed to make a 2008 contract complete. The original contract was a drought contract and the ephemeral stream on the property was dry. Due to wet weather last year this stream came back, now the cattle have access to surface water, which would make the original contract out of compliance . The landowner, at my request, fenced the surface water out immediately to ensure that no complaints were made.

We request the soil and water commissions approval for this contract so the land owner can be compensated for his material and work. If there are any questions, we will be at the commission meeting to answer them.

Thanks

Denny Norris
Chair

Ibrahim, Kelly

From: Amanda Sand [amanda.sand@chathamnc.org]
Sent: Wednesday, May 02, 2012 3:54 PM
To: Ibrahim, Kelly
Subject: RE: Post Approvals

Kelly,

Two landowners applied for cost share assistance on September 20, 2011 to complete cropland conversion from tobacco to permanent vegetation. I visited both of their farms and the land was currently in tobacco and had an existing water quality concern. They wanted to plant in the fall so as to not leave the land bare for a year. Knowing that information, I prepared a contract for each landowner so that both the application and contract could be presented at our October 13th board meeting. When drafting the contract, I made them aware of the option to move forward with planting with District approval and prior to Division approval if the qualifications listed for the vegetative planting exception were met. Both landowners qualified and knew that they would be moving forward knowing the fact that they did not have full approval and were taking a risk of not getting payment. On October 10, 2011, our District was notified of the new documentation required for application to the Ag Cost Share Program. The two landowners did not have a Schedule F, and so did not qualify for the program. At the October 13th board meeting, the board had no choice but to deny the applicants due to lack of documentation for the Schedule F requirement. The landowners were notified that their applications were denied due to them not qualifying for the program.

Once the requirements to prove farm income were expanded to include other forms of documentation in January, the applications were revisited at the request of the landowner.

Does that work? Let me know if I need to revise.

Amanda

Amanda Egdorf-Sand
Chatham County Soil & Water
Soil Conservation Specialist
919-542-8240

Please only print this e-mail when necessary.

Thank you for helping Chatham be environmentally responsible.

From: Ibrahim, Kelly [<mailto:kelly.ibrahim@ncagr.gov>]
Sent: Wednesday, May 02, 2012 2:31 PM
To: Amanda Sand
Subject: Post Approvals

Amanda,

Would you please send me an email summarizing the issue around contracts 19-12-08-02 and 19-12-02-02. It can be a brief few sentences.



Thanks,
Kelly

Kelly Ibrahim
North Carolina Agriculture Cost Share Program Manager

<u>Date</u>	<u>Contact Ty</u>	<u>Notes</u>
9/13/2011	email, phone	Noelle Grulke contacted me after speaking with Robin Anders (other landowner) regarding ACSP. I called to speak with her and answered questions regarding the program and told her that I can email an application to her for her signature.
9/15/2011	email	Email to Noelle Grulke regarding rules of program. Stated that ground cannot be broken before all approvals are made and that it could take up to two months for that to happen. Also, mentioned the option of CREP for property along river. Landowner will have 2-4 horses, 2-4 goats, 4-6 chickens 10 acres of forage, and 4 acres of hay production.
9/20/2011	in person	Charles Bowden (CREP) and I met with Robin Anders (along with Noelle and Chris Grulke - other landowners that bought part of the original farm). We discussed the cost share program and that it is a reimbursement program. The work cannot begin until all approvals are made. The landowners expressed that they were planning on planting in the fall. I told them that with the timing of everything, if they fell under the vegetative exception, that I could bring the application and contract to the next board meeting in October for approval. That way, they could still plant, but they would be taking a risk of not getting funded since Division approval will not happen. The landowner wanted to do a cropland conversion from existing row-cropped ag land to pasture for hay. They were all interested in having livestock there, so they were told that fencing of surface waters is recommended.
9/28/2011	email	Noelle contacted me regarding a status update and I told her that I would have something ready next week. She had asked if we could help cost share on fencing for the animals. I said that we cannot since the animals are not currently existing on the property and an existing water quality problems must be present. We can still pursue the cropland conversion, however.
10/10/2011	email and phone	I contacted Noelle regarding the new Schedule F documentation required to see if they had this for their farm. They did not. Since they are new farmers, they do not have this documentation yet and asked if the previous farmer's Schedule F could work. I left a message with the Division to see if that could work. I told Robin and Noelle to not pursue getting a cop of the farmer's schedule F until I heard something from the Division
10/10/2011	in person	Noelle and Chris came to the office to sign the contract paperwork.
10/11/2011	email	Chris contacted me regarding Schedule F and left a phone message wishing to discuss. I returned Chris' call and explained only what I knew.
10/13/2011	Board Meeting	The application 19-12-005-02 was denied due to not qualifying for the program - no Schedule F provided. Consequently, the contract was not reviewed because of the denied application
10/17/2011	email	Chris requested a copy of the new Schedule F legislation and I shared this with him via email.
10/19/2011	email	Conservation Plan provided, including forage planting guides
10/24/2011	email	Chris provided a new copy of the ACSP-2 form voluntarily. He said that he had spoken with Rep. Hackney and was told that he was hopeful the legislation would be changed to remove the Schedule F requirement. Rep. Hackney told him if this did not happen, that he should amend his tax return to show a Schedule F and provide this to our office to qualify for the program. I advised him to speak with an accountant regarding the criteria that needs to be met in order to file that form. I also said that his application would remain valid for the entire program year and can be revisited. Chris said that they were going to begin planting the grass immediately.
10/25/2011	email	Chris cc'd myself, Robin, Noelle, and Joe Hackney on an email regarding his conversations with his representative on the Schedule F issue. Because Chris's application and contract would have been approved if Schedule F had not come around, he would like to know how the Division stands on retroactively approving the contract. He stated that he new he was moving forward with planting with the proper approvals and would like the approval to be retroactive once the legislation is changed.
11/19/2011	email	Chris sent another email to David Williams, cc'ing myself, Robin, and Noelle to let him know that he was waiting for a response to his 10/25 email
1/3/2012	email	Chris contacted me to see if there were any cost share programs available to provide wind breaks.
1/6/2012	email	I responded to Chris re: the windbreaks and said that we do have programs available and would provide more information next week after I return from training.
1/12/2012	email	David Williams emailed staff regarding the modified guidelines for the ACSP to allow for alternative forms of documentation. Chris sent an email requesting information on what will be done with the acres that have been planted already, along with the acres yet to be planted.

1/17/2012	email	Noelle provided a scanned copy of their ag exemption card from the State. I told her that I would present her application and contract at the next board meeting on Feb 9th for review.
2/8/2012	email	I emailed Chris and Noelle to confirm how many acres had already been planted in the wheat/fescue mix and if anything had sprouted yet, since Robin was unsure whether the fescue was coming up.
2/9/2012	email	I called the Division and spoke with David Harrison. He told me that our board could have approved the applicant and contract and just pended it until further notification. We were not aware of this option at the time.
2/9/2012	Board Meeting	The board discussed whether or not the work completed could be considered a "cropland conversion" if the fescue did not come up, since it was planted in conjunction with wheat. A site visit was requested to verify whether or not fescue was present and was planted at an adequate seeding rate. The applications and contracts were tabled until the March meeting.
2/15/2012	email	I contacted Noelle and Chris regarding the board's wish to do a site visit to see if the fescue had actually come up in the wheat. I asked her permission to go on the property to take a look.
2/16/2012	email	Chris approved the site visit and wanted to know ahead of time when we would be there.
2/21/2012	site visit	Mike and I completed a site visit at the farm. Contractors were on site building a house for Chris & Noelle. Also, the entrance road/driveway had been created already and is along the eastern treeline. There was evidence of small grains and some patchy grass (too short to tell if it was fescue). We could not determine whether it was an adequate stand. I sent an email to Chris (and cc'd Robin and Noelle) to let them know that we would bring this information to our March board meeting for review.
2/21/2012	email	Chris expressed frustration with the delays and was confused as to why the site needed to be reviewed for an adequate stand of grass. He also provided Gary Thomas's contact information since he was the one that planted the wheat/fescue mix.
2/21/2012	email	I responded back to Chris, Noelle, and Robin to explain the program process and the board's decision to review whether the post-approval was actually needed. If the fescue had not come up, the fields would have been considered to still be in a crop (wheat) and the process could move forward without a post-approval. I mentioned that the rules were established by the Commission and we had to follow them. I also mentioned that the David Harrison at the Division told me we should have pended the application and contract back in the fall.
2/21/2012	email	Chris expressed his frustration, again, and said he could not understand why the board could not interpret the law based on its intent. He stated that his primary objective was to get funding from the program.
2/24/2012	in person	Chris stopped by the office to get clarification on what is happening with the process. Mike and I both met with him to discuss.
2/28/2012	email	A revised cost share contract and map were provided to take into account the land designated for the house, yard, and barn, as well as the existing waterways. Acres were decreased from 14 to 9.4 and split into three separate fields for what has been planted and what has yet to be planted.
2/29/2012	email	Chris responded to request for contract revision and wondered why the contract acreage had decreased by 5 acres. I explained that it was because we were not provided with adequate property boundaries and so an educated guess needed to be made based on the information we were provided. I was also unaware of the size of the existing waterways and because those were already in grass, they did not need to be included in the cropland conversion. Chris said that he would be in attendance at the next board meeting.
3/1/2012	Board Meeting	Chris was present at the meeting and the first 30 minutes involved discussion over his contracts. It was revealed at the meeting that the 1.4 acre section of orchardgrass had also been planted in the fall, which was included on contract 19-12-019-02. Mr. Grulke was given the option to revise the contracts so that all post-approval acreage were on one to avoid the risk of not getting funding for the unplanted acres, but he chose to not support that option and leave it as it is presented. The board approved applications and contracts 19-12-008-2 and 19-12-019-02. Both contracts will need to go before the May 16th commission meeting.

<u>Date</u>	<u>Contact Type</u>	<u>Notes</u>
8/26/2011	phone	Robin Anders bought an existing farm and was interested in ACSP. She left a message wanting more information about the program
8/31/2011	phone	Left a message with Ms. Anders
9/8/2011	phone	Left a message with Ms. Anders
9/12/2011	phone	Ms. Anders called back and she gave me her email address so I could send her an application. She explained to me that there were three other landowners that went together to buy this large farm, which was then split up into four different sections.
9/12/2011	email	Ms. Anders emailed back a signed copy of the application. She shared with me the contact information for the other landowners to see if they were also interested in the program. She inquired about the 90% cost share for new farmers and I told her that our District does not fund at that level. She also provided a copy of the final survey of the property location and property lines.
9/15/2011	email	I emailed Ms. Anders available dates for meeting at the farm to do a site visit. We schedule a site visit for 9/20 at 4pm. I also mentioned that if the application is not approved, we can still provide technical assistance for the cropland conversion.
9/20/2011	in person	Charles Bowden (CREP) and I met with Robin Anders (along with Noelle and Chris Grulke - other landowners that bought part of the original farm). We discussed the cost share program and that it is a reimbursement program. The work cannot begin until all approvals are made. The landowners expressed that they were planning on planting in the fall. I told them that with the timing of everything, if they fell under the vegetative exception, that I could bring the application and contract to the next board meeting in October for approval. That way, they could still plant, but they would be taking a risk of not getting funded since Division approval will not happen. The landowner wanted to do a cropland conversion from existing row-cropped ag land to pasture for hay. They were all interested in having livestock there, so they were told that fencing of surface waters is recommended.
9/23/2011	email	Ms. Anders inquired about the CREP program again and wished to get in touch with Charles to discuss further.
9/26/2011	email	I emailed Ms. Anders the CREP info and contact info. I told her that I was in the process of estimating acreage (since I did not have property boundaries to work with) and should have a contract drawn up by next week. I told her that if she was going to pursue CREP on the fields on the river, that it would be best to leave them off the ACSP contract so that cost share will not need to be remitted back to the state when the parcels are converted to trees. But, if not, we can include the acres into the ACSP contract now and pull them out later on if she does decide to pursue CREP.
9/28/2011	email	Robin contacted Charles Bowden and myself with additional questions regarding CREP.
10/3/2011	email	I contacted Robin to answer some of her questions regarding CREP and also mentioned that if she was interested in CREP on the two plots along the river that we can leave those out of the ACSP contract.
10/4/2011	email	Robin would like to leave the acres along the river in ACSP and remove them later if she decides to do CREP before the grass is planted there. She also notified me that the tobacco was being removed at that time and they will be ready to plant grass soon.
10/10/2011	email	I contacted Robin, Noelle, and Kurt Sokolowski (another landowner on that tract of land interested in the ACSP program) to let them know that their contracts would be ready for their signature this afternoon. The board meeting will be next week so I would need to get their signatures before then, otherwise, they would be presented at the following board meeting for approval.
10/10/2011	email and phone	I contacted Robin this afternoon regarding the new schedule F requirement to see if she had this documentation to participate in ACSP. She does not have the form because she is a new farmer. But, she asked if the previous farmer's schedule F would work. I left a message with the Division to see if that could be used instead. I told Robin to not pursue getting the farmer's schedule F until I heard from the Division
10/10/2011	email	Robin notified me that she will drop the contract in the mail.
10/11/2011	email	Robin sent a scanned copy of the signed contract and let me know she mailed it this morning
10/13/2011	Board Meeting	The application 19-12-008-02 was denied due to not qualifying for the program - no Schedule F provided. Consequently, the contract was not reviewed because of the denied application
10/19/2011	email	Conservation Plan provided, including forage planting guides to Robin. I also recommended that if she was interested in pursuing CREP on the riverfront fields that she be sure to file a schedule F for the 2011 tax year.

10/25/2011	email	Robin sent me a scanned copy of a new application. She mentioned she spoke with Chris and he was hopeful that the legislation would be overturned. She understood the vegetative exception in the contract allowed for work to be completed without Division approval if the contract was for \$3500 or less. I responded back stating that her original application was still valid and that if the legislation were changed that we could revisit the application and contract, so a new application was not necessary.
10/25/2011	email	Chris cc'd myself, Robin, Noelle, and Joe Hackney on an email regarding his conversations with his representative on the Schedule F issue. Because Chris's application and contract would have been approved if Schedule F had not come around, he would like to know how the Division stands on retroactively approving the contract.
10/26/2011	email	Robin provided a copy of her master plan for the property so the areas of the house and barn could be removed. The contract would stay modified to 11.6 acres to keep it under \$3500 and allow for space for house, horse barn, driveway, and road. She wanted to know if the contract would be retroactively approved or if a new contract should be created to cover the unplanted acreage once the legislation requiring Schedule F is removed.
1/12/2012	email	David Williams emailed staff regarding the modified guidelines for the ACSP to allow for alternative forms of documentation. Chris sent an email requesting information on what will be done with the acres that have been planted already, along with the acres yet to be planted.
1/17/2012	email	I emailed Robin to let her know that she could apply for her sales tax exemption certificate from the State in order to qualify for ACSP funding. Otherwise, special circumstances can be brought before the Commission to approve/deny eligibility on a case by case basis.
1/17/2012	email	Robin responded to my email regarding new documentation allowed and she said would apply for the sales tax exemption number. She said that fescue had been planted under the wheat in the fall, but she was not sure that the grass had come up yet. Bermuda will be planted in the spring in another field and then the remaining field will be planted with orchardgrass the following fall. I told her we could not move forward with a post-approval on the contract until the documentation is received by our office, and the application and contract is brought before our board for review. The next commission meeting is in March.
2/6/2012	email	Robin sent a scanned copy of the sales tax exemption from the state. I told her that we will carry her application and contract before the board at this week's meeting for review and I will be in touch early next week.
2/8/2012	email	I emailed Robin to confirm the number of acres that have already been planted and to see if the wheat and fescue had come up, since it was questionable before. She responded to say that both had come up and that they had completed approximately 11 acres already with 3 left to go.
2/9/2012	phone	I called the Division and spoke with David Harrison. He told me that our board could have approved the applicant and contract and just pended it until further notification. We were not aware of this option at the time.
2/9/2012	Board Meeting	The board discussed whether or not the work completed could be considered a "cropland conversion" if the fescue did not come up, since it was planted in conjunction with wheat. A site visit was requested to verify whether or not fescue was present and was planted at an adequate seeding rate. The applications and contracts were tabled until the March meeting.
2/15/2012	email	I contacted Robin regarding the board's wish to do a site visit to see if the fescue had actually come up in the wheat. I asked her permission to go on the property to take a look. Robin responded via email and said that it was fine to go out there and was pretty sure that no fescue had come up because her field looked similar to the neighbors and his was only planted in wheat. Only the single field (11.7 acres) was planted with fescue. The rest were wheat only.
2/21/2012		Mike and I completed a site visit at the farm. A road had already been flagged in the eastern part of the property. There was evidence of small grains and some patchy grass (too short to tell if it was fescue). We could not determine whether it was an adequate stand. I sent an email to Chris (and cc'd Robin and Noelle) to let them know that we would bring this information to our March board meeting for review.
2/21/2012	email	Robin was cc'd on an email sent by Chris. See Chris Grulke file for information.
2/27/2012	phone and email	Left a message with Ms. Anders. Sent an email to let her know that I had a few questions regarding approximate acreage of driveway, homesite, planting schedule, etc.
2/28/2012	email	a copy of the new contract was provided to Robin for review, including a map with acreages adjusted.
2/28/2012	email	Robin notified me that she will drop the contract in the mail.
2/28/2012	phone	I spoke with Kelly at the Division and she recommended that the contract be split up into two so that the post-approval is on the original contract and the unplanted acreage will be on a new contract. I sent revised contracts to Robin to sign and mail back.

2/28/2012	email	Robin let me know that the new contracts are in the mail.
3/1/2012	Board Meeting	The board voted to approve applications and contracts 19-12-005-02 and 19-12-018-02. Contract 19-12-005-02 is a post-approval and will go before the Commission on May 16th.

Updated 05.03.2012

ATTACHMENT 16

SWCD Name	Supervisor First & Middle Names	Supervisor Last Name / Suffix	Elected/ Appointed	Current Term	Start Date - Month	Start Date - Year	Comments	# district meetings(**)	# mtgs. attended by appointed supervisor
Avery	Jeffery	Pollard, Jr.	Appointed	08-12	September	2011	email from district staff - board thought would be better for supervisor to attend in 2013 after understanding process better	5	2
Dare	Terri Kirby	Hathaway	Appointed	10-14	December	2010	supervisor sent email that unable to attend due to work obligations but has dates and plans to attend in 2013 (noted to SWCC in 2011)	4	2
Franklin	E. Shane	Mitchell	Appointed	08-12	September	2011	email from district staff - training conflicted with county commission meeting (supervisor is chair of county commission)	4	4
Guilford	David Roy	Bowman	Appointed	08-12	May	2010	discussed with district tech; supervisor was reminded but unable to attend due to dairy & ice cream business (noted to SWCC in 2011)	7	5
Jackson	Henry T.	Fowler	Appointed	08-12	March	2011	email from district staff - unable due to work on farm; plans to attend in 2013 and enjoys being a supervisor	9	6
McDowell	Wayne	Parker	Elected (*)	08-12	August	2011	email from district staff - supervisor forgot and apologizes for missing training	5	5
Washington	Milton V.	Cahoon, III	Elected (*)	08-12	January	2012	email from district staff - filling unexpired term of elected seat and undecided whether he will run	2	2

(*) Individual appointed to an elected seat

(**) FY 2011-12 district meetings on file with division; meetings occurring between July 1, 2011 and date of supervisor appointment not included



(Date)

(supervisor name)
(mailing address line 1)
(City, NC Zip)

Dear (supervisor name),

The Soil and Water Conservation Commission's policy requires all appointed district supervisors to attend the *Basic Training for Soil & Water Conservation Supervisors* at the UNC School of Government within one year of appointment. This training requirement was also noted on the appointment form that you signed acknowledging your willingness to attend this training as a condition for becoming a district supervisor.

At the commission's March 21, 2012 meeting, Division Director Pat Harris reported on supervisors who did not participate in the 2012 basic training course as required. Your name was included on the list.

Based upon your justification for not attending and/or evaluation of your 2011-2012 district meeting attendance, the commission believes you are an active and contributing member of the (name of district) Soil and Water Conservation District. It is for this reason that the commission would like for you to continue to serve as a district supervisor; however your appointment will remain conditional until you successfully complete the 2013 *Basic Training Course for Soil & Water Conservation Supervisors*, scheduled for February 12-13, 2013 at the UNC School of Government.

If you have any questions or concerns, please contact Director Harris at (919) 715-6097.

On behalf of the commission, I thank you for your service as a district supervisor and for your continued support of soil and water conservation in North Carolina.

Sincerely,

Vicky Porter
Chairwoman

cc: (Name) Soil & Water Conservation District
Pat Harris, DSWC

Vicky Porter
Chairwoman

Craig Frazier

Donald Heath

Tommy Houser

Charles Hughes

Bobby Stanley

Bill Yarborough

NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION
RALEIGH, NORTH CAROLINA
AGENDA
DRAFT

WORK SESSION

Archdale Building
Ground Floor Hearing Room
512 N. Salisbury Street
Raleigh, NC 27604
May 15, 2012
7:00 p.m.

BUSINESS SESSION

Archdale Building
Ground Floor Hearing Room
512 N. Salisbury Street
Raleigh, NC 27604
May 16, 2012
9:00 a.m.

I. CALL TO ORDER

The State Government Ethics Act mandates that at the beginning of any meeting the Chair remind all the members of their duty to avoid conflicts of interest and inquire as to whether any member knows of any conflict of interest or potential conflict with respect to matters to come before the Commission. If any member knows of a conflict of interest or potential conflict, please state so at this time.

II. PRELIMINARY - Business Meeting

May 16, 2012

- | | |
|--|-------------------------|
| 1. Welcome | Chairwoman Vicky Porter |
| 2. Tommy D. Houser – Statement of Economic Interest evaluation | Chairwoman Vicky Porter |

III. AGENDA / MINUTES

- | | |
|---|-------------------------|
| 3. Approval of agenda | Chairwoman Vicky Porter |
| 4. Approval of the March 21, 2012 minutes | Chairwoman Vicky Porter |

IV. INFORMATIONAL ITEMS

- | | |
|--|---|
| 5. Division Report | Ms. Pat Harris |
| 6. Association Report | Mr. Donald Heath |
| 7. NRCS Report | Mr. JB Martin |
| 8. Shale Gas Exploration in N.C. – Soil & Water Conservation Perspective | Dr. Kenneth B. Taylor
N.C. Geological Survey |

9. Shale Gas Exploration concerns

Ms. Danielle Adams
Durham SWCD Supervisor

V. ACTION ITEMS

10. Consent Agenda

- a. Nomination of supervisors
- b. Approval of cost share supervisor contracts
- c. Technical specialist designation
- d. Job Approval Authority

Ms. Kristina Fischer
Ms. Kelly Ibrahim
Ms. Natalie Woolard
Ms. Natalie Woolard

11. Supplemental ACSP allocation

Ms. Kelly Ibrahim

12. AgWRAP Review Committee recommendations

Ms. Natalie Woolard

- a. Consideration of modifications to the well BMP
- b. Consideration of modifications to agricultural pond repair/retrofit BMP
- c. Consideration of modifications to the Agricultural Water Supply/Reuse Pond

13. ACSP Technical Review Committee recommendations

Ms. Julie Henshaw

- a. Consideration of modifications to the critical area planting BMP
- b. Consideration of modifications to the agricultural pond restoration/repair BMP

14. Cost Share Committee recommendations

Ms. Julie Henshaw

- a. Consideration of district comment period for draft policy addressing supplemental allocations of cost share financial assistance
- b. Consideration of modifications to revision policy
- c. Consideration of modifications to district supervisor use of cost share program funds policies
- d. Consideration of revisions to committee structure

15. District issues

Ms. Kelly Ibrahim

- a. Post approval contract 95-2012-10-14
Watauga SWCD
- b. Post approval contract 19-2012-08-02, 19-2012-05-02, 19-2012-19-20
Chatham SWCD

16. Supervisor training requirements

Ms. Pat Harris

17. Commission vice-chairman selection

Chairwoman Vicky Porter

VI. PUBLIC COMMENTS

VII. ADJOURNMENT