



NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION MEETING MINUTES

May 22, 2014

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

Commission Members	Others Present	
Vicky Porter	Pat Harris	Steve Bennett
Craig Frazier	David Williams	Robert Baldwin
Tommy Houser	Laura Parrish	Dr. Richard Reich
Charles Hughes	Natalie Woolard	Ed Spivey
John Langdon	Julie Henshaw	Michael Willis
Manly West	Kelly Ibrahim	Kristina Fischer
Bill Yarborough	Ralston James	Tom Ellis
	Ken Parks	Sandra Weitzel
	Tom Hill	Chester Lowder
Commission Counsel	Davis Ferguson	Dewitt Hardee
Phillip Reynolds	Lisa Fine	Kirsten Frazier
	Jeff Harris	Dick Fowler
Guest	Beth Hughes	Keith Larick
	Mark Forbes	Joe Hudyncia
	Shirley Ann Coleman	Kim Livingston
	J. Ben Knox	James Ferguson
	Sam Davis	Davis Anderson
	Mary Parker	Randy Smith
	Charles Hughes	Patrick Johnson
	Teresa Hice	Robert Mauldin
	Jasmine Owens	Barry Bloch

Chairwoman Vicky Porter called the meeting to order at 9:08 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 Frazier declared a conflict for item #9A and announced that he would recuse himself from the vote.

Chairwoman Porter read the Statement of Economic Interest for Commissioner West.

1. Approval Of Agenda:

Chairwoman Porter reviewed the agenda. Commissioner Frazier moved to approve the agenda with the removal of item number 7. This motion was seconded by Commissioner West. The motion carried.

2. Approval of Minutes – March 19, 2014 Meeting: The minutes of the commission meetings held on March 19, 2014 and March 24, 2014 were presented.

Commissioner Houser offered a motion to approve both of the above mentioned minutes from meetings conducted in March. Commissioner Yarborough seconded the motion. The motion carried.

IV. INFORMATIONAL ITEMS

3. Division Report: Ms. Pat Harris, director of the Division of Soil and Water Conservation presented a report that included the following items:

- Welcomed new employee, Daniel Hamm, ATAC Program Assistant in Washington Regional Office.
- Welcomed new employee, Edward Stephens, Soil Scientist in the Wilmington Regional Office.
- Described the new Cost Share Contracting System (CS²) and congratulated all the staff in the division, department, and districts who had a significant role in its development.
- Reported that district supervisor travel funds were exhausted April 30, with sufficient funds held to pay expenses for the May commission meeting and the School of Government training.
- Reported on the breakdown of expenditures through the division's budget for FY 2012-13, including the dollars leveraged through state investment in conservation.

Natalie Woolard presented the new process on streamlining requests for technical assistance by districts. The purpose of the new process is to:

- Streamline the process for district employees to submit technical assistance requests for improved efficiency and accountability by the division.
- Enable division management to better prioritize workload to best meet commission and district expectations.
- Allow division management to more equitably distribute workload statewide.

The handout for the division report is included as Attachment 3.

4. Association Report:

Commissioner Langdon, NCASWCD President, presented a brief overview on the following:

- NACD Legislative Fly-In - March 25-26, 2014
- Market Based Conservation Initiative
- State Envirothon – April 25-26, 2014
- State Speech Contest – May 9, 2014
- Outstanding Conservation Farm Family Program
- Legislative Breakfast – May 22, 2014
- School of Government Training – May 20-21, 2014

- State-wide Survey Regarding Area Alignment – The online survey to gather input regarding Area alignment will remain active until June 1.

The handout provided for item 4 is attached and is an official part of the minutes.

5. NRCS Report:

Mr. Tim Beard called attention to the written report from NRCS that is included as Attachment 5.

He discussed that he had requested another \$4 million for EQIP in North Carolina, that there is \$15 million available for conservation technical assistance for FY-2014, and that Secretary Vilsack is scheduled to announce the release of the Regional Conservation Partnership Program today.

V. ACTION ITEMS

6. Consent Agenda

6A. Appointment of Supervisors

- Mike Temple; Carteret SWCD; filling the unexpired term of Dan W. Bowen
- Wendell (Wes) Leslie Schollander III; Forsyth SWCD; filling the unexpired term of Grover C. McPherson
- Cecil Robinson; Richmond SWCD; filling the unexpired term of Robert A. Hill, Sr.
- Robert D. Twomey; Transylvania SWCD; filling the unexpired term of Charles Bryson
- Anthony E. Mills; New Hanover SWCD; filling the unexpired term of Arthur W. Brownell

6B. Supervisor Contracts

Contract No.	District	Supervisor Name	Practice(s)	Contract Amount
45-2014-803	Henderson	Daniel McConnell	Pond Sediment Removal	\$5,000
45-2014-804	Henderson	Daniel McConnell	Pond Sediment Removal	\$5,000
61-2014-013	Mitchell	Stephen Wilson	Cropland Conversion	\$388
74-2014-007	Pitt	Steve Sutton	Grassed Waterway	\$541
91-2014-767	Vance	Wilton Short	Sod Based Rotation	\$1,134
91-2014-768	Vance	Wilton Short	Sod Based Rotation	\$1,824
93-2014-014	Warren	Herman Collier	Field Border	\$1,200
43-2014-003	Harnett	John Gross (Supervisor in Lee SWCD)	Grassed Waterway/Terrace	\$1,232
43-2014-005	Harnett	John Gross (Supervisor in Lee SWCD)	Grassed Waterway	\$678
43-2014-013	Harnett	Jeffery Turlington	Cropland Conversion - Grass	\$2,003
62-2014-04	Montgomery	G. Boon Chesson	Critical Area Planting	\$1,687
87-2014-194	Swain	Thurman Walls	AgWRAP: Baseflow Interceptor/Stream side pickup	\$8,900

6C. Technical Specialist Designation

Waste Utilization/Nutrient Management

On recommendation of the Director of the NC Cooperative Extension Service:

James "Max" Knowles, CES, Sampson County

The handouts provided for items 6A-6C are attached and are an official part of the minutes.

Commissioner Yarborough offered a motion to approve the above appointments. Commissioner Langdon seconded the motion. The motion carried.

7. AgWRAP Recommendations

This item was removed from the agenda.

8. ACSP Technical Review Committee Recommendations – Kelly Ibrahim

Ms. Kelly Ibrahim called attention to the handout for items 8A-8C, which are attached as an official part of the minutes. She noted that the TRC met in Greenville on May 1 and approved the following recommendations for the commission's consideration.

8A. Odor Control BMP – The TRC recommends modification to the Odor Control Management System practice to clarify that native grasses are an acceptable medium for intercepting particulates from livestock production houses. Commissioner Frazier moved to approve the changes with the strike of the words "poultry and swine" in the definition/purpose statement. Commissioner Hughes seconded the motion. The motion carried.

8B. Livestock Feeding Area BMP – The TRC recommends modifying the Livestock Feeding Area practice to clarify that the cost of a concrete push wall (if necessary) is not included under the cap on the cost of the concrete pad. Commissioner Frazier moved to approve the changes. Commissioner Houser seconded the motion. The motion carried.

8C. Lagoon Biosolids Removal BMP - The TRC recommends converting the Lagoon Biosolids Removal Incentive to a cost share practice and to change the maximum application rate to 50% of the recommended rate based on nitrogen. Commissioner Yarborough offered a motion to approve the TRC's recommendation with the addition of the following statement to the intent of this practice: "For the intent of this practice, the definition and purpose of the NRCS Waste Treatment Lagoon standards shall be met." Commissioner Frazier seconded the motion. Commissioner Langdon offered a friendly amendment that was acceptable to Commissioners Yarborough and Frazier to add the words "or exceeded" to the end of the language proposed by Commissioner Yarborough's amendment. The motion was approved. Ms. Ibrahim asked whether it was the commission's intent that these changes be effective this year, and that intent was confirmed.

9. District Issues –

9A. Contract Extension Request – Commissioner Frazier stepped down from the commission as he presented the request for extension to AgWRAP contract 76-2012-804-02 on behalf of the Randolph District. Commissioner Houser moved to approve the extension request. Commissioner West seconded the motion. The motion carried.

9B. Exception for Eligibility – Wake District came to meeting to request an exception for eligibility. Wake District Supervisor Patrick Johnson and district staff Teresa Hice presented the request. Commissioner West moved to approve the exception. Commissioner Langdon seconded the motion. The motion carried.

9C. Lenoir Contract and Request for Payments Approvals – Ms. Ibrahim recognized Lenoir SWCD Supervisors Michael Robinson and Randy Smith and district staff David Anderson who were available to answer questions related to contract 54-14-05-09. Commissioner Frazier moved to approve the contract. . Commissioner Yarborough seconded the motion. The motion carried.

Technical Assistance Approval – The Lenoir District is also requesting commission approval for the 3rd quarter technical assistance invoice for the Lenoir SWCD. Commissioner Frazier moved to direct the division to proceed as usual for handling the technical assistance reimbursement request. Commissioner Langdon seconded the motion. The motion carried.

10. Lenoir SWCD Special Review Response

Mr. David Williams referred to Attachment 10, which is included as an official part of the minutes. The Lenoir District has responded to the April 3, 2014 correspondence from Chairwoman Porter with an updated action plan to address the findings of the division’s special review. The division sent a response back to the district on May 16, 2014 with some corrective actions and suggestions regarding the action plan.

As requested in Chairwoman Porter’s letter District Chairman Michael Robinson and district staff David Anderson are present to answer any questions from the commission. Supervisor Randy Smith is also present.

Mr. Robinson expressed concern that the findings of the program review were sent to the Lenoir County Commissioners and the county manager before the district had an opportunity to respond. He asked whether this was normal protocol. He acknowledged mistakes on the part of the district and declared the district’s willingness to work with the division to clean up the problems noted.

Mr. Robinson stated that he is concerned that Commissioner Hughes, who is also a Lenoir District Supervisor, should declare a conflict of interest for this agenda item. Chairwoman Porter responded that the commission members are charged to declare conflicts of interest at the beginning of each meeting, and Commissioner Hughes is aware of the requirement to do so if there is a conflict. Commission Counsel Phillip Reynolds confirmed that he had reviewed Commissioner Hughes situation and sees that there is no impermissible legal bias nor conflict of interest associated with Commissioner Hughes considering the business before the commission.

Commissioner Yarborough asked if all 5 supervisors have been involved in developing the district’s action plan, and Mr. Robinson answered, “yes.”

Commissioner Frazier and Mr. Williams noted that the division acknowledged that some of the contracts on the list noted in the report had been determined to be valid since the initial report was submitted in August 2013.

Commissioner Frazier noted a concern about contracts for cropland conversion that records indicate were already converted prior to the contract. Mr. Anderson said he personally looked at each field to confirm that the fields were not in grass prior to the contract. Mr. Anderson acknowledged several mistakes, but did not believe the cropland conversion contracts were converted to grass prior to the contract approval.

Chairwoman Porter stated that the commission sees the issues noted in the findings as serious.

Commissioner West asked why there is often a long lapse between board approval and submission to the division for approval. Mr. Anderson said that was his responsibility and that the action plan includes steps to address that concern. Commissioner Frazier asked what the district feels should be the commission's response to invalid contracts or post approvals. Mr. Anderson stated that the work called for in the contracts has been implemented in accordance with NRCS standards as required, but some of the work was implemented prior to all the required approval. He stated that he could not confirm that he tells every applicant of the requirement to not begin installation until he notifies them that the contract is fully approved.

Mr. Williams recommended that the sanctions approved by the commission in March should be amended to include a prohibition on using the \$3,500 vegetative exception which enables a cooperators to proceed with installation prior to division approval.

Commissioner Yarborough called attention to the finding that the contracts appear to be almost always implemented exactly as planned, which in his experience is not very realistic.

Commissioner Langdon asked about supervisor participation in spot checks. Mr. Anderson stated that supervisors are always involved. If the contract is a supervisor contract, then they make sure another supervisor participates.

Mr. Anderson stated that the commission should hold him accountable for the problems, not the farmers. He has acknowledged the mistakes to the Lenoir board who based their decisions on the information he put before them.

Mr. Anderson acknowledged that there were some contracts for which payments were approved for portions of fields that should have been deducted from the acreage shown on FSA maps.

Mr. Anderson pointed out that some of the contracts with issues were developed by NRCS personnel. Mr. Williams stated that the district is still responsible for cost share contracts no matter who actually developed the contract documents. Mr. Yarborough noted that the supervisors need to know they can trust the staff.

Mr. Williams referred to the district's action plan and the corrective actions communicated by the division with regard to the action plan. He noted that if the district will agree to all of the division's corrective actions, the action plan should be effective to address concerns going forward, but the

commission needs to consider what actions are needed to address the problems noted in the past. He noted that the board needs to recognize that the action plan is no small commitment.

Commissioner West asked whether the district was agreeable to the division's corrective actions, and Mr. Anderson and Mr. Robinson said they were.

Mr. Langdon commended the district for their effort to put the BMPs on the ground, but he also reminded the district that the programs are bigger than any district. One district's actions have a ripple effect on the other 95 districts. He has encouraged the supervisors across the state to get involved and to know what is going on in their district. He said the Lenoir supervisors need to raise the bar and expectations of their staff.

Commissioner Frazier moved to continue the interim procedures imposed in March until such time as the commission is convinced the district has fully addressed the noted issues and has regained confidence in the district's implementation of the cost share programs. He also moved to include a prohibition on using the \$3,500 vegetative exception in Lenoir and to require the district to implement the action plan including the division's corrective actions. Commissioner Houser seconded the motion. The motion passed.

Chairwoman Porter said the commission should receive the revised district action plan in July.

11. Allocation of Animal Waste Funds

Kelly Ibrahim presented information regarding allocating the remaining funds in the Animal Waste Account (\$5,386.00). The handout provided for item 11 is attached and is an official part of the minutes.

VI. PUBLIC COMMENTS:

Mr. Mike Willis, Caldwell SWCD Supervisor, asked the commission to allow them to present an extension request to contract 14-12-516-03. Chairwoman Porter said the commission will review that action at a future meeting.

Ben Knox, Rowan District Supervisor, stated that the Rowan District will be back at the next meeting to request an extension for the Piedmont Research Station.

VII. ADJOURNMENT

With no further business, Chairwoman Vicky Porter declared the meeting adjourned at 11:09 a.m.



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

 for _____

Laura E. Parrish, Recording Secretary
(Sign & Date)

These minutes were approved by the North Carolina Soil & Water Conservation Commission on July 16, 2014.



Patricia K. Harris, Director

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

WORK SESSION

Archdale Building
 4th Floor Conference Room
 512 N. Salisbury Street
 Raleigh, NC 27604
 May 21, 2014
7:00 p.m.

BUSINESS SESSION

Archdale Building
 Ground Floor Hearing Room
 512 N. Salisbury Street
 Raleigh, NC 27604
 May 22, 2014
9:00 a.m.

I. CALL TO ORDER

The State Government Ethics Act mandates that at the beginning of any meeting the Chair reminds 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 22, 2014

Welcome

Reading of Statements of Economic Interest

Chair Vicky Porter

III. AGENDA / MINUTES

1. Approval of agenda

Chair Vicky Porter

2. Approval of the minutes

Chair Vicky Porter

A. March 19, 2014

B. March 24, 2014

IV. INFORMATIONAL ITEMS

3. Division report

Ms. Pat Harris

4. Association report

Mr. John Langdon

5. NRCS report

Mr. Tim Beard

V. ACTION ITEMS

- 6. Consent Agenda
 - A. Nomination of supervisors Ms. Kristina Fischer
 - B. Supervisor contracts Ms. Kelly Ibrahim
 - C. Technical specialist designation Ms. Natalie Woolard
- 7. AgWRAP recommendations Ms. Julie Henshaw
- 8. ACSP Technical Review Committee recommendations Ms. Kelly Ibrahim
 - A. Odor Control BMP
 - B. Livestock Feeding Area BMP
 - C. Lagoon Biosolids Removal BMP
- 9. District issues
 - A. Contract extension request Ms. Kelly Ibrahim
 - B. Exception for eligibility Randolph SWCD
 - C. Lenoir contract and request for payments approvals Wake SWCD
Lenoir SWCD
- 10. Lenoir SWCD Special Review Response Mr. David Williams
- 11. Allocation of Animal Waste Funds Ms. Kelly Ibrahim

VI. PUBLIC COMMENTS

VII. ADJOURNMENT

**NORTH CAROLINA
 SOIL & WATER CONSERVATION
 COMMISSION MEETING MINUTES
 March 19, 2014**

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

Commission Members	Others Present	
Craig Frazier	Pat Harris	Steve Bennett
Manly West	David Williams	Rob Baldwin
Tommy Houser	Natalie Woolard	Dr. Richard Reich
John Langdon	Julie Henshaw	Timothy Dale
Bill Yarborough	Kelly Ibrahim	Kristina Fischer
Charles Hughes	Ralston James	Tom Ellis
	Ken Parks	Sandra Weitzel
	Tom Hill	Chester Lowder
	Richard Clark	Dewitt Hardee
Commission Counsel	Helen Wiklund	Kirsten Frazier
Jennie Hauser	Davis Ferguson	Dick Fowler
	Lisa Fine	Keith Larick
Guest	Eric Pare	

Vice-Chairman Craig Frazier called the meeting to order at 9:00 a.m. and charged the Commission members to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. Commissioner Langdon declared a conflict for item #9 and announced that he would recuse himself from the vote.

1. Approval Of Agenda:

Vice-Chairman Frazier reviewed the agenda. He noted one correction to the agenda. Item #4, Association report, will be presented by NCASWCD President John Langdon. Commissioner Yarborough moved to approve the agenda as modified. The motion was seconded by Commissioner Langdon. The motion carried.

2. Approval Of Minutes – January 5, 2014 Meeting: The minutes of the Commission meeting held on January 5, 2013 were presented. Commissioner Yarborough noted a few minor grammatical changes that were shared with staff. Commissioner Yarborough offered a motion to approve the minutes. Commissioner Houser seconded the motion. The motion carried.

Special Note: Due to technical difficulties with the Audio/Visual Equipment, the actual order of business was conducted out of sequence. Items #3, 6, and 7 were postponed until after completion of Item #9. However, for ease of reading, the minutes are recorded in the sequence of the agenda.

IV. INFORMATIONAL ITEMS

3. Division Report: Ms. Pat Harris, director of the Division of Soil and Water Conservation, welcomed Commissioner West back to the Commission. She also recognized Dr. Richard Reich, Mr. Richard Clark, and Mr. Timothy Dale with the Fiscal Research Division of the General Assembly.

She presented the division report, which included the following:

- Announcement on the 2014 Conservation Employees Training in Greenville in August
- Reviewed the status of the Stream Debris Removal Project
- Described the proposed PL-566 Assessment Project
- Provided a summary of the Accelerated Technical Assistance for Conservation Program
- Referenced a news article about a landowner in Wyoming who was fined for building an unpermitted pond on his property and reiterated the need for all ponds to receive all required permits prior to the final engineering design.
- Announced the role of ATAC employee Daniel Hamm to help coordinate engineering requests
- Announced the Farm Pond Workshop Series
- Reminded the Commissioners on the April 15 deadline for them to submit their Statements of Economic Interest.

The handout for the division report is included as Attachment 3.

4. Association Report:

Commissioner Langdon, NCASWCD President, presented a brief overview on the following:

- 176 Supervisors and 151 guests attended the NCASWCD Annual Meeting in Asheville.
- 30 people represented North Carolina at the NACD Annual meeting in Anaheim, CA on February 2-5, 2014.
- The School of Government Training was rescheduled to May 20-21 due to inclement weather on the original date in February.
- The Legislative Breakfast is scheduled for May 22, just prior to the Commission's May meeting.
- The Ad Hoc Committee on Area Alignment is asking districts supervisors and staff and partnership employees to complete an online survey to provide feedback to the committee.

The handout provided for item 4 is attached and is an official part of the minutes.

5. NRCS Report:

Vice-Chairman Frazier called attention to the written report from NRCS that is included as Attachment 5.

6. Updates on the Nutrient Criteria Development Plan and EPA's Proposed Definition for Waters of the United States.

Mr. Keith Larick with the Department of Agriculture and Consumer Services provided an overview on the status of the North Carolina Nutrient Criteria Development Plan (NCDP). North Carolina's plan relies on site-specific strategies for managing chlorophyll-a instead of using nitrogen and phosphorus thresholds.

He reminded the commission of its opposition to the first draft of the NCDP, and stated that the second draft addresses many of the concerns expressed by the commission and others who provided comments on the original draft. Existing nutrient strategies will be unaffected. The first three watersheds to be targeted will include High Rock Lake, Middle Cape Fear River, and Albemarle Sound.

He provided an overview of DENR's rules review process.

He also discussed how EPA and NC regulates "Waters of the United States", comparing federal vs. state regulation of various water bodies and wetlands.

He responded to questions from the Commission.

Vice-chairman Frazier thanked Mr. Larick for his presentation and discussion. Mr. Larick's presentation is included in the minutes as Attachment 6.

7. Program Year 2013 Cost Share Programs Annual Report

Ms. Kelly Ibrahim and Mr. Tom Hill presented a summary of the 2013 annual reports for the Agriculture Cost Share Program, Community Conservation Assistance Program, and the Agricultural Water Resources Assistance Program. These reports were submitted to the General Assembly in January.

Ms. Ibrahim also updated the Commission on the status of Program Reviews and the new online cost share contracting system, which will go live on April 2, 2014.

Commissioner Yarborough asked about the CCAP survey. Mr. Hill responded that 48 districts have responded to date.

Vice-Chairman Frazier thanked Ms Ibrahim and Mr. Hill for their presentation and discussion.

V. ACTION ITEMS

8. Consent Agenda:

Commissioner West moved to approve the consent agenda. The motion was seconded by Commissioner Yarborough, and it passed unanimously.

8A. Appointment of Supervisors

- Julius "Wayne" Packard.; Burke SWCD; filling the unexpired term of Nancy Taylor
- Robin Smith; Rutherford SWCD, filling the unexpired term of James Hollifield
- Chad E. Decker; Cherokee SWCD; filling the unexpired term of J.B. Reeves

8B. Approval of Cost Share Supervisor Contracts

Contract No.	District	Supervisor Name	Practice(s)	Contract Amount
03-2014-003	Alleghany	Bobby Evans	Stock Trail, Well, Tank, Heavy Use Area & Livestock Exclusion	\$25,014
53-2014-005	Lee	John H. Gross	Grassed Waterway (revision)	\$218
53-2014-008	Lee	John H. Gross	Terrace (revision)	\$356
61-2014-008	Mitchell	Ed Terrell	Stream Crossing	\$2,766
71-2014-004	Pender	W.W. Murrell, Jr.	Cropland Conversion – Grass	\$1,809
71-2014-005	Pender	W.W. Murrell, Jr.	Cropland Conversion – Grass	\$2,781
75-2014-267	Polk	Frank Smith	Livestock Exclusion	\$24,999
78-2014-013	Robeson	Walter K. McGirt	3-Year Conservation Tillage	\$11,786
82-2014-008	Sampson	Dennis R. Waller (Wayne SWCD Supervisor)	Cropland Conversion	\$3,218
96-2014-008	Wayne	John Yelverton	Litter Spreader	\$7,500

8C. Job Approval AuthorityPond Site Assessment

Kenny Ray – Orange SWCD

Todd Roberts – Orange SWCD

8D. Technical Specialist Designation Recommendation**Waste Utilization/Nutrient Management****On recommendation of the Director of the NC Cooperative Extension Service:**

Deanna Wagner, CES, Davidson County

Ethan Henderson, CES, Buncombe County

Daniel Hedgecock, NCSU Soil Science Department

On verification of training and experience:

Amanda Harris, Hertford, NC

The handouts provided for items 8A-8D are attached and are an official part of the minutes.

9. Allocation of the Agricultural Water Resources Assistance Program (AgWRAP)

Vice-Chairman Frazier announced that Commissioner Langdon has recused himself from the discussion and vote on this item.

Ms. Julie Henshaw called attention to the handout for item 9, which is attached as an official part of the minutes. The AgWRAP Advisory Committee met several times to prepare a recommendation on allocating the AgWRAP funds. The handout lists the committee's general recommendations for prioritizing use of AgWRAP funds. Ms. Henshaw announced that there were 82 applications received and said the handout lists the ranking of the applications received for each region following the recommended priorities of the advisory committee. Commissioner West offered a motion to approve the committee's recommended allocation methodology with one minor change, removing the words "agricultural operation type in each" from the 3rd bullet in the recommendation. The motion was seconded by Commissioner Hughes, and it was approved.

Commissioner West moved to set a minimum ranking score of 5%. For lack of a second the motion died.

Commissioner Houser moved and Commissioner Yarborough seconded the motion to approve the ranking in the attachment following the revised allocation formula. The motion carried.

10. Supplemental Allocation of Cost Share Funds

Ms. Kelly Ibrahim referred to Attachment 10, which is included as an official part of the minutes. She reported that the table presents the supplemental allocation requests of districts who meet the commission's eligibility criteria for both the Agriculture Cost Share Program regular allocation and the requests for allocation from the 319 funds for the Impaired/Impacted Streams Initiative. Commissioner Langdon offered a motion to approve the proposed supplemental allocation, and Commissioner West seconded the motion. The motion carried.

11. Update on Lenoir SWCD Special Review

Mr. David Williams called attention to the December 10, 2013 letter to the Lenoir SWCD that was included as Attachment 11. The letter is a response to the action plan developed by the staff of the Lenoir district in response to the initial findings of the Lenoir Special Review in August 2013. Mr. Williams stated that the district's action plan was not sufficient to address the concerns noted in the division's August 15, 2013 initial findings letter.

Commissioner Yarborough offered a motion with 4 parts:

1. The commission send a letter to the Lenoir Soil and Water Conservation District (with a copy to the Lenoir County Commissioners and Lenoir County Manager) requiring the soil and water conservation district to file by May 1, 2014 a detailed written report responding to every inadequacy noted in the division's December 10, 2013 special review letters and requiring the district's chairman and cost share technician to appear before the commission at its May 22, 2014 meeting to explain these inadequacies and the actions to correct these inadequacies.
2. Beginning immediately, the commission must approve each Ag Cost Share Program, CCAP, and AgWRAP contract of the Lenoir Soil and Water Conservation District before that contract can be effective, and the commission must approve each Lenoir Soil and Water Conservation District request for reimbursement prior to the division issuing payment. A Lenoir District supervisor and district cost share technician must appear before the commission at a scheduled meeting to present these contracts and reimbursement requests to the commission.

3. Beginning immediately, no Lenoir Soil and Water Conservation District supervisor will be eligible for cost share contracts.
4. The division is directed to consult with the Attorney General's office to take appropriate legal action for Lenoir District contracts that appear to have been overpaid or were ineligible.

Commissioner West seconded the motion.

Commissioner Hughes moved to amend the motion to include a reference to the initial findings letter dated August 15, 2013. Commissioner West seconded the motion, and the motion passed.

Vice-Chairman Frazier called for a vote on the amended motion, and the motion passed.

Commissioner West stated that he reviewed the powers and duties of the Commission, and he suggested consideration of enhancing the Commission's authority to control funds. He offered a motion that the Division work with counsel to explore the need for additional authority. Mr. Yarborough seconded the motion, and the motion carried.

VI. PUBLIC COMMENTS:

Vice-Chairman Frazier thanked everyone for coming to the meeting, and he asked if there were any additional comments from the Commission or the public.

Commissioner Yarborough congratulated Vice-Chairman Frazier on the excellent meeting and thanked him for his willingness to step up to respond to a needs whenever they arise. Commissioner Langdon echoed Commissioner Yarborough's remarks.

Mr. Dick Fowler announced that the Association met with Mr. James Tillman, NRCS Southeast Regional Conservationist, about the lingering issues with addressing drainage needs in Eastern NC resulting from hurricanes and storms. The Association has sent a letter from the Association's Water Resources Committee to try to obtain a more favorable interpretation as to how the USDA Emergency Watershed Program can be used to address the needs for removing storm debris from streams and drainage ways.

VII. ADJOURNMENT

With no further business, Vice-Chairman Frazier declared the meeting adjourned at 10:58 a.m.

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

David B. Williams, Recording Secretary
(Sign & Date)

These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 22, 2014.

Patricia K. Harris, Director
(Sign & Date)

**NORTH CAROLINA
 SOIL & WATER CONSERVATION
 COMMISSION TELECONFERENCE MINUTES
 March 24, 2014**

Fourth Floor Conference Room
 Archdale Building
 512 N. Salisbury St
 Raleigh, NC

Commission Members	Others Present	
Vicky Porter	Pat Harris	
Craig Frazier	David Williams	
Tommy Houser	Natalie Woolard	
John Langdon	Tom Hill	
Bill Yarborough	Rob Baldwin	
Charles Hughes	Dick Fowler	
	Mike Robinson	
	Jeff Harris	
	Davis Ferguson	
Commission Counsel		
Jennie Hauser		
Guest		

Chairwoman Vicky Porter called the meeting to order at 7:00 p.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 Langdon declared a conflict for item #3 and announced that he would recuse himself from the discussion and vote.

1. Approval Of Agenda:

Chairwoman Porter reviewed the agenda. Commissioner Frazier moved to approve the agenda as presented. The motion was seconded by Commissioner Langdon. The motion carried.

PURPOSE OF THE MEETING

Chairwoman Porter called on Ms. Hauser to describe the purpose of the meeting. Ms. Hauser stated that the purpose of the meeting is to reconsider the actions from the March 19 meeting at which Mr. Manly West inadvertently participated as a Commission member before his appointment was official. Commissioner Frazier moved to rescind the votes taken at the March 19, 2014 meeting. Commissioner Yarborough seconded the motion, and the motion was approved.

ACTION ITEMS**2. Consent Agenda:**

Commissioner Frazier moved to approve the consent agenda. The motion was seconded by Commissioner Yarborough, and it passed unanimously.

2A. Appointment of Supervisors

- Julius “Wayne” Packard.; Burke SWCD; filling the unexpired term of Nancy Taylor
- Robin Smith; Rutherford SWCD, filling the unexpired term of James Hollifield
- Chad E. Decker; Cherokee SWCD; filling the unexpired term of J.B. Reeves

2B. Approval of Cost Share Supervisor Contracts

Contract No.	District	Supervisor Name	Practice(s)	Contract Amount
03-2014-003	Alleghany	Bobby Evans	Stock Trail, Well, Tank, Heavy Use Area & Livestock Exclusion	\$25,014
53-2014-005	Lee	John H. Gross	Grassed Waterway (revision)	\$218
53-2014-008	Lee	John H. Gross	Terrace (revision)	\$356
61-2014-008	Mitchell	Ed Terrell	Stream Crossing	\$2,766
71-2014-004	Pender	W.W. Murrell, Jr.	Cropland Conversion – Grass	\$1,809
71-2014-005	Pender	W.W. Murrell, Jr.	Cropland Conversion – Grass	\$2,781
75-2014-267	Polk	Frank Smith	Livestock Exclusion	\$24,999
78-2014-013	Robeson	Walter K. McGirt	3-Year Conservation Tillage	\$11,786
82-2014-008	Sampson	Dennis R. Waller (Wayne SWCD Supervisor)	Cropland Conversion	\$3,218
96-2014-008	Wayne	John Yelverton	Litter Spreader	\$7,500

2C. Job Approval Authority

Pond Site Assessment

Kenny Ray – Orange SWCD

Todd Roberts – Orange SWCD

2D. Technical Specialist Designation Recommendation

Waste Utilization/Nutrient Management

On recommendation of the Director of the NC Cooperative Extension Service:

Deanna Wagner, CES, Davidson County
 Ethan Henderson, CES, Buncombe County
 Daniel Hedgecock, NCSU Soil Science Department

On verification of training and experience:

Amanda Harris, Hertford, NC

The handouts provided for items 2A-2D are attached and are an official part of the minutes.

3. Allocation of the Agricultural Water Resources Assistance Program (AgWRAP)

Chairwoman Porter announced that Commissioner Langdon has recused himself from the discussion and vote on this item.

Commissioner Frazier offered a motion to approve the committee's recommended allocation methodology with one minor change, removing the words "agricultural operation type in each" from the 3rd bullet in the recommendation. The motion was seconded by Commissioner Houser, and it was approved. The recommendations from the AgWRAP Advisory Committee and approved AgWRAP allocation are attached as item 3 and are an official part of the minutes.

4. Supplemental Allocation of Cost Share Funds

Commissioner Hughes offered a motion to approve the proposed supplemental allocation, and Commissioner Langdon seconded the motion. The motion carried. The approved Supplemental Allocation of Cost Share Funds is included as Attachment 4 and is an official part of the minutes.

5. Update on Lenoir SWCD Special Review

Commissioner Frazier offered a motion with 4 parts:

- a. The commission send a letter to the Lenoir Soil and Water Conservation District (with a copy to the Lenoir County Commissioners and Lenoir County Manager) requiring the soil and water conservation district to file by May 1, 2014 a detailed written report responding to every inadequacy noted in the division's August 15, 2013 and December 10, 2013 special review letters and requiring the district's chairman and cost share technician to appear before the commission at its May 22, 2014 meeting to explain these inadequacies and the actions to correct these inadequacies.
- b. Beginning immediately, the commission must approve each Ag Cost Share Program, CCAP, and AgWRAP contract of the Lenoir Soil and Water Conservation District before that contract can be effective, and the commission must approve each Lenoir Soil and Water Conservation District request for reimbursement prior to the division issuing payment. A Lenoir District supervisor and district cost share technician must appear before the commission at a scheduled meeting to present these contracts and reimbursement requests to the commission.
- c. Beginning immediately, no Lenoir Soil and Water Conservation District supervisor will be eligible for cost share contracts.
- d. The division is directed to consult with the Attorney General's office to take appropriate legal action for Lenoir District contracts that appear to have been overpaid or were ineligible.

Commissioner Hauser seconded the motion, and the motion passed.

The December 10, 2013 letter to the Lenoir SWCD is included as Attachment 5 and is an official part of the minutes.

6. Explore Statutory Changes to Enhance the Commission's Authority to Control Funds

Commissioner Langdon offered a motion that the Division work with counsel to explore the need for additional statutory authority to control funds. Commissioner Yarborough seconded the motion, and the motion carried.

ADJOURNMENT

With no further business, Commissioner Frazier moved to adjourn, and Commissioner Houser seconded the motion. The motion was approved, and Chairwoman Porter declared the meeting adjourned at 7:12 p.m.

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

David B. Williams, Recording Secretary
(Sign & Date)

These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 22, 2014.

Patricia K. Harris, Director
(Sign & Date)

Division of Soil and Water Conservation Report



NC Soil & Water Conservation Commission

May 22, 2014



Daniel Hamm

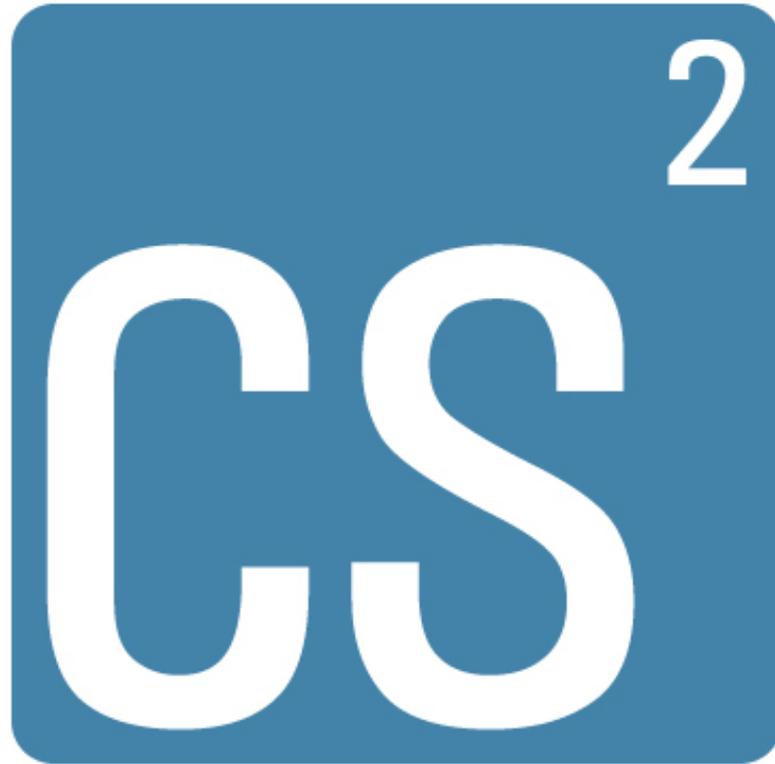
Part-time Conservation Program Assistant
ECU Senior; major in Construction Management
Ag background; AutoCad and surveying



Edward Stephens

Soil Scientist for the Eastern Region





Cost Share Contracting System

NCDA&CS DSWC

Kelly Ibrahim

Lisa Fine

Ken Parks

Joey Hester

Paula Day *

David Harrison

District Testers

Amanda Buchanan

Andrew Cox

Anthony Hester

Barry Greer

Billy Corbin

Bobbie Gerald

Brandon Higgins

Brenda Williams

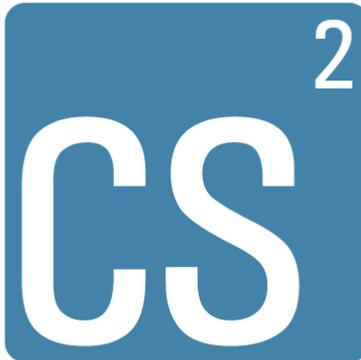
Brian Lannon

Bryan Colvard

Tom Hill

Julie Henshaw

Joseph Kattikatt **



Cost Share Contracting System

Daniel McClellan

Duane Vanhook

Jamie Walker

Jonathan Creason

Kenny Ray

Larry Simpson

Linda Hash

Louise Hart

Mike Bowman

NCDA&CS

Herman Honeycutt

Srilaxmi Devineni

Adam Kracht

Tom Williams

Thomas McNeil

Randy Woodson

Millie Langley

Mitch Miller

PJ Andrews

Ryan Manning

Scott Alons

Sherry Harris

Stephen Bishop

Susannah Goldston

Todd Roberts

Tyler Ross

Agricultural Water Resources Assistance Program (AgWRAP)

BMP	Number of contracts	Amount contracted	Amount paid
Agricultural pond sediment removal	34	\$ 122,444	\$ 40,879
Agricultural water supply/reuse pond	65	\$ 1,025,063	\$ 211,200
Agriculture pond repair/retrofit	18	\$ 202,507	\$ 21,816
Conservation irrigation conversion	1	\$ 2,278	\$ -
Micro-irrigation system	7	\$ 40,061	\$ 5,903
Streamside pickup	1	\$ 8,900	\$ -
Well	72	\$ 282,723	\$ 235,969
Total	198	\$ 1,683,976	\$ 515,767

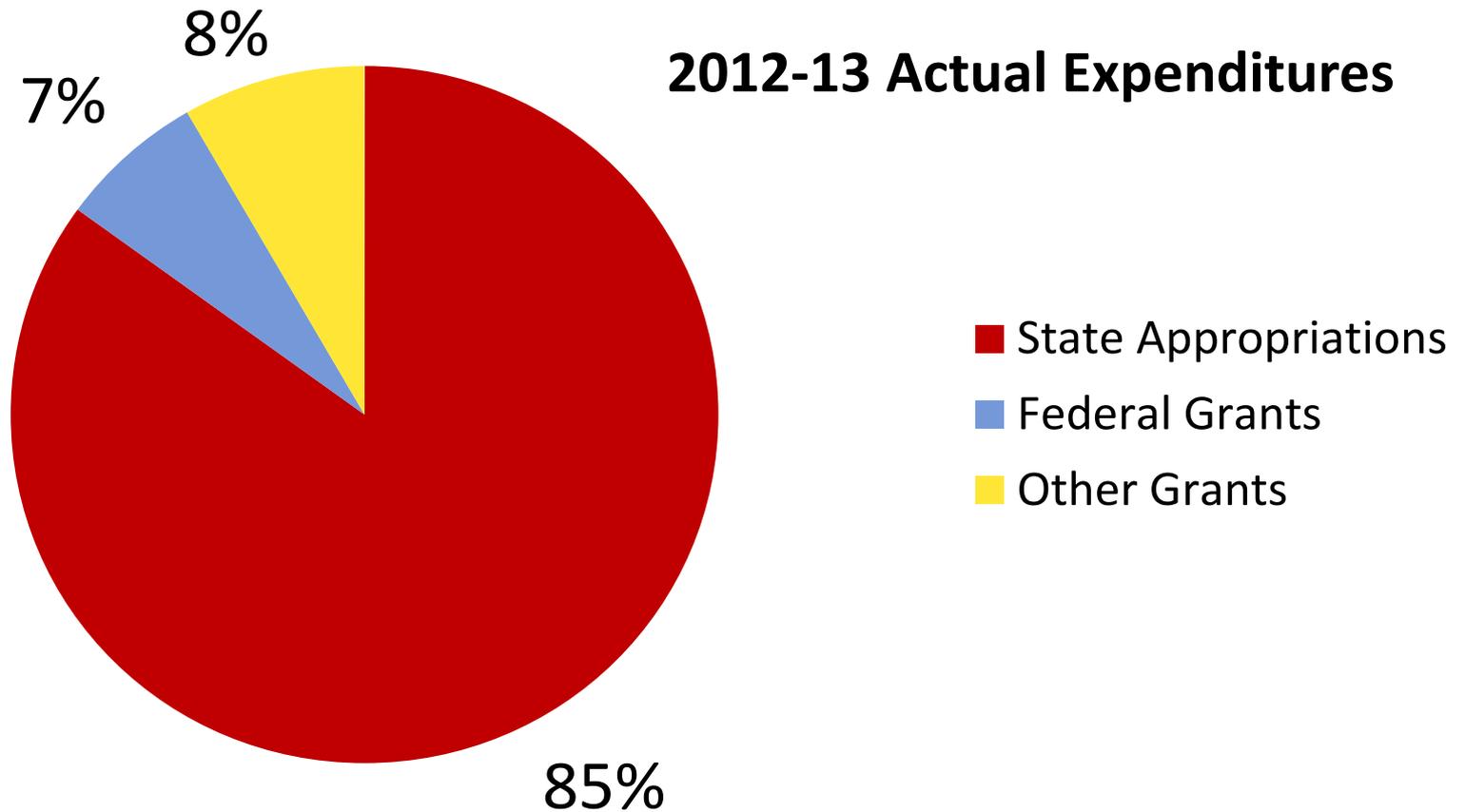
**Please note, soil and water conservation districts have until June 4, 2014 to finalize BMP contracts using FY2014 funds.*

District Supervisor Travel Funds

- Exhausted April 30
- May 21-22 Commission meeting
- May 20-21 School of Government Basic Training Course for Soil & Water Conservation Supervisors (12 supervisors)

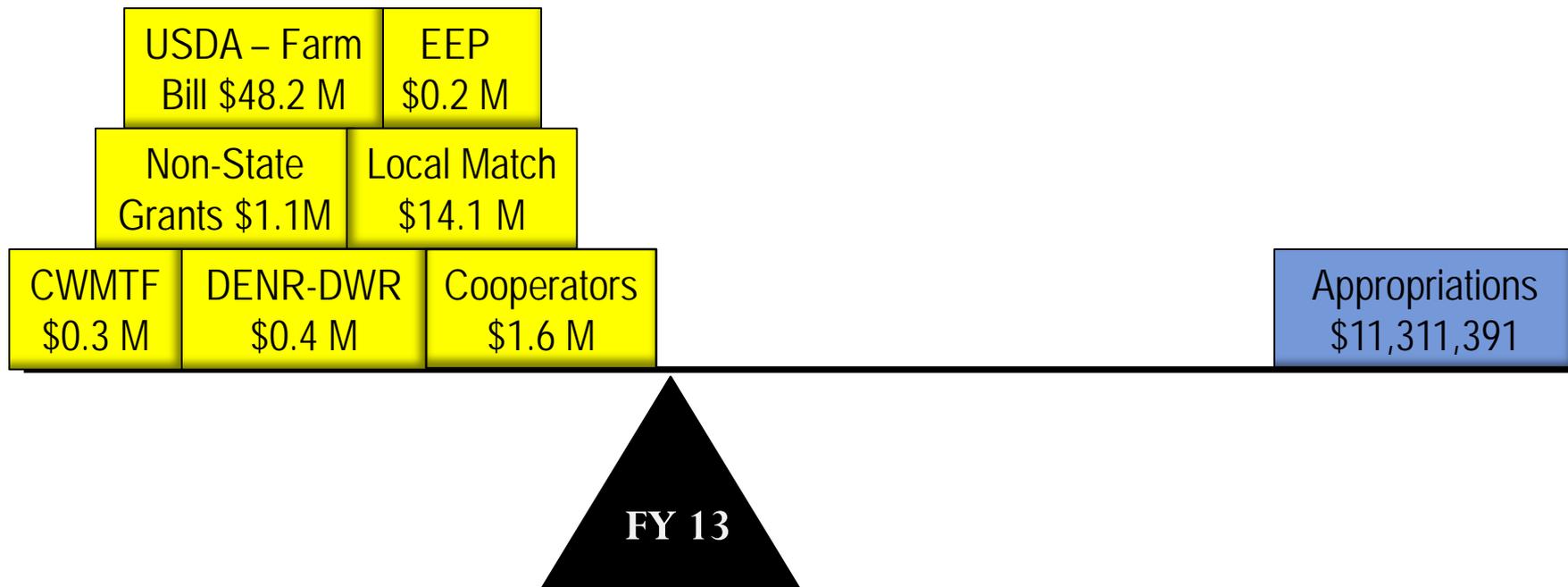


2012-13 Actual Expenditures



FY13 Total = \$13,309,352

LEVERAGING OF DIVISION FUNDS



\$65.87 million leveraged in FY 2012-13

\$1 state appropriations leverages \$5.82 in outside resources

Funds & services directed to landowners to install conservation best management practices

Requesting Division Technical Assistance



Purpose of New Process

- ❖ Streamline the process for district employees to submit technical assistance requests for improved efficiency and accountability by the division.
- ❖ Enable division management to better prioritize workload to best meet commission and district expectations.
- ❖ Allow division management to more equitably distribute workload statewide.
- ❖ Assist in identifying and potentially justifying the need for additional resources.



Technical Assistance Requests

All Technical Assistance requests be submitted through a centralized email account.

SWC_Tech_Assistance@ncagr.gov

Requests will be assigned to appropriate staff only after:

- ❖ Ensure all requested information is provided and complete
- ❖ Priority assigned.



Technical Assistance Workload Priorities

Organized by key responsibilities:

- ❖ Conservation Project Design, Layout and Installation
- ❖ General Technical Assistance
- ❖ Emergency Response and Preparedness
- ❖ Building District Capacity
- ❖ Education

More detail level of tasks/projects are then assigned a priority between 1-4; level 1 is top priority.



This process does not:

- Change current division technical staff assignments for each district.
- Prevent discussions and direct correspondence with division technical staff.
- Prevent division technical staff to work on items within each priority category. The categories just allow for a more defined method to prioritize.





Project Management Software

- ❖ Request Form Information is uploaded to software
- ❖ Work order will be created and sent via email.
- ❖ Attachments can be uploaded to each job as needed.
- ❖ Creating templates specific to typical job types.
- ❖ Will be web-based and available on mobile devices
- ❖ Future Goal – NPS & District Ops staff read-only access



SUCCESS

*Coming together is a beginning;
keeping together is progress;
working together is success.*

~Henry Ford

Division of Soil & Water Conservation

<http://www.ncagr.gov/SWC/>

(919) 733-2302



ASSOCIATION REPORT TO THE COMMISSION

May 22 2014

NACD Legislative Fly-in -- On March 25-26, six from North Carolina participated in the annual NACD Legislative Conference to include supervisors John Langdon, Franklin Williams, Jeff Harris, and Nancy Carter; Association Executive Director Dick Fowler, and NRCS State Conservationist Tim Beard. The group visited all Capitol Hill North Carolina congressional offices on the 26th. North Carolina was also instrumental in working through the office of NC Congressman Hudson in getting a concurrent resolution introduced in the House that recognizes the work of local soil and water conservation districts and the value of voluntary, incentive based conservation. This resolution is a high priority of NACD and they are working to secure a primary sponsor in the Senate.

Market Based Conservation Initiative – At this time the future of this joint effort with the military is uncertain. The Navy has determined that the current due diligence requirements of the pilot are not cost effective and alternatives are being pursued. Landowner bids, as prioritized by the military, from all three phases are currently being evaluated for contract development as well as applications from the second bid round in Phase 1 counties. Local soil and water conservation districts have done an excellent job rolling out this innovative initiative.

State Envirothon – Thanks to the hard work of the State Envirothon Committee and countless volunteers, a very successful State Envirothon was held April 25-26 at Cedarock Park in Alamance County with 46 high school teams and 48 middle school teams competing. After all scores were tallied, the following teams placed first: High School – Occasional Acorns, Woods Charter School, Chatham County; Middle School – Organic Waste, Wilson 4-H Envirothon Club, Wilson County; and FFA Team – Princesses FFA, Northeastern High School, Pasquotank County.

State Speech Contest – On May 9, the Association held a very successful State Speech Contest with 7th and 8th grade students from across the state participating.

Outstanding Conservation Farm Family Program – Regional judging has just been completed on Area winning family farms in the following counties: Mountain Region – Clay, Caldwell, and Stanley; Piedmont Region – Randolph and Franklin. State judging is scheduled for early June. No entries were received in Areas 5, 6, and 7.

Legislative Breakfast – The Association’s annual Legislative Breakfast was held on May 22 in the Legislative Building Cafeteria with strong participation by legislators and district supervisors. The program highlighted the work of the Commission in administering the three conservation cost share programs and the main speaker was Vicky Porter, Commission Chair.

School of Government Training – Twenty seven from across the state are registered to participate in the basic training course on May 20-21. Of this total, 11 are district supervisors.

State-wide Survey Regarding Area Alignment – The on-line survey to gather input regarding Area alignment will remain active until June 1. To date, over 200 have provided feedback through the survey. After the survey closes, data will be analyzed and presented to the Ad Hoc Committee on Area Alignment for their use in developing a recommendation for the Association.



State Conservationist Tim Beard - Quick Notes

With the passing of the new Farm Bill, our state, area and field office employees are actively becoming versed in new programs and changes to existing programs, and NRCS is quickly developing processes to administer these changes across the state. We are in the process of administering the Environmental Quality Incentives Program (EQIP), and the new Agricultural Conservation Easement Program (ACEP), which takes the place of Farm and Ranchland Protection Program (FRPP), Grassland Reserve Program (GRP) and Wetlands Reserve Program (WRP). Below, you will find quick overviews and updates on exciting things happening with NRCS, and as always, if you need assistance or further information, please feel free to contact our staff.

Overview

Environmental Quality Incentives Program (EQIP)

Fiscal Year 2014 application deadlines for EQIP Financial Assistance funding consideration were November 15, 2013, January 17, 2014, March 21, 2014, and May 16, 2014. Final ranking for all eligible applications received by May 16, will occur on May 30, 2014. Currently, North Carolina NRCS has \$17,365,208 in EQIP Financial Assistance to administer statewide. As of May 14, we have received more than \$28 million in requests for EQIP participation.

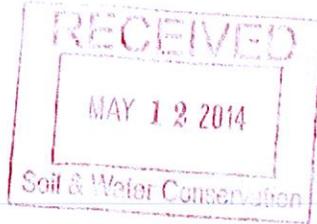
Agricultural Conservation Easement Program (ACEP)

NRCS is now accepting applications for its new Agricultural Conservation Easements Program (ACEP). There are two components to ACEP - Agricultural Land Easements (ALE) and Wetland Reserve Easements (WRE). Approved agricultural easements would prevent productive working lands from being converted to non-agricultural uses and maximize protection of land devoted to food production. Cropland, rangeland, grassland, pastureland and nonindustrial private forestland are eligible. Wetland reserve easements would restore and enhance wetlands and improve habitat. Eligible lands include farmed or converted wetlands that can be successfully and cost-effectively restored. Applications are currently being accepted for the ACEP-WRE component and will be rated according to the easement's potential for protecting and enhancing habitat for migratory birds, fish and other wildlife. ACEP-WRE applications must be submitted to North Carolina NRCS by June 6, 2014.

Applications are currently being accepted for the ACEP-ALE component. Parcels submitted by an eligible entity will be ranked according to the relative development pressure and agricultural viability of the offered land. ACEP-ALE applications must be submitted to North Carolina NRCS by May 30, 2014. State allocations for ACEP will be received in July.

Watershed Rehabilitation Program

Many of the PL-566 dams have passed or are approaching their service life and/or have been reclassified by the State Dam Safety Office to high hazard because of development downstream. A High Hazard classification means that dam failure may result in loss of life and serious damage to homes, industrial or commercial buildings, important public utilities, main highways, or railroads. Watershed Rehabilitation Program funds are available for "Sponsor Supported and Ready" projects on PL-566 dams. Funds will help rehabilitate dams to all applicable safety and performance standards to extend their service life. Some of the types of rehabilitation include: removing sediment or the dam, raising the height of dam, altering principal and/or auxiliary spillways, replacing deterioration components, and removing downstream hazards. Sponsors will certify the following: ability to obtain land rights, ability to provide 35% cost share, control of downstream development if not high hazard, completion of an Emergency Action Plan, and that the current O&M is up-to-date. For more information, please contact Terri Ruch at Terri.Ruch@nc.usda.gov.



INTERNAL USE ONLY:
Appointed / Elected Seat
Current Term: 10-14

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 Carteret Soil and Water Conservation District of Carteret 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 2014 and ending 2014 to fill the expired or un-expired term of Dan W. Bowen Jr. May 2014

Name of nominee: Mike Temple
Address of nominee, City, State, Zip: 499 S NC Highway 101 Newport NC, 28570
Email address of nominee: m.temple@ec.rr.com
Home phone: _____
Mobile phone: 252-241-3618
Business phone: _____
Occupation: Farmer
Age: 48
Education: Bachelor Degree
Positions of leadership NOW held by nominee: Farm Bureau Board Director
Former occupations or positions of leadership contributing to nominee's qualifications: FARMER

Other pertinent information: _____

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

Signatures

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

X Herbert F. Page 5-7-14
SWCD Chair (or Vice Chair if Chair is being nominated) Date
Printed name: _____

This recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X Herbert F. Page 5-7-14
SWCD Chair (or Vice Chair if Chair is being nominated) Date
Printed name: _____

X Michael C. Temple 5-7-14
Individual recommended for appointment Date
Printed name: Michael C. Temple

Daniel W. Bowen Jr., 674 Hwy 101, Beaufort NC 28516

November 7, 2013

Mr. Herbert Page, Chairman
Carteret Soil & Water Conservation District
Board of Supervisors
5417 Hwy 24
Newport NC 28570

Dear Herbert:

Please accept this Notice of Resignation from being a member of the
Carteret Soil & Water Conservation District Board of Supervisors.

If you have any questions, please let me know.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Daniel W. Bowen, Jr." The signature is written in dark ink and is positioned above the printed name.

Daniel W. Bowen, Jr.



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 Appointed / Elected Seat
 Current Term: 10-14

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

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the Forsyth Soil and Water Conservation District of Forsyth 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 June 1, 2014 and ending November 30, 2014 to fill the expired or un-expired term of Grover C. McPherson.

Name of nominee: Wendell Leslie Schollander III (Wes)
 Address of nominee, City, State, Zip: 718 Westover Avenue, Winston-Salem NC 27104
 Email address of nominee: schollanderlaw@bellsouth.net
 Home phone: n/a
 Mobile phone: 336-830-5463
 Business phone: 336-727-0900
 Occupation: Attorney
 Age: 39
 Education: BA UNC 1997, JD WFU 2001
 Positions of leadership NOW held by nominee: Board member of Forsyth Education Partnership; Organizer Winston-Salem Lecture Night
 Former occupations or positions of leadership contributing to nominee's qualifications: Forsyth SWCD Board Member 2004-2008, NC Bar Bankruptcy Section Board Member, Former Boy Scout Law Explorer Post Leader
 Other pertinent information: _____

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

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

X [Signature] 4/15/14
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: Toby Bost

This recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X [Signature] 4/15/14
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: Toby Bost

X [Signature] 4-11-14
 Individual recommended for appointment Date
 Printed name: Wendell Leslie Schollander III

Toby Bost, Chairman
Grover McPherson, Vice-Chairman
Ed Wall, Secretary /Treasurer



Steven Anderson, Member
Kevin Briggs, Member

FORSYTH SOIL AND WATER CONSERVATION DISTRICT

February 10, 2014

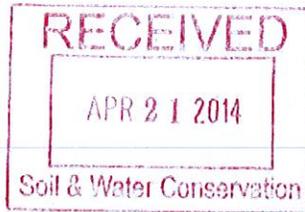
Dear Toby,

It is with regret that I am writing to inform you of my decision to resign my position on the Forsyth SWCD Board of Supervisors effective immediately. Due to health concerns, I am no longer able to fulfill the requirements of the position.

I wish to thank the board for the work they have done during my 17 years as a Supervisor. I thank Mark Tucker for his continued support of the district. I also thank the many farmers we have had the pleasure of serving over the years.

Sincerely,

Grover McPherson



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 Appointed / Elected Seat
 Current Term: 12-16

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

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR
 Complete and send 1 copy to the address above; keep a copy for your file

The supervisors of the RICHMOND Soil and Water Conservation District of RICHMOND County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing APRIL 2014 and ending DECEMBER 2016 to fill the expired or un-expired term of ROBERT A. HILL, SR.

Name of nominee: CECIL ROBINSON
 Address of nominee, City, State, Zip: 1081 GHIO ROAD, HAMLET, NC 28345
 Email address of nominee: NONE
 Home phone: _____
 Mobile phone: 910-417-5386
 Business phone: _____
 Occupation: Farmer
 Age: 58
 Education: High School
 Positions of leadership NOW held by nominee: _____
 Former occupations or positions of leadership contributing to nominee's qualifications: _____
 Other pertinent information: _____

Is nominee willing to attend a training session within the first year after appointment? Check for "Yes"
 Has the nominee been contacted to determine 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.

X Jeff W. Joyner 4/11/2014
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: JEFF W. JOYNER

This recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X Jeff W. Joyner 4/11/2014
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: JEFF W. JOYNER

X Cecil Robinson 3-19-2014
 Individual recommended for appointment Date
 Printed name: CECIL ROBINSON

ITEM NO. 3

MARCH 14, 2014

RICHMOND SWCD BOARD
123 CAROLINE STREET #300
ROCKINGHAM NC 28379

DEAR SUPERVISORS;

I SUBMIT MY FULL RESIGNATION AS A SUPERVISOR OF RICHMOND SOIL & WATER CONSERVATION DISTRICT.

I WOULD LIKE TO CONTINUE TO SERVICE THE NO-TILL DRILLS FOR AS LONG AS I AM PHYSICALLY ABLE.

~~I CAN CONTINUE TO STAY ON THE SIGNATURE CARD AT COMMUNITY ONE BANK AS LONG AS THE BOARD WISHES.~~ *ss*

SINCERELY,



ROBERT A. HILL



Item #3



INTERNAL USE ONLY: Appointed / Elected Seat Current Term: 10-14

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 TRANSYLVANIA COUNTY Soil and Water Conservation District of TRANSYLVANIA 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 22, 2014 and ending DECEMBER 1, 2014 to fill the expired or un-expired term of CHARLES BRYSON.

Name of nominee: ROBERT D. TWOMEY Address of nominee, City, State, Zip: P.O. Box 53 Cedar Mountain NC 28718 Email address of nominee: RTWOMEY@COMFORIUM.NET Home phone: 828-864-7174 Mobile phone: 828-421-1489 Business phone: 828-877-6527 x240 Occupation: RANGER @ DUPONT STATE RECREATIONAL FOREST Age: 59 Education: BS IN CONSERVATION OF NATURAL RESOURCES Positions of leadership NOW held by nominee: VISITOR CENTER MANAGER @ DSRF Former occupations or positions of leadership contributing to nominee's qualifications: 37 YR 7MO USDA-NRCS DISTRICT CONSERVATIONIST. Other pertinent information:

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

Signatures

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

X [Signature] SWCD Chair (or Vice Chair if Chair is being nominated) Date 5/1/14 Printed name:

This recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

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

X [Signature] Individual recommended for appointment Date MAY 1 2014 Printed name: ROBERT D. TWOMEY



Transylvania County
Soil & Water Conservation District
106 East Morgan Street, 138
Brevard, NC 28712

April 11, 2014

Mr. Dick Bragg, Chairman
Transylvania Soil & Water Conservation District
Board of Supervisors
106 E. Morgan Street, Suite 138
Brevard, NC 28712

Dear Dick,

It is with much regret that I inform you of my resignation effective April 17, 2014, as Vice-Chairman of the Transylvania Board of Supervisors for the Soil & Water Conservation District.

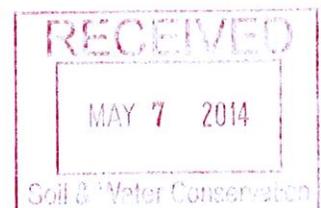
It has been a pleasure working with you and the other Supervisors since June of 1998. I wish the District only the best and hope that you continue your good work.

Sincerely,

Charles Bryson
Vice-Chairman

CB/jm

Cc: Artie Wilson, County Manager
Davis Ferguson, Regional Coordinator, DSWC





DIVISION OF SOIL AND WATER CONSERVATION
 North Carolina Department of Agriculture & Consumer Services
 1614 Mail Service Center • Raleigh, NC 27699-1614
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APPOINTMENT OF SUPERVISOR
 District: 10-14

* REVISED *

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the TRANSVIVANIA COUNTY Soil and Water Conservation District of TRANSVIVANIA 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 22, 2014 and ending DECEMBER 1, 2014 to fill the expired or un-expired term of CHARLES BRYSON.

Name of nominee: ROBERT D. TWOMEY
 Address of nominee, City, State, Zip: P.O. BOX 53 CEDAR MOUNTAIN NC 28718
 Email address of nominee: RTWOMEY@COMORIUM.NET
 Home phone: 828-864-7174
 Mobile phone: 828-421-1489
 Business phone: 828-877-6527 x240
 Occupation: RANGER @ DUPONT STATE RECREATIONAL FOREST
 Age: 59
 Education: BS IN CONSERVATION OF NATURAL RESOURCES
 Positions of leadership NOW held by nominee: VISITOR CENTER MANAGER @ USRF
 Former occupations or positions of leadership contributing to nominee's qualifications: 37 YR 7 MO
USDA-NRCS DISTRICT CONSERVATIONIST.
 Other pertinent information: _____

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

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

Dick Bragg 5/1/14
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: DICK BRAGG

Dick Bragg 5/1/14
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: DICK BRAGG

Robert D Twomey MAY 1 2014
 Individual recommended for appointment Date
 Printed name: ROBERT D. TWOMEY



DIVISION OF SOIL AND WATER CONSERVATION
 North Carolina Department of Agriculture & Consumer Services
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 919.733.2302 • www.ncagr.gov/sw/

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

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the New Hanover Soil and Water Conservation District of New Hanover 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 immediately and ending December 2016 to fill the expired or un-expired term of Arthur W. Brownell. May 2014 - KAF

Name of nominee: Anthony E. Mills
 Address of nominee, City, State, Zip: 1209 Tremont Court, Wilmington, NC 28411
 Email address of nominee: amills@coastalinddesign.net
 Home phone: 910-791-0804
 Mobile phone: 910-233-8581
 Business phone: 910-254-9333 ext: 1001
 Occupation: CPESC (Certified Professional in Erosion and Sediment) and CPSWQ (Certified Professional in Storm Water Quality) Engineer
 Age: 49
 Education: Pre-Engineering -- University of North Carolina at Wilmington
 Positions of leadership NOW held by nominee: Associate Supervisor
 Former occupations or positions of leadership contributing to nominee's qualifications: New Hanover County Parks and Recreation Advisory Board, Chairman, New Hanover County Cooperative Extension Advisory Council, Chairman, Cape Fear Resource Conservation & Development, Inc.
 Other pertinent information: North Carolina Professional Engineer # 39280, Certified Professional in Erosion and Sediment Control # 1564 Certified Professional in Storm Water Quality # 624

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

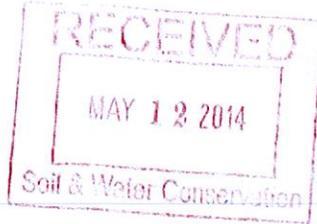
I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination.

William J. Hart 5/13/2014
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: William J. HART

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.

William J. Hart 5/20/14
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: William J. HART

X Anthony E. Mills 5/20/14
 Individual recommended for appointment Date
 Printed name: ANTHONY E. MILLS



INTERNAL USE ONLY:
Appointed / Elected Seat
Current Term: 10-14

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North Carolina Department of Agriculture & Consumer Services
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RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the Carteret Soil and Water Conservation District of Carteret 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 2014 and ending 2014 to fill the expired or un-expired term of Dan W. Bowen Jr. May 2014

Name of nominee: Mike Temple
Address of nominee, City, State, Zip: 499 S NC Highway 101 Newport NC, 28570
Email address of nominee: m.temple@ec.rr.com
Home phone: _____
Mobile phone: 252-241-3618
Business phone: _____
Occupation: Farmer
Age: 48
Education: Bachelor Degree
Positions of leadership NOW held by nominee: Farm Bureau Board Director
Former occupations or positions of leadership contributing to nominee's qualifications: FARMER

Other pertinent information: _____

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

Signatures

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

X Herbert F. Page 5-7-14
SWCD Chair (or Vice Chair if Chair is being nominated) Date
Printed name: _____

This recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X Herbert F. Page 5-7-14
SWCD Chair (or Vice Chair if Chair is being nominated) Date
Printed name: _____

X Michael C. Temple 5-7-14
Individual recommended for appointment Date
Printed name: Michael C. Temple

Daniel W. Bowen Jr., 674 Hwy 101, Beaufort NC 28516

November 7, 2013

Mr. Herbert Page, Chairman
Carteret Soil & Water Conservation District
Board of Supervisors
5417 Hwy 24
Newport NC 28570

Dear Herbert:

Please accept this Notice of Resignation from being a member of the
Carteret Soil & Water Conservation District Board of Supervisors.

If you have any questions, please let me know.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Daniel W. Bowen, Jr." The signature is written in dark ink and is positioned above the printed name.

Daniel W. Bowen, Jr.



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 Current Term: 10-14

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 North Carolina Department of Agriculture & Consumer Services
 1614 Mall Service Center • Raleigh, NC 27699-1614
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RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the Forsyth Soil and Water Conservation District of Forsyth 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 June 1, 2014 and ending November 30, 2014 to fill the expired or un-expired term of Grover C. McPherson.

Name of nominee: Wendell Leslie Schollander III (Wes)
 Address of nominee, City, State, Zip: 718 Westover Avenue, Winston-Salem NC 27104
 Email address of nominee: schollanderlaw@bellsouth.net
 Home phone: n/a
 Mobile phone: 336-830-5463
 Business phone: 336-727-0900
 Occupation: Attorney
 Age: 39
 Education: BA UNC 1997, JD WFU 2001
 Positions of leadership NOW held by nominee: Board member of Forsyth Education Partnership; Organizer Winston-Salem Lecture Night
 Former occupations or positions of leadership contributing to nominee's qualifications: Forsyth SWCD Board Member 2004-2008, NC Bar Bankruptcy Section Board Member, Former Boy Scout Law Explorer Post Leader
 Other pertinent information: _____

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

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

X [Signature] 4/15/14
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: Toby Bost

This recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X [Signature] 4/15/14
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: Toby Bost

X [Signature] 4-11-14
 Individual recommended for appointment Date
 Printed name: Wendell Leslie Schollander III

Toby Bost, Chairman
Grover McPherson, Vice-Chairman
Ed Wall, Secretary /Treasurer



Steven Anderson, Member
Kevin Briggs, Member

FORSYTH SOIL AND WATER CONSERVATION DISTRICT

February 10, 2014

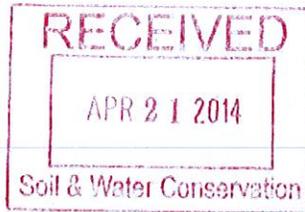
Dear Toby,

It is with regret that I am writing to inform you of my decision to resign my position on the Forsyth SWCD Board of Supervisors effective immediately. Due to health concerns, I am no longer able to fulfill the requirements of the position.

I wish to thank the board for the work they have done during my 17 years as a Supervisor. I thank Mark Tucker for his continued support of the district. I also thank the many farmers we have had the pleasure of serving over the years.

Sincerely,

Grover McPherson



INTERNAL USE ONLY:
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 Current Term: 12-16

DIVISION OF SOIL AND WATER CONSERVATION
 North Carolina Department of Agriculture & Consumer Services
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RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR
 Complete and send 1 copy to the address above; keep a copy for your file

The supervisors of the RICHMOND Soil and Water Conservation District of RICHMOND County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing APRIL 2014 and ending DECEMBER 2016 to fill the expired or un-expired term of ROBERT A. HILL, SR.

Name of nominee: CECIL ROBINSON
 Address of nominee, City, State, Zip: 1081 GHIO ROAD, HAMLET, NC 28345
 Email address of nominee: NONE
 Home phone: _____
 Mobile phone: 910-417-5386
 Business phone: _____
 Occupation: Farmer
 Age: 58
 Education: High School
 Positions of leadership NOW held by nominee: _____
 Former occupations or positions of leadership contributing to nominee's qualifications: _____
 Other pertinent information: _____

Is nominee willing to attend a training session within the first year after appointment? Check for "Yes"
 Has the nominee been contacted to determine 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.

X Jeff W. Joyner 4/11/2014
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: JEFF W. JOYNER

This recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X Jeff W. Joyner 4/11/2014
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: JEFF W. JOYNER

X Cecil Robinson 3-19-2014
 Individual recommended for appointment Date
 Printed name: CECIL ROBINSON

ITEM NO. 3

MARCH 14, 2014

RICHMOND SWCD BOARD
123 CAROLINE STREET #300
ROCKINGHAM NC 28379

DEAR SUPERVISORS;

I SUBMIT MY FULL RESIGNATION AS A SUPERVISOR OF RICHMOND SOIL & WATER CONSERVATION DISTRICT.

I WOULD LIKE TO CONTINUE TO SERVICE THE NO-TILL DRILLS FOR AS LONG AS I AM PHYSICALLY ABLE.

~~I CAN CONTINUE TO STAY ON THE SIGNATURE CARD AT COMMUNITY ONE BANK AS LONG AS THE BOARD WISHES.~~ *ss*

SINCERELY,



ROBERT A. HILL



Item #3



INTERNAL USE ONLY:
 Appointed / Elected Seat
 Current Term: 10-14

DIVISION OF SOIL AND WATER CONSERVATION
 North Carolina Department of Agriculture & Consumer Services
 1614 Mail Service Center • Raleigh, NC 27699-1614
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RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the TRANSYLVANIA COUNTY Soil and Water Conservation District of TRANSYLVANIA 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 22, 2014 and ending DECEMBER 1, 2014 to fill the expired or un-expired term of CHARLES BRYSON.

Name of nominee: ROBERT D. TWOMEY
 Address of nominee, City, State, Zip: P.O. Box 53 CEDAR MOUNTAIN NC 28718
 Email address of nominee: RTWOMEY@COMFORIUM.NET
 Home phone: 828-864-7174
 Mobile phone: 828-421-1489
 Business phone: 828-877-6527 x240
 Occupation: RANGER @ DUPONT STATE RECREATIONAL FOREST
 Age: 59
 Education: BS IN CONSERVATION OF NATURAL RESOURCES
 Positions of leadership NOW held by nominee: VISITOR CENTER MANAGER @ DSRF
 Former occupations or positions of leadership contributing to nominee's qualifications: 37 YR 7MO V&DA-NRCS DISTRICT CONSERVATIONIST.
 Other pertinent information: _____

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

Signatures

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

X Dick Bray _____ Date 5/1/14
 SWCD Chair (or Vice Chair if Chair is being nominated)
 Printed name: _____

This recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

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

X Robert D Twomey _____ Date MAY 1 2014
 Individual recommended for appointment
 Printed name: ROBERT D TWOMEY



Transylvania County
Soil & Water Conservation District
106 East Morgan Street, 138
Brevard, NC 28712

April 11, 2014

Mr. Dick Bragg, Chairman
Transylvania Soil & Water Conservation District
Board of Supervisors
106 E. Morgan Street, Suite 138
Brevard, NC 28712

Dear Dick,

It is with much regret that I inform you of my resignation effective April 17, 2014, as Vice-Chairman of the Transylvania Board of Supervisors for the Soil & Water Conservation District.

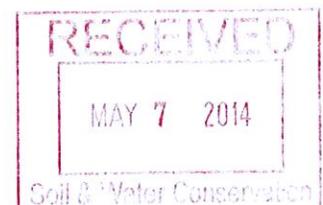
It has been a pleasure working with you and the other Supervisors since June of 1998. I wish the District only the best and hope that you continue your good work.

Sincerely,

Charles Bryson
Vice-Chairman

CB/jm

Cc: Artie Wilson, County Manager
Davis Ferguson, Regional Coordinator, DSWC





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/

APPOINTMENT DATE: 10-14

* REVISED *

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the TRANSVIVANIA COUNTY Soil and Water Conservation District of TRANSVIVANIA 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 22, 2014 and ending DECEMBER 1, 2014 to fill the expired or un-expired term of CHARLES BRYSON.

Name of nominee: ROBERT D. TWOMEY
 Address of nominee, City, State, Zip: P.O. BOX 53 CEDAR MOUNTAIN NC 28718
 Email address of nominee: RTWOMEY@COMORIUM.NET
 Home phone: 828-864-7174
 Mobile phone: 828-421-1489
 Business phone: 828-877-6527 x240
 Occupation: RANGER @ DUPONT STATE RECREATIONAL FOREST
 Age: 59
 Education: BS IN CONSERVATION OF NATURAL RESOURCES
 Positions of leadership NOW held by nominee: VISITOR CENTER MANAGER @ USRF
 Former occupations or positions of leadership contributing to nominee's qualifications: 37 YR 7 MO
USDA-NRCS DISTRICT CONSERVATIONIST.
 Other pertinent information: _____

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

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

Dick Bragg 5/1/14
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: DICK BRAGG

Dick Bragg 5/1/14
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: DICK BRAGG

Robert D Twomey MAY 1 2014
 Individual recommended for appointment Date
 Printed name: ROBERT D. TWOMEY



DIVISION OF SOIL AND WATER CONSERVATION
 North Carolina Department of Agriculture & Consumer Services
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INTERNAL USE ONLY:
 Appointed Elected Seat
 Current Term: 12-16

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the New Hanover Soil and Water Conservation District of New Hanover 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 immediately and ending December 2016 to fill the expired or un-expired term of Arthur W. Brownell. May 2014 - KAF

Name of nominee: Anthony E. Mills
 Address of nominee, City, State, Zip: 1209 Tremont Court, Wilmington, NC 28411
 Email address of nominee: amills@coastalinddesign.net
 Home phone: 910-791-0804
 Mobile phone: 910-233-8581
 Business phone: 910-254-9333 ext: 1001
 Occupation: CPESC (Certified Professional in Erosion and Sediment) and CPSWQ (Certified Professional in Storm Water Quality) Engineer
 Age: 49
 Education: Pre-Engineering -- University of North Carolina at Wilmington
 Positions of leadership NOW held by nominee: Associate Supervisor
 Former occupations or positions of leadership contributing to nominee's qualifications: New Hanover County Parks and Recreation Advisory Board, Chairman, New Hanover County Cooperative Extension Advisory Council, Chairman, Cape Fear Resource Conservation & Development, Inc.
 Other pertinent information: North Carolina Professional Engineer # 39280, Certified Professional in Erosion and Sediment Control # 1564 Certified Professional in Storm Water Quality # 624

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.

William J. Hart 5/13/2014
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: William J. HART

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.

William J. Hart 5/20/14
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: William J. HART

X Anthony E. Mills 5/20/14
 Individual recommended for appointment Date
 Printed name: ANTHONY E. MILLS

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION 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 a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: Crossed Waterway/Terrace

Contract number: 43-2014-003 Contract amount: \$ 1232

Score on priority ranking sheet: 100

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

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

Were any higher or equally ranked contracts denied? NO

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

Supervisor name: John Gross

[Signature]
(District Supervisor's signature)

9-19-13
Date

Approved by:

[Signature]
(District Chairperson's signature)

9-19-13
Date

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

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

5-22-14
Date

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

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Lee Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: Grassed Waterway

Contract number: 43-2014-004 Contract amount: \$678

Score on priority ranking sheet: 100

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 5th of 6

Were any higher or equally ranked contracts denied? No

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

Supervisor name: John Gross

[Signature]
(District Supervisor's signature)

9-19-13
Date

Approved by:

[Signature]
(District Chairperson's signature)

9-19-13
Date

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

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

5-22-14
Date

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

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Harnett Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: Cropland Conversion to Grass

Contract number: 43-2014-013 Contract amount: \$ 2003

Score on priority ranking sheet: 100

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

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

Were any higher or equally ranked contracts denied? No

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

Supervisor name: Jeffery Turlington

[Signature]
(District Supervisor's signature)

4/17/14
Date

Approved by:

[Signature]
(District Chairperson's signature)

4-17-14
Date

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

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

5-22-14
Date

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

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Montgomery Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: NCACSP

Best management practice: Critical Area Treatment

Contract number: 62-2014-004-16

Contract amount: \$1687.00

Score on priority ranking sheet: 1098

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

Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 4th out of 10.

Were any higher or equally ranked contracts denied? 2 with higher scores

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

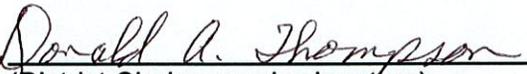
The two higher scored applicants were deferred due to there not being enough funds available to do the contracts and the applicants did not agree to go with partial funding.

Supervisor name: G. Boon Chesson


(District Supervisor's signature)

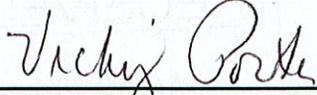
5-14-2014
Date

Approved by: Donald A. Thompson


(District Chairperson's signature)

5-14-14
Date

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


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

5-22-14
Date

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

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

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Harnett	43-2014-003	John Gross	Grassed waterway/Terrace	\$ 1,232	
Harnett	43-2014-005	John Gross	Grassed waterway	\$ 678	
Harnett	43-2014-013	Jeffery Turlington	Cropland Conversion- Grass	\$ 2,003	
Montgomery	62-2014-04	G. Boon Chesson	Critical Area Planting	\$ 1,687	
Swain	87-2014-194	Thurman Walls	AgWRAP: Baseflow Interceptor/ Stream side pickup	\$ 8,900	AgWRAP

Total Number of Supervisor Contracts: 5

Total	\$	14,500
ACSP	\$	5,600
AgWRAP	\$	8,900

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

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Henderson	45-2014-803	Daniel McConnell	Pond Sediment Removal	\$ 5,000	AgWRAP
Henderson	45-2014-804	Daniel McConnell	Pond Sediment Removal	\$ 5,000	AgWRAP
Mitchell	61-2014-013	Stephen Wilson	Cropland Conversion	\$ 388	
Pitt	74-2014-007	Steve Sutton	Grassed Waterway	\$ 6,305	
Vance	91-2014-765	J. G. Clayton	Grassed Waterway	\$ 541	
Vance	91-2014-767	Wilton Short	Sod Based Rotation	\$ 1,134	
Vance	91-2014-768	Wilton Short	Sod Based Rotation	\$ 1,824	
Warren	93-2014-014	Herman Collier	Field Border	\$ 1,200	

Total Number of Supervisor Contracts: 8

Total	\$	21,392
ACSP	\$	11,392
AgWRAP	\$	10,000

NCDA&CS
DSWCNC -CSPs-1B
(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Henderson Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: AGWRAP

Best management practice: Pond sediment removal

Contract number: 45-2014-803 Contract amount: \$ 5,000

Score on priority ranking sheet: eligible

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 3rd out of 4

Were any higher or equally ranked contracts denied? NO

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

Pond #1

Supervisor name:

Donna R. McLean
(District Supervisor's signature)

4/14/14
Date

Approved by:

Andrew C. Brannon
(District Chairperson's signature)

4/14/14
Date

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

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

Date

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

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Mitchell Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: (II)

Best management practice: Cropland Conversion

Contract number: 101-2014-013-05 Contract amount: \$ 388.00

Score on priority ranking sheet: 31

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

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

Were any higher or equally ranked contracts denied? NO

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

Supervisor name:

SWC
(District Supervisor's signature)

5/1/14
Date

Approved by:

[Signature]
(District Chairperson's signature)

5/1/14
Date

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

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

Date

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

NCD&CS
DSWC

NC -CSPs-1B
(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Pitt Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: Grassed Waterway

Contract number: 74-14-009-09 Contract amount: \$ 6,305

Score on priority ranking sheet:

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 2nd out of 5

Were any higher or equally ranked contracts denied? No

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

Supervisor name:

[Handwritten Signature]
(District Supervisor's signature)

12/1/13
Date

Approved by:

[Handwritten Signature]
(District Chairperson's signature)

12/2/13
Date

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

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

Date

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

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the VANCE COUNTY Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: GRASSED WATERWAY

Contract number: 91-2014-765 Contract amount: \$541

Score on priority ranking sheet: 85

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

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

Were any higher or equally ranked contracts denied? NO

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

Supervisor name:

J A Clayton
(District Supervisor's signature)

9-5-13
Date

Approved by:

Samuel Greif
(District Chairperson's signature)

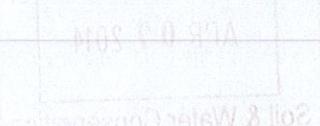
9-5-2013
Date

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

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

Date

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



ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the VANCE COUNTY Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: SOD BASE ROTATION

Contract number: 91-2014-767 Contract amount: \$ 1134

Score on priority ranking sheet: 70

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 5th out of 6

Were any higher or equally ranked contracts denied? NO

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

Supervisor name:

[Signature]
(District Supervisor's signature)

1/9/2014
Date

Approved by:

[Signature]
(District Chairperson's signature)

1/9/2014
Date

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

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

Date

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

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the VANCE COUNTY Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: SOD BASE ROTATION

Contract number: 91-2014-768 Contract amount: \$ 1,824

Score on priority ranking sheet: 75

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 4th out of 6

Were any higher or equally ranked contracts denied? NO

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

Supervisor name:

[Signature]
(District Supervisor's signature)

1/9/2014
Date

Approved by:

[Signature]
(District Chairperson's signature)

1/9/2014
Date

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

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

Date

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

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the WARREN Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: Field Border

Contract number: 93-2014-014 Contract amount: \$ 1200

Score on priority ranking sheet: 145

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

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

Were any higher or equally ranked contracts denied? No

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

Supervisor name:

Norman Collins
(District Supervisor's signature)

4-8-2014
Date

Approved by:

Leonard Zehar
(District Chairperson's signature)

4-8-2014
Date

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

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

Date

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



Technical Specialist Designation Recommendations

May 22, 2014

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.

As Associate Dean for Extension in NCSU College of Agriculture and Life Sciences and Director of Cooperative Extension Service, Dr. Joe Zublena has requested that the following employee receive the Waste Utilization/Nutrient Management designation.

James "Max" Knowles – Sampson CES

The employee has successfully completed the required training; therefore I recommend that this designation is approved.

Odor Control Management System

Definition/Purpose

An Odor Control Management System means a practice or combination of practices (planting windbreaks, pre-charging structures, incorporation of waste into soil, etc.) which manages or controls odors from confined animal operations (poultry and swine), waste treatment and storage structures and waste applied to agricultural land and improves air quality by reducing and intercepting airborne particulate matter, chemical drift and odor. (DIP)

Policies

1. Cost share for odor control management systems is limited to structural and vegetative practices unless approved by the NCSU Animal and Poultry Waste Management Center.
2. Average Cost Guide: elements and items already a part of Average Cost paid at 75% of average cost, includes grading, vegetation, pipe drops and surface inlets, animal guards, pipe and fittings.
3. Each odor control BMP or a CPO with an odor control BMP must be approved by ~~the~~ the ~~division~~ TRC. The NCSU Animal and Poultry Waste Management Center must approve unproven technology or techniques prior to submission to the ~~division~~ TRC for approval.
4. Native Grasses can be used as windbreaks for removal of airborne particulates and ammonia from animal operation fan areas. It is required that plugs be used for native grass establishment. The site should be limed to soil test recommendations. Mowing of grasses is restricted to strip mowing at a height no lower than 12 inches so as not to undermine the effectiveness of the practice. No burning should be done on animal operations.
- ~~5.~~
- ~~6.~~ 5. ~~_____~~ BMP soil impact is not required on this BMP. Please report the number of acres affected, animal type, and animal units.
- ~~7.~~ 6. ~~_____~~ BMP Life one to ten years, depending upon practice.

Specifications

N. C. NRCS Technical Guide, Section IV, Specification # 380 (Windbreak/Shelterbelt Establishment), Specification # 422 (Hedgerow Planting), NRCS Hedgerow Specifications

Livestock Feeding Area

Definition/Purpose

The Livestock Feeding Area is a sized concrete pad where feeders are located, surrounded by a Heavy Use Area. The Livestock Feeding Area is designed for the purpose of improving the lifespan of the heavy use area and to reduce the runoff of nutrients and fecal coliform to adjacent water bodies. The practice is to be used to address water quality concerns where livestock feeding areas are in close proximity to streams and where relocation or rotation of feeding areas is infeasible due to physical limitations (e.g., slope) and where other stream protection measures are insufficient to protect water quality.

Policies

1. Feeding areas will be employed in conjunction with heavy use area protection and a filter strip.
2. Maximum size cost shared is based on the area necessary to accommodate current herd size.
3. Maximum cost share per pad is listed in the NCACSP average cost list. This does not include the cost of other practices that are used in conjunction with the livestock feeding area. If a push wall or additional components are needed per the design, they would be additional components and not included in the average cost of the pad.
4. A 100-foot setback from streams, creeks, and lakes shall be required.
5. This practice must be in conjunction with the exclusion of livestock from streams and inclusive of alternative watering sources, where applicable.
6. Minimum life expectancy is ten (10) years.
7. The installation of the Livestock Feeding Area will be contingent on the design approval from the NRCS area engineer, Division engineer, or a qualified professional engineer.
8. Water leaving the site must leave the site as diffuse flow.
9. Any additional area needed to accommodate the producer's equipment and/or desires will be at the producer's expense. The additional area must be stipulated on the design and not receive cost share assistance. For example, if the operator stores equipment other than waste handling equipment in the structure and the design plan did not stipulate that the area of the designed structure was increased at the producer's expense, then the operator is out of compliance.

Specifications

NC NRCS Technical Guide, Section IV, Specification #575 (Animal Trails and Walkways), # 342 (Critical Area Planting), #382 (Fencing), #393 (Filter Strip), #561 (Heavy Use Area Protection), #574 (Spring Development), #728 (Stream Crossing), #642 (Water Well), #614 (Watering Facility), # 528A (Prescribed Grazing), and #590 (Nutrient Management).

Lagoon Biosolids Removal ~~Incentive~~ Practice

Definition/Purpose

Lagoon Biosolids Removal means removing accumulated biosolids from active lagoons, ~~to restore required treatment volume at on-going operations.~~ The biosolids will be properly utilized on ~~offsite~~ farmland ~~or~~ forestland or processed to a value-added product, including energy production, to reduce ~~nutrient impacts~~ nutrient impacts from nitrogen only based planning and impacts of phosphorus accumulation on application land. ~~Lagoon Biosolids Removal Incentive payments shall be limited to \$15,000 in a lifetime.~~ (DIP)

Policies

1. The *generator* of the waste product will be the applicant. A *generator* is an independent or contract poultry or livestock grower.
2. This ~~incentive practice~~ shall only be used to remove biosolids when a biosolids survey indicates that accumulation needs to be managed. ~~that biosolids have accumulated within the required treatment volume.~~
3. This ~~incentive practice~~ shall not be used to apply biosolids at a rate exceeding the following maximums:
 - a. No application is allowed for sites with a phosphorus loss potential (per PLAT) of high and very high.
 - a.b. For sites with a phosphorus loss potential (per PLAT) of low or medium, biosolids shall be applied in accordance to the Lagoon Biosolids Removal P Calculation Spreadsheet. This calculation limits the phosphorus application rate to 50% of what may be applied under a nitrogen based ~~sludge~~ biosolids application plan, unless otherwise recommended by NCDA&CS soil test recommendations. ~~application shall not exceed the phosphorus requirements for the next two crops,~~
 - or sites with a phosphorus loss potential (per PLAT) of high
 - c. Planning shall ~~ould~~ project the impact of the biosolids ~~sludge~~ application to heavy metal critical levels based on soil index.
 - b.d. In addition, the application shall not exceed the nitrogen requirement of the next receiving crop. If additional nitrogen is needed, consideration must be given to limit additional phosphorus application.
4. Sludge is highly recommended that biosolids ~~can~~ not be applied to fields that are used for continual animal waste application due to increases in metals and nutrient levels. ~~unless special permission is obtained from technical services.~~
5. If required, a Manure/Litter Shared Responsibility Agreement must be used with each entity receiving transported biosolids.
6. Applicants who engage in value-added processing onsite are eligible to receive the incentive for this practice. However, a cooperator who receives state cost share for any

components of their value-added processing system (e.g., litter or manure composter, pelletizer) is not eligible for [this practicee incentive](#).

7. An applicant may receive cost share for waste storage structures, waste treatment structures, and solids separation systems and remain eligible ~~to receive this incentive for this practice~~. An ~~applicant~~ applicant, who received cost share for application systems previously, may be eligible ~~to receive this incentive for this practice~~.
8. An applicant may not receive cost share for this BMP and still be eligible for the manure litter transport incentive BMP [on the same operation](#).
- ~~8.9.~~ Payments will be based upon the amount of biosolids transported for [land application](#) ~~offsite use~~ or processing. Requirements for payment include:
 - a. The applicant must present a record of the amount of ~~litter~~ manure transported to each receiving entity using the appropriate NC form.
 - b. If the biosolids are being transferred to a manure hauler or other third party applicator or processor, the applicant must present:
 - i. NMP from each entity receiving biosolids [for land application](#) compliant with the NRCS Standard 590 and in accordance with the 1217 Interagency Committee Guidance and/or other applicable rules. A Technical Specialist with the Waste Utilization Planning/ Nutrient Management designation must approve the nutrient management plan.
 - ii. The receiving entity must also provide the applicant with records using appropriate NC forms indicating the fields to which biosolids has been applied and any other records required by 1217 Interagency Committee Guidance and/or other applicable rules. (Receiving entity must be in compliance with all applicable requirements)
 - iii. Certification from each entity receiving biosolids [for processing](#) that the waste has been processed and that the product has been transported from the processing facility for use.

~~9.~~ Biosecurity measures outlined by the NC Department of Agriculture and Consumer Services must be followed for all transported biosolids.

~~10.~~

~~10.~~ BMP life is one year. ~~and is~~ [Cooperators are ineligible to reapply for assistance for this practice on the receiving fields for 5 years and are not to exceed the cap per operation](#).

11. Soil loss is not required. Include the amount of nitrogen and phosphorous units that will be properly managed under the transportation incentive.

Specifications

N.C. NRCS Technical Guide, Section IV, Specification #~~590633~~ ([Nutrient Management](#) ~~Waste Utilization~~), [Specification #590](#) (~~Nutrient Management~~), 1217 Interagency Committee Guidance.

For Average Cost Manual:

VI. Lagoon Biosolids Removal ~~Incentive~~Practice

The ~~costs share~~incentive rate will be \$0.~~0212501~~ per gallon of ~~sludge~~biosolids removed ~~up to \$15,000 in a lifetime per applicant.~~ not to exceed \$25,000 per operation.

Randolph County Soil & Water Conservation District

2222-A S. Fayetteville Street ♦ Asheboro, North Carolina 27205
Phone: (336) 318-6490 ♦ Fax: (336) 318-6494

May 7, 2014

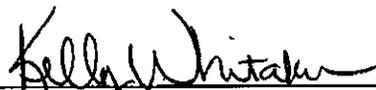
Ms. Vicky Porter, Chairperson
NC Soil and Water Conservation Commission
1614 Mail Service Center
Raleigh, NC 27699-1614

Dear Ms. Porter,

On behalf of Richard Whitaker and the Randolph SWCD Board, I would like to request an extension to AgWrap contract 76-2012-804-02. The producer has a contract to remove sediment from an irrigation pond and repair its badly eroded dam. The particular farm using the pond for irrigation was in tobacco production in 2013 and will be again 2014 on different fields. The farm is scheduled to lay out of the rotation completely in 2015. Therefore, the fall of 2014 is the ideal time to repair the dam. By doing the construction this fall, the pond will have ample time to refill before the next scheduled rotation. The landowner still wishes to do the repair work and hopes that the Commission will honor his request for a one year extension to complete the contracted work.

We thank you for your consideration of this matter.

Sincerely,



Kelly Whitaker, PE
Soil & Water Engineer

Yours for Life



Wake Soil and Water Conservation District

Agricultural Services Building

4001 Cary Drive, Suite D • Raleigh, North Carolina 27610 • (919) 250-1050

May 9, 2014

Vicky Porter
Chair of Soil and Water Commission

Dear Ms. Porter,

Wake SWCD is requesting an exception for eligibility for Triangle Land Conservancy (TLC) contract 92-2014-013. They have just purchased a farm in Wake County which has traditionally been planted in soybeans. There are also 3 large fields and 1 small field that have been in CRP for the past 7 years. The TLC is a non-profit organization whose new mission is to preserve farmland and keep it in production. They have multiple farms in other counties that are in agricultural production. TLC has the form for Streamlined Sales and Use Tax Agreement Certification of Exemption as a nonprofit and not as agriculture because they have never needed it before. It will take time to get the form changed. They are requesting an exception for eligibility. They have a conservation plan on the tract, but it needs updating. The upgrade to Toolkit has substantially slowed down our ability to produce or update conservation plans.

Sincerely,

Thomas Dean
Chair, Wake Soil and Water Conservation District

**NORTH CAROLINA AGRICULTURE COST SHARE PROGRAMS
CONSERVATION PLAN OF OPERATION (CPO) SUMMARY**

NAME: Hazel Smith		AGREEMENT NUMBER		TOTAL ACRES AFFECTED	ANIMAL TYPE	NUMBER OF ANIMALS
ADDRESS: 3222 Perry Blizzard Rd Deep Run, NC 28525-9633		54-14-05-09		13.4	None	None
TOTAL COST	TOTAL CONTRACT AMOUNT BY FUNDING SOURCE (Enter Funding Code)		TOTAL SOIL LOSS REDUCTION	TOTAL NUTRIENT LOSS REDUCTION	TOTAL WASTE MANAGED	GALLONS WATER INCREASED OR PROTECTED
	Regular Cost Share (CS)	AgWRAP (AG)	Other	LBS/YR N	LBS/YR P	
\$ 3015.00	\$ 3015.00	\$	\$	44	134	54

Highest level of design approval: FIELD OFFICE AREA OFFICE STATE OFFICE OTHER

The Cooperator(s) has reviewed the Cost Share Agreement and CPO and agrees to apply the planned treatment according to the standards and specifications as approved by the Division of Soil and Water Conservation. Failure to carry out the un-numbered contract items (UN) does not constitute non-compliance with the contract. The Cooperator(s) agrees to maintain the installed practices according to the practice specific maintenance period(s) shown on form NC-ACSPs-11 (CPO). The Cooperator(s) also agrees to fully implement and comply with all practice specific requirements including, but not limited to, certifications related to the Waste Management Plan (WMP), the Nutrient Management Plan, the Operation and Maintenance Plan, etc. **CPO and payment are contingent on approval by NPS Section, Division of Soil and Water Conservation, NCDA&CS. The parties to this contract agree and understand that the payment of the sum specified in this CPO is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the NC Department of Agriculture and Consumer Services and upon final annual allocation of State funds to the District. Installation may not begin prior to receiving approval from the Division, with the exception of vegetative-only CPOs not exceeding \$3,500, as provided by the NC-ACSPs-2 contract form, if chosen by the cooperator(s).**

Applicant: *Hazel Smith* Date: _____

Landowner (if applicable): _____ Date: _____

Technical Representative: *David Anderson* Date: _____

Design Approval Authority: *David Anderson* Date: _____
(Can be submitted separately from 11A)

District Chair: _____ Date: _____

NORTH CAROLINA AGRICULTURE COST SHARE PROGRAM
REQUEST FOR PAYMENT
TECHNICAL ASSISTANCE

TO: NC Department of Agriculture & Consumer Services
Division of Soil and Water Conservation

FROM: Lenoir Soil and Water Conservation District

PERIOD: From: 1-1-14 To: 3-31-14

NAME: Daniel Anderson

POSITION: Cost Share Tech.

BUDGET ITEM

TOTAL EXPENDITURE

Salary \$ 11,450.00 = 15,121.00 : 2 = 7,561.00

Benefits \$ 3,671.00

Equipment Office \$ 430.00

Field \$

Supplies Office \$ 149.00 = \$ 604.00 ÷ 2 = \$ 302.00
(only \$ 221.00 left)

Field \$

Travel Motel, Meals, Registration \$ 25.00

Mileage \$

Rent \$

Postage \$

Telephone \$

TOTAL: \$ 7,782.00

Please reimburse \$ 7,782 which represents 50% of the total expenditure, made payable to
County of Lenoir P.O. Box 3289, Kinston, N.C. 28504

Mary Parker
Signature

4-10-14
Date

Administrative Assist.
Title



April 3, 2014

Mr. Mike Robinson, Chairman
Lenoir Soil and Water Conservation District
2026 Hwy 11/55
Kinston, NC 28504

Dear Chairman Robinson and Lenoir Soil and Water District Supervisors:

At its regularly scheduled meeting held on March 19, 2014, the Soil and Water Conservation Commission (Commission) received a report regarding deficiencies in the Lenoir Soil and Water Conservation District's handling of Cost Share contracts, which deficiencies were most recently brought to your attention in 2013. During 2013 Lenoir Soil and Water Conservation District (District) received an evaluation of the program review conducted by the Division of Soil and Water Conservation (Division), which was dated August 15, 2013, followed by a letter from the Division's Deputy Director to the District, dated December 10, 2013, that indicated areas where the District's proposed plan of action on the deficiencies was also lacking. Given that problems with the District's handling of Cost Share contracts have persisted, the Commission has voted to send this letter to make you aware of the Commission's actions at its March 19 meeting and ratified at its March 24 meeting:

1. Require the District to file by May 1, 2014 a detailed, written report responding to every inadequacy noted in the Division's August 15, 2013 program review and the Division's special review letter dated December 10, 2013. The District's Chairman and the District Cost Share Technician must appear before the Commission at its May 22, 2014 meeting to explain these inadequacies and actions to correct these inadequacies.
2. Beginning March 19, 2014, the Commission must approve each Ag Cost Share, CCAP, and AgWRAP contract of the District before that contract can be effective and the Commission must approve each District request for reimbursement prior to the Division issuing payment. A District supervisor and the District Cost Share Technician must appear before the Commission at a scheduled meeting to present these contracts and reimbursement requests to the Commission.

Vicky Porter
Chairwoman

Craig Frazier

Tommy Houser

Charles Hughes

John Langdon

Bill Yarborough

3. Beginning March 19, 2014, no Lenoir Soil and Water Conservation District Supervisor will be eligible for Cost Share contracts.
4. The Commission has instructed the Division to consult with the Attorney General's Office to take appropriate legal action for Lenoir Soil and Water Conservation District contracts that appear to have been overpaid or were ineligible.

The Commission looks forward to receiving the District's written report on May 1, 2014 and to hearing the presentation by the District's Chairman and the District's Cost Share Technician on May 22, 2014. Please make sure if the District has contracts or reimbursement requests to be considered by the Commission at its May meeting that these materials are submitted to the Division prior to May 7, 2014.

The Commission looks forward to hearing from you in May.

Sincerely,

A handwritten signature in cursive script that reads "Victoria P. Porter".

Vicky Porter
Chairwoman

Cc: Soil and Water Conservation Commission members
Lenoir County Manager
Lenoir County Commissioners

**LENOIR COUNTY
SOIL & WATER**
CONSERVATION DISTRICT

2026 Hwy 11/55, Kinston, NC 28504
Phone # 252-523-7010 ext. 3 Fax # 252-523-1353

April 29, 2014

Vicky Porter, Chairwoman
North Carolina Soil & Water Conservation Commission
4455 Mount Pleasant Road S.
Concord, NC 28025

Dear Chairwoman Porter:

In response to your memo dated April 3, 2014, Mike Robinson, District Chairman, and David Anderson, Ag. Cost Share Technician has reviewed and addressed the Divisions' August 15, 2013 program review and the Division's special review letter dated December 10, 2013. Please find the following enclosures addressing the Districts response:

1. Document 1 – 2014 Lenoir Soil & Water Action Plan (recommended)
2. Document 2 – Lenoir SWCD Response to Office Audit Conducted by Division – April 2014
3. Document 3 – District's response to Draft 2013 review of the Lenoir Soil & Water Conservation District Cost Share Program
4. Packet 1 – Minutes concerning CREP Issues
5. Packet 2 – Minutes concerning Audit Review
6. Packet 3 – Minutes, etc. concerning Secondary Employment
7. Report A – Cost Share Program Running List of Contract Dollars per Famer since 1994 to 2013
8. Packet 4 – Minutes showing approval of applications, contracts and request for payments
9. Packet 5 – District's NC Ag. Cost Share Program yearly Report

If you have further questions prior to the Commission meeting May 22, 2014 please contact me and I will be glad to address any questions you may have. You can reach me at my email address is Dealmaker1963@yahoo.com or by phone 252-521-4777.

Sincerely,



Michael D. Robinson,
Lenoir District Chairman

Cc: Michael Jarman, Lenoir County Manager
Pat Harris, Director, Division of Soil & Water Conservation

2014 LENOIR SOIL & WATER ACTION PLAN (RECOMMENDED)

- 1.) Supervisors will receive a copy of the complete contract prior to being approved at the Board meeting.**
- 2.) Any contract for cropland conversion, conservation tillage, long term no-till or nutrient mgt. will have documentation of field checks and crop history reports for review prior to approval.**
- 3.) Supervisors will receive receipts showing the dates that the work was completed prior to approving any request for payment.**
- 4.) Any contract for cropland conversion will have a photo prior to board approval showing that it is in row crops.**
- 5.) Any contract that has not been approved by the Division will be spot checked by the staff, NRCS DC or with the assistance of a Supervisor to ensure that the practice has not been started on or completed prior to approval.**
- 6.) Any contract that needs JAA that can't be signed on the local level will be signed by Carl Kirby (NRCS) or the Area Engineer.**
- 7.) All contracts will be reviewed by Carl Kirby (NRCS) to ensure they meet NRCS standards and guidelines.**
- 8.) All contracts will be cross checked to ensure there is no overlap of another practice or program (NCACSP/NRCS).**
- 9.) Any Contract that could be considered a conflict of interest will be reviewed by the Board prior to approval and will be overseen and signed off on by NRCS District Conservationist or equivalent.**
- 10.) All contracts will be sent to Raleigh within 5 to 10 days after District Board approval.**

LENOIR SWCD RESPONSE TO OFFICE AUDIT CONDUCTED BY DIVISION - APRIL 2014

1. Contacts where BMP's were implemented prior to approval								
YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By	Comment/Response	RFP \$
2004	54-2004-052	Murray Rouse	Jerry Raynor 3/31/04	Riparian Buffer	1,374	Jerry Raynor	Supplement to CREP Contract # 2004-0198AA- Riparian Buffer - contract written by Jerry Raynor (NRCS)	1,374
2006	54-2006-042	Clarence Smith	David Anderson	Cropland Conversion to Trees	782	David Anderson	Supplement to CREP Contract # 054-006-268 - Cropland Conversion to Trees - Contract was written as a supplement to a CREP Contract Also listed under # 6. Contracts certified without appropriate job approval authority	782
2007	54-2007-001	James Kinsey	David Anderson 9/11/06	Site Prep	825	David Anderson 5/14/07	Supplement to CREP Contract # 054-006-286 -	492
				Chemical Release		David Anderson 6/11/07	Contract was written as a supplement to A CREP Contract Also listed under # 6. Contracts certified without appropriate job approval authority	333
2007	54-2007-005	Orville Daughety	David Anderson 11/13/06	Site Prep	395	David Anderson 5/14/07	Supplement to CREP Contract # 054-006-270 -	143
				Chemical Release		David Anderson 6/12/07	Contract was written as a supplement to a CREP Contract from info. Gathered from Jerry Raynor Also listed under # 6. Contracts certified without appropriate job approval authority	252
2007	54-2007-009	Tommy Hardy	David Anderson 4/9/07	Grassed waterway/3yr Tillage	6,801	David Anderson 7/19/07	3 yr. Conservation Tillage - Contract was approved by the Division on June 12, 2007 that means that he would have planted wheat and it is picked in June and the next crop (soybeans) would have been planted in the stubble. The RFP was done on July 19, 2007 which means he would have had time to plant and the crop be established in the residue. All No-till contracts have been done by NRCS standards and have passed their spot checks	6,801
2007	54-2007-011	Lynwood Smith	David Anderson 4/9/07	3 yr. Conservation tillage	6,000	David Anderson 7/3/07	3 yr. Conservation Tillage - Contract was approved by the Division on June 12, 2007 Practice would have been spot checked after the next crop would have been planted in adequate residue and date shows that to be correct. Soybeans following wheat. Spot checked by NRCS and met their standards.	6,000

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By	Comment/Response	RFP \$
2008	54-2008-001	Gary Byrd	David Anderson 3/10/08	Nutrient Management	10,000	David Anderson 7/13/09	Nutrient Mgt. - Board approved contract on 3/10/08 - Division approved contract on 6/3/2008 - Due to the contract not being possibly mailed in on a timely matter the landowner actually applied 23 days prior to Division approval. The landowner followed his nutrient mgt. plan and completed all necessary paper work to full fill his cost share contract.	10,000
2008	54-2008-006	Taylor Best	David Anderson 3/10/08	Cropland Conversion-Grass	2,072	David Anderson 9/08/08	Cropland Conversion to Grass - Division approved contract on 6-3-2008 - Practice was installed on 5-10-2008 - I forgot to have the landowner to initial that they understand that the contract has not been approved by the Division of Soil & Water and they are proceeding with the project installation. The landowner met all of the requirements to proceed except me getting them to initial. Practice is in place and meets all NRCS specs.	2,072
2008	54-2008-007	Kevin Harrison	David Anderson 4/14/08	Cropland Conversion-Grass	2,318	David Anderson 9/08/08	Cropland Conversion to Grass - Receipt shows KY-31 which is Fescue seed. The recommended planting dates for "Fall" planted Fescue are 9-1/9-30. The request for payment was dated on 9/8/2008 which is within the planting dates and "after" the Division's approval. The receipt only shows when he purchased the seed, not when it was seeded!	2,318
2008	54-2008-011	Woody Sutton, Sr.	David Anderson 4/14/08	5 Yr. Long Term No-Till	8,325	David Anderson 9/08/08	Long-Term No-till - No-till was checked later in the planting season. Soybeans were planted in wheat residue. 80% residue is required for long term no-till - Contract met those requirements. Contract was approved by the Division on 6/6/2008. and the RFP was dated 9/8/2008.	8,325
2008	54-2008-12	Woody Sutton, Jr.	David Anderson 4/14/08	5 yrs. Long Term No-Till	3,013	David Anderson 9/08/08	Long-Term No-till - No-till was checked later in the planting season. Soybeans were planted in wheat residue. 80% residue is required for long term no-till - Contract met those requirements. Contract was approved by the Division on 6/6/2008. and the RFP was dated 9/8/2008.	3,013

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By	Comment/Response	RFP \$
2010	54-2010-003	Ruth Varnell	David Anderson 3/8/10	Solid Set System	23,552	David Anderson 3/8/11	Solid set Irrigation - Contract was approved pending engineers (Carl Dunn's) signature. Carl wanted to wait until the system was installed and final inspection was performed before he signed off on it. Ken Parks was made aware of this before hand. Carl signed the form on 2/24/2011, when he performed the inspection and the Division approved it on 3/1/2011 knowing it was already installed. The RFP is dated 3/8/2011. A supplement contract was written in 2011. Contract 54-2011-07 due to the original contract being short of funding. Ken Parks knew that a supplement was going to be written and Carl Dunn signed off on that also. Contract was spot checked by NRCS and found to be in compliance.	23,552
2011	54-2011-006	Rodney Smith	David Anderson 3/08/11	3 yr. Conservation Tillage	15,000	David Anderson 9/13/11	3 yr. Conservation Tillage - Contact was approved on 6-9-2011. Wheat was planted and picked at the end of June - soybeans was planted in the stubble and it was spot checked on 9-1-2011 and residue was over 60%. RFP was dard 9-13-2011 . Contract was spot checked by NRCS and Found to be in compliance.	15,000
2012	54-2012-007	William Jan King	David Anderson 4/10/12	3 yr. Conservation Tillage	9,297	David Anderson 9/11/12	3 yr. Conservation Tillage - Contract was approved by the Division on 6-22-2012. Soybeans were planted in wheat stubble which was picked in late June. Fields were spot checked on 9-6-2012 to ensure 60% residue was present. RFP was approved by the Board and dated 9-11-2012 - Fields were spot checked on 11-6-2012 by NRCS and noted to be in compliance.	9,297
2012	54-2012-008	Robert Bland	David Anderson 4/10/12	Cropland Conversion-Grass	4,725	David Anderson 9/11/12	Cropland Conversion to Grass - Fields were sprigged prior to Divison approval. Landowner brought invoice in after RFP was sent to Raleigh for payment. An action plan has been put in place to ensure that the landowner does not proceed until he is notified that the contract has been approved by the local Board & Division.	4,500
2. Cropland Conversion Contracts Outside of Recommended Planting Dates								
2008	54-2008-004	Ronnie Waters	David Anderson 3/10/08	Cropland Conversion-Grass	3,668	David Anderson 9/8/08	Cropland Conversion to Grass - Contract was not completed and sent to the Division in a timely matter after Board's approval. Most cropland conversion sprigging takes place at the end of April to May and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the Local Board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards.	3,659

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By		RFP \$
2008	54-2008-005	Randy Herring	David Anderson 3/10/08	Cropland Conversion-Grass	8,933	David Anderson 9/8/08	Cropland Conversion to Grass - Contract was not completed and sent to the Division in a timely matter after Board's approval. Most cropland conversion sprigging takes place at the end of April to may and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the Local board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards. Same as above contract 54-2004-004.	6,795
2011	54-2011-004	Donald Herring	David Anderson 3/8/11	Cropland Conversion-Grass	1,125	David Anderson 9/13/11	Cropland Conversion to Grass - Contract was not completed and sent to the Division in a timely matter after Board's approval. Most cropland conversion sprigging takes place at the end of April to may and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the Local Board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards. Same as Contracts 54-2008-04 & 54-2008-05	1,125
							3. Contract not eligible for cost share	
2007	54-2007-002	Forest Rouse	David Anderson 9/11/06	Cropland Conversion-Grass	4,725	David Anderson 6/9/08	Cropland Conversion to Grass - Division approved contract n 5-18-2007 - RFP was done on 6-9-2008. Landowner was contacted to see if he was going to follow thru with contract and he stated that he had sprigged it in 2007. The field was previously in row crop, but since the producer doesn't get any Federal subsidies it's not reported with FSA and they automatically claim it as being in grass even though it isn't. The field was not in grass prior to the contract being approved by the board. FSA map shows that is was not in grass.	4,725
2007	54-2007-003	Brandon Whitfield	David Anderson 9/11/06	Cropland Conversion-Grass	3,510	David Anderson 4/9/07	Cropland Conversion to grass - Contract was approved by the Division on 12-14-2006. RFP was completed on 4-9-2007. Fields were spot checked previous to contract being written and FSA maps confirm it. FSA reported it in grass because Landowner gets no Federal subsidies and since its not reported in crops they show it in grass. Landowner also had waste utilization plan revised prior to contract being written because he planned on putting those fields in grass. Even though the plan shows it in grass does not mean that it is and any one that is certified to write waste utilization plans knows that. The field had been over seeded with small grain prior to sprigging coastal which was done in March 2007 and that proves why the plan was revised.	3,510

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By	Comments/Response	RFP \$
2007	54-2007-006	Vernie Barwick	David Anderson 11/13/06	Cropland Conversion-Grass	4,673	David Anderson 7/10/07	Cropland Conversion to Grass - FSA maps shows it being in row crops and Landowner can verify. FSA reports fields in grass that are not reported or receive Federal subsidies. Fields are spot checked prior to a contract being written and they were in row crops.	4,673
2008	54-2008-008	William Hines	David Anderson 4/14/08	Cropland Conversion-Grass	3,105	David Anderson 9/8/08	Cropland Conversion to Grass - FSA maps show field in row crops not grass. Field was not reported to FSA and since they receive no Federal Subsidies it was reported in grass. Practice has been spot checked with a supervisor and maintenance for weed control was needed. Landowner was sent a letter and they responded within 5 days and took appropriate action. Grass is maintained and look good.	3,105
2008	54-2008-010	Neuse Milling Ray Collier	David Anderson 4/14/08	Cropland Conversion-Grass	7,110	David Anderson 10/14/08	FSA reported fields in grass but they were actually planted in millet. This contract was written for Neuse Milling which was owned by "present" supervisor Steve Putnam's father (who passed away). Steve has verified that FSA reported it wrong and that it was in crops before and not grass. The RFP and the acres used came off of FSA's maps and believed to be accurate. After discussing this because of the Audit all field acres are now checked or measured through soil data mart or google earth instead of depending solely on FSA maps.	7,110
2008	54-2008-013	Randy Smith	David Anderson 4/14/08	Nutrient Management	9,000	David Anderson 8/10/09	Nutrient Management - Contract was written for supervisor Randy Smith. The Nutrient Mgt. Plan covered 500 acres total and evidently one field containing 16.4 acres was included that should not have been due to it being used to periodically spray animal waste on. This was an honest oversight by the supervisor and district staff. Also listed under # 4. Contracts that were overpaid based on documentation files	9,000
2009	54-2009-008	Randy Smith	David Anderson 3/9/09	Waste Application Equipment	6,531	David Anderson 6/8/09	Waste Application Equipment - Contract was written as a supplement to and EQIP contract for underground irrigation equipment. The field that had underground pipe installed on it is the 16.4 acres that had a nutrient management plan (54-2008-13) written on by mistake. District staff and NRCS Conservationist are currently looking at ways to cross check to ensure this does not happen again. EQIP Contract # 74453248514	6,531
2009	54-2009-009	Douglas Heath	David Anderson 3/9/09	Cropland Conversion	1,541	David Anderson 7/13/09	Cropland Conversion to Grass - Field was in crops and not Grass. Landowner does not receive any Federal subsidies and since the field is not reported it is shown to be in grass. Practice was spot checked and grass looked very good.	1,541

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By		RFP \$
2009	54-2009-011	Scott Wooten	David Anderson 4/13/09	Conservation Tillage 3 yr.	15,000	David Anderson	3 yrs. Conservation Tillage - The total acres paid under this contract Equal 250 acres. 1.5 acres were enrolled in CRP and included in the no-till contract by mistake. 3 yr. no-till pays and incentive of \$60.00 per acre so 1.5 acres X \$60.00/acre would mean that the landowner received \$90.00 that he shouldn't have. The whole contract is not out of compliance. This contact has been spot checked and the landowner is exceeding his required 60% residue.	15,000
4. Contracts that were overpaid based on documentation files								
2005	54-2005-038	G. A. Byrd	Jerry Raynor 2/15/05	Riparian Buffer/Site Prep	1,350	Jerry Raynor 5/8/06	Supplement to CREP Contract # 054-005-231 - Riparian Buffer - This contract was written by Jerry Raynor (NRCS) as a supplement to CREP	1,350
2005	54-2005-044	Douglas Sutton	Jerry Raynor 2/7/05	Riparian Buffer/Site Prep	1,796	Jerry Raynor 1/17/06	Supplement to CREP Contract # 054-005-229 & 054-005-232 - Riparian Buffer This contract was written by Jerry Raynor (NRCS) as supplement to CREP.	1,796
2006	54-2006-011	H. Russell Rouse	Jerry Raynor 9/1/05	Riparian Buffer /Site Prep	5,856	Jerry Raynor 1/5/06	Supplement to CREP Contract # 054-005-250 - Riparian Buffer - There was originally a total of 19.2 acres in field 5. Jerry Raynor (NRCS) excluded 7.2 acres from the field and marked it on the map leaving 12.0 acres in that field. I pulled a current FSA map and it matches what Jerry Raynor did and their map matches the part he excluded. If a new map had been pulled during the office audit they would have seen it. Contract was never out of compliance.	4,477
						David Anderson 1/16/07	Tree Release - Chemical Also listed under # 6. Contracts certified without appropriate job approval authority	1,379
2006	54-2006-025	Daryl B. Kilpatrick	Jerry Raynor 9/22/05	Riparian Buffer/Site Prep	2,969	Jerry Raynor 6/12/09	Supplement to CREP Contract # 054-006-247 - Riparian Buffer - Contract was written by Jerry Raynor (NRCS)	2,249
						David Anderson 1/16/07	Tree Release - Chemical Also listed under # 6. Contracts certified without appropriate job approval authority	720
2006	54-2006-027	Kenneth Smith	Jerry Raynor 8/5/05	Riparian Buffer/Site Prep	1,069	Jerry Raynor 3/01/06	Supplement to CREP Contract # 054-006-262V - Riparian Buffer - Contract was written by Jerry Raynor (NRCS)	871
						Jerry Raynor 6/27/06	Tree Release - Chemical	198

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By		RFP \$
2006	54-2006-028	Larry Smith	Jerry Raynor 8/5/05	Riparian Buffer/Site Prep	1,208	Jerry Raynor 3/13/06	Supplement to CREP Contract # 054-006-261 - Riparian Buffer - Contract was written by Jerry Raynor (NRCS)	911
						Jerry Raynor 6/12/06	Tree Release - Chemical	297
2006	54-2006-040	James E. Smith	David & Jerry 1/17/06	Riparian Buffer/Site Prep	3,971	Jerry Raynor 6/12/06	Riparian Buffer - Contract was written as Supplement to CREP Contract # 054-006-276 RFP dated 6-12-2006 was completed and signed by Jerry Raynor	3,089.00
						David Anderson 4/17/07	Second RFP was dated 4/17/2007 for tree release chemical spraying. Receipt in file shows that chemical spraying took place on 2/15/2007 in the amount of \$1,533.00. (Contract was for James E. Smith & sister Ida B. Smith Fischer)	882
							Also listed under # 6. Contracts certified without appropriate job approval authority	
2007	54-2007-007	D.W. Shivar	David Anderson 11/1/06	Cropland Conversion-Grass	5,175	David Anderson 5/31/07	Cropland Conversion to grass - The contract was written for 23 acres and the RFP was completed and paid for 23 acres. The FSA crop reports show that 22.25 acres are in grass. Some of the shortage could be in mapping, error but if not an over payment for .75 acres would be .75 X \$225/ac. = \$168.75 dollars.	5,175.00
2008	54-2008-013	Randy Smith	David Anderson 4/14/08	Nutrient Management	9,000	David Anderson 8/10/09	Nutrient Management - Total contract was for 500 acres and RFP was completed for 500 acres. Landowner filled out paperwork in our office and we did not catch the error of the acres being short. The over payment of the 57.01 acres at \$18.00/ac. Equals \$1,026.00 dollars. The Contract was fulfilled by the Landowner. Any nutrient mgt. plan written from now on will be crosschecked with FSA crop reports.	9,000.00
							Also listed under # 3. Contract not eligible for cost share	
2010	54-2010-009	Ernie Hurst	David Anderson 5/10/10	Pasture Renovation	1,901	David Anderson 4/13/11	Pasture Renovation - Contract was paid based on a total replant. Landowner had spotty coverage at best so myself and the sprigging contractor felt it would be best to spray, disk and totally resprig the fields. I was not aware that pasture renovation only paid 75% of the "Actual" receipt. Landowner was paid just like it was a new contract because everything had to be redone. Fields look great and meets NRCS standards.	1,901.00

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By		RFP \$
5. Contract found out of compliance with inadequate follow up								
2011	54-2011-005	Freddie Sutton	David Anderson 3/8/11	Waste Application Equipment	12,600	David Anderson 4/10/12	There were sticky notes in the contract that had phosphorus target levels per field based	12,600
							4	
							phosphorus level was higher than the target range the landowner had to take deep samples to be under that range. During the review they assumed that the HIGH phosphorus numbers were nitrogen rates without looking at the Nutrient Mgt. Plan to see if the numbers matched up which they wouldn't. This contact was never out of compliance and no over application ever took place.	
2010	54-2010-004	Robert Murphy	David Anderson 3/4/10	Incinerator 600 lb. unit	8,923	David Anderson 3/8/11	This contract was written for the "New" landowner (Robert Murphy) as a replacement to the original contract 54-2004-39 (Alvin Turner). The original Landowner installed the incinerator in 2005 based on a design done by me and signed off on by Jerry Raynor (NRCS). The original landowner passed away in 2009 and his wife sold the farm to the new landowner in 2010. The incinerator was past the 5 yrs. Required by the Cost Share standards of operation and maintenance and the new landowner wanted to apply for a new one since that one was worn out beyond repair. I contacted Ken Parks and was informed that since he was the new landowner he could apply for a new incinerator. The new landowner installed the new unit and I signed the RFP. Ken Parks contacted me when they received the RFP because I had signed it. I told Ken that the concrete pad was already there plus all the electrical and fuel hook ups and that all he did was replace one unit with another. Ken said that should be fine and the RFP was paid. If there was an issue at that point the RFP should never have been paid.	8,923.00
							Also listed under # 6. Contract certified without appropriate job approval authority	
6. Contract certified without appropriate job approval authority								
2006	54-2006-025	Daryl B. Kilpatrick	Jerry Raynor 9/22/05	Riparian Buffer/Site Prep	2,969	Jerry Raynor 6/12/09	Supplement to CREP Contract # 054-006-247 - Riparian Buffer - Contract was written by Jerry Raynor (NRCS) and first RFP was completed and signed by Jerry in the amount of \$2,249.00. Before the final payment of \$720.00 was made Jerry left Lenoir County for another position.	2,249
						David Anderson 1/16/07	Tree Release - Chemical - I completed the final RFP in the amount of \$720.00 which was for chemical tree release not realizing I need JAA. I was required to have my pesticide license as was Jerry Raynor and I assumed that was all I needed. This was an oversight on my part. The only part of the contract that would be consider out of compliance is the \$720 for tree release not the whole contract.	720
Also listed under # 4. Contracts that were overpaid based on documentation files								

	<u>CONTRACT #</u>		<u>Contract Written By</u>	<u>BMP</u>	<u>Contract \$</u>	<u>RFP Written By</u>		<u>RFP \$</u>
2006	54-2006-011	H. Russell Rouse	Jerry Raynor 9/1/05	Riparian Buffer /Site Prep	5,856	Jerry Raynor 1/5/06	Supplement to CREP Contract # 054-005-250 Contract was written by Jerry Raynor (NRCS)	4,477
							The first RFP was completed and signed by Jerry in the Amount of \$4,447.00. Before the final payment of \$1,379.00 was paid Jerry Raynor left Lenoir County for another position.	
						David Anderson 1/16/07	Tree Release - Chemical - I completed the final RFP in the amount of \$1,379.00 which was for the chemical tree release not realizing I needed JAA for the practice. I had my pesticide license as required and assumed that's all I needed. This was an oversight on my part. The only part of the contract that would be consider out of compliance is the \$1,379.00 for Chemical Tree Release.	1,379
							Also listed under # 4. Contracts that were overpaid based on documentation files	
2006	54-2006-040	James E. Smith	Jerry Raynor 1/17/06	Riparian Buffer/Site Prep	3,971	Jerry Raynor 6/12/06	Supplement to CREP Contract # 054-006-276 Riparian Buffer - The contract was written as a CREP Contract. The first RFP was completed and signed by Jerry Raynor (NRCS) in the Amount of \$3,089.00. The final RFP was completed by me due to Jerry Raynor taking a new position and leaving Lenoir County.	3,089.00
				Tree Release - Chemical		David Anderson 4/17/07	The RFP was in the amount of \$882.00 for chemical tree release. I did not realize that I needed JAA due to me having my pesticide license and it was an honest oversight on my part.	882
							Also listed under # 4. Contracts that were overpaid based on documentation files	
2006	54-2006-042	Clarence Smith	David Anderson	Cropland Conversion to Trees	782	David Anderson	Supplement to CREP Contract # 054-006-268 - Cropland Conversion to Trees	782
							The request for payment was paid for cropland conversion to trees in the amount of \$578 and seed bed prep in the amount of \$204.00. I was not aware that I needed JAA for seed bed prep since I have JAA for Cropland Conversion to Grass or "Trees". The only element of this contract that would be out of compliance is seed bed prep not the whole contract.	
							Also listed under # 1. Contracts where BMP's were implemented prior to approval	
2007	54-2007-001	James Kinsey	David Anderson 9/11/06	Site Prep	825	David Anderson 5/14/07	Supplement to CREP Contract # 054-006-286 - Riparian Buffer - Contract was written as a supplement to a CREP Contract. The first RFP was written in the amount of \$492.00 for tree planting and mowing. The second RFP was written in the amount of \$333.00 for chemical release. I was not aware that I needed JAA for chemical release since I was required to have my pesticide license. The complete contract would not be out	492
				Chemical Release		David Anderson 6/11/07	compliance, only the chemical release part. All receipts for planting and spraying are in the folder and the practice has been spot checked by the local board and NRCS and found to be in good condition and in compliance.	333
							Also listed under # 1. Contracts where BMP's were implemented prior to approval	

	<u>CONTRACT #</u>		<u>Contract Written By</u>	<u>BMP</u>	<u>Contract \$</u>	<u>RFP Written By</u>		<u>RFP \$</u>
2007	54-2007-005	Orville Daughety	David Anderson 11/13/06	Site Prep	395	David Anderson 5/14/07	Supplement to CREP Contract # 054-006-270 - Riparian Buffer - Contract was written as a supplement to a CREP Contract. The first RFP was written in the amount of \$252.00 for tree planting and mowing. The second RFP was written in the amount of \$143.00 for chemical release. I was not aware that I needed JAA for chemical release since I was	252
				Chemical Release		David Anderson 6/12/07	required to have my pesticide license. The complete contract would not be out compliance, only the chemical release part. All receipts for planting and spraying are in the folder and the practice has been spot checked by the local board and NRCS and found to be in good condition and in compliance.	143
							Also listed under # 1. Contracts where BMP's were implemented prior to approval	
	<u>CONTRACT #</u>		<u>Contract Written By</u>	<u>BMP</u>	<u>Contract \$</u>	<u>RFP Written By</u>		<u>RFP \$</u>
2010	54-2010-004	Robert Murphy	David Anderson 3/4/10	Incinerator 600 lb. unit	8,923	David Anderson 3/8/11	This contract was written for the "New" landowner (Robert Murphy) as a replacement to the original contract 54-2004-39 (Alvin Turner). The original Landowner installed the incinerator in 2005 based on a design done by me and signed off on by Jerry Raynor (NRCS). The original landowner passed away in 2009 and his wife sold the farm to the new landowner in 2010. The incinerator was past the 5 yrs. Required by the Cost Share standards of operation and maintenance and the new landowner wanted to apply for a new one since that one was worn out and beyond repair. I contacted Ken Parks and was informed that since he was the new landowner he could apply for a new incinerator. The new landowner installed the new unit and I signed the RFP. Ken Parks contacted me when they received the RFP because I had signed it. I told Ken that the concrete pad was already there plus all the electrical and fuel hook ups and that all he did was replace one unit with another. Ken said that should be fine and the RFP was paid. If there was an issue at that point the RFP should never have been paid.	8,923.00
							Also listed under # 5. Contract found out of compliance with inadequate follow up	

	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By		RFP \$
	7. Contracts where the district failed to follow-up on program requirements							
2006	54-2006-011	H. Russell Rouse	Jerry Raynor 9/1/05	Riparian Buffer/Cropland Conv.	5,856	Jerry Raynor 1/5/06	Supplement to CREP Contract # 054-005-250 Contract was written by Jerry Raynor (NRCS) The first RFP was completed and signed by Jerry in the Amount of \$4,447.00. Before the final payment of \$1,379.00 was paid Jerry Raynor left Lenoir County for another position.	4,477
						David Anderson 1/16/07	Tree Release - Chemical - I completed the final RFP in the amount of \$1,379.00 which was for the chemical tree release not realizing I needed JAA for the practice. I had my pesticide license as required and assumed that's all I needed. This was an oversight on my part. The only part of the contract that would be consider out of compliance is the \$1,379.00 for Chemical Tree Release.	1,379
							Also listed under # 4. Contracts that were overpaid based on documentation files & # 6. Contract certified without appropriate job approval authority	
2008	54-2008-003	Tracy Wallace	David Anderson 11/13/07	Cropland Conversion	2,948	David Anderson 5/11/09	Cropland Conversion to Grass - The landowner was sent a certified letter making him aware that he needed to spray for weeds and that there would be a follow-up within 30 days. I followed up with the landowner and fields had been sprayed but I failed to note it in the conservation assistance notes. Farm has since been spot checked several times and fields are wee free and practice is in compliance.	2,948

DOCUMENT 3

DISTRICT'S RESPONSE TO DRAFT 2013 REVIEW OF THE LENOIR SOIL & WATER CONSERVATION DISTRICT COST SHARE PROGRAM.

BACKGROUND

The District made the CREP Mgr. aware of a possible problem with a CREP easement in Lenoir County, when the landowner came in the District office asking what he needed to do, that he had paid back the money at the FSA Office for an acre of the land and he thought he had met his obligation. He stated he had allowed his granddaughter to put a mobile home on the land. He said no one at the FSA office told him he needed to check with NRCS or the Soil & Water office. He stated he was not aware there was a problem until the lawyer contacted him when his granddaughter was trying to closed on her loan and the lawyer told him there was an easement on the property and he could not closed the loan until the easement problem was reconciled. This is when the District staff contacted the CREP Mgr.

Review conducted on January 28, 29 and February 1st by Natalie Woolard, Kelly Ibrahim and Bill Edwards reviewed 15 cost share contract files which were associated with CREP easements.

The Division's review stated that during the investigation the partnering agencies found deficiencies in the contracts in question. According to the Farm Service Agency, Natural Resources Conservation Service and the Division determined that a more thorough program review was needed in Lenoir County.

QUESTION:

1. What in this review determine a more in depth program review was indicated? All of the CREP Ag Cost Share Contracts were supplement contracts to the Federal CREP Contracts written by and signed by the District Conservationist, not the district staff. Prior to 2009 year all CREP Contracts were Spot Check by the District (each year the District noted it did only road frontage spot checks). In 2009 Charles Bowden (CREP Program staff) spot checked all CREP Contracts per the CREP Mgrs. (Natalie Woolard) request due to an out of compliance issue with a CREP Contact (Robert D. Shepard). Mr. Bowden reported that all CREP Contracts in Lenoir County were in compliance except for that one. Mr. Bowden did not indicate there was an issue with the riparian buffer practices at that time. This practice did not show on maps and field notes in the NRCS files or district files. The 2010 year was the last time the District monitored all CREP Contracts, we were told not to do them that the CREP Program was going to draw up a contract with each District and until then not to bother with the spot checks. At the time the District stopped the stewardship monitoring for CREP easements. Continued to do random spot checks on all the CREP Contracts that had an Ag. Cost Share Contract tied to them. The District was waiting to hear from Natalie on the new contract with the new procedures to be used for CREP spot checks. This has not transpired as to date.

Please see copies of board minutes dated June 8, 2009 & February 8, 2010.

Please see email from Natalie Woolard dated September 02, 2009.

Please see copies of CREP spot checks for years 2008, 2009 & 2010. (See Packet # 1)

It was also noted in the response that the Division notified the Lenoir District Board and staff on February 28, 2013 that it would conduct an additional review of all 2007 to 2013 cost share contracts (District staff did not receive this notification). On March 1, 2013 David Williams, Kellie Ibrahim and Ken Parks came in the District office. David Williams stated that they were here to do a review of Cost Share Contracts and he had the list of contracts they wanted to review. At that point & time Ken and Kellie went over to the FSA office. Mary pulled all the contracts that David Williams requested and he took them across the hall to the FSA office. David Williams returned the contract folders to Mary when they finished with their audit of the AG. Cost Share Contracts. There were no questions asked about any of the contracts.

The Division presented the District with their findings on Wednesday, September 9, 2013. A meeting with the following individuals was held in the Lenoir Soil & Water office on September 9, 2013 at 9:30 am.

Division Staff: Pat Harris, David Williams, Kellie Ibrahim, Natalie Woolard and Kristina Fischer

District Supervisors: Mike Robinson, Charles Hughes and Steve Putnam

District Staff: David Anderson and Mary Parker

District Conservationist: Carl Kirby

See attached board minutes dated: September 10, 2013, October 8, 2013 and March 11, 2014 concerning District's discussion after the meeting with the Division staff on Wednesday, September 9, 2013. (See Packet # 2)

APPARENT CONFLICT OF INTEREST

The secondary employment issue in the Lenoir District has been addressed on several occasions since November of 2004; at that time Jerry Raynor brought to the boards attention that Bill Harrell (ASTCFO, NRCS) had contacted him and that he had concerns that a District employee maybe operating a side business that could be in conflict with current District responsibilities. After a lengthy phone conversation between Bill Harrell, Jerry Raynor, and David Anderson, the conclusion by Bill Harrell was that he did not see any conflict of interest with David's side business. Jerry, after a lengthy discussion with the board of supervisors came to the same conclusion, that there was not conflict of interest with David's secondary business (see attached documentation).

Discussed - October 13, 2009 – no conflict of interest was determined by the board of supervisors (see attached minutes).

Discussed – November 9, 2009 - no conflict of interest was determined by the board of supervisors (see attached minutes).

See copy of Lenoir SWCD Plan of Action – meeting held with County Manager.

Discussed – February 8, 2010 board meeting after receiving email (dated January 21, 2010) from David Williams stating a proposed policy regarding secondary employment of district staff whose salaries are partially paid by cost share funds (see attached email, original board minutes, copy of Charles' board minutes stating correction to the February 8th board minutes.

March 8, 2010 board minutes stating the change to the February 8, 2010 board minutes concerning secondary employment.

See Memo dated March 8, 2009 from David Williams, Chief, Nonpoint Source Programs Section

See Memo dated March 10, 2010 from Lenoir Soil & Water Conservation District to Mr. Mike Jarman, Lenoir County Manager.

See Memo dated March 23, 2010 from Michael W. Jarman, County Manager concerning the Counties stance on Secondary Employment.

(See Packet # 3)

Please see report (Cost Share Program Running List of Contract Dollars per Farmer/Applicant) listing all contracts written/paid in Lenoir County from year 1994 to year 2013). Looking at this report you can easily see that no one has received special consideration to receive Ag. Cost Share money in Lenoir County. (see report marked report A)

At the present time the majority of the present District Board of Supervisors sees no need to take further actions concerning this issue since it has been address by multiple boards and no conflict of interest to be found.

OTHER ITEMS OF CONCERN

It was indicated in the response that the board meeting minutes did not accurately reflect the cost share contract or request for payment. No one had ever noted that the minutes needed to list every component of a contract (not during the previous audit in 2009). The Contract #, individual name, BMP practice and dollar amount of contract are always documented in the minutes when presented to the board of supervisors for approval).

There was also a statement made in the Divisions draft, that numerous cases where the cooperators, practices, and amounts shown in the minutes were very different from the practices and amounts submitted to the Division for approval, also, it stated the same was true for request for payments

(indicating that the board may not be reviewing or approving the contracts and requests for payments that are actually submitted to the division or that the contracts and payments are being changed after the board's approval. **AT THIS TIME THE DISTRICT REQUESTED THAT THE DIVISION PROVIDE THE DOCUMENTATION THAT THEY BASED THIS ALLIGATION ON. THE DIVISION STAFF STATED THEY WOULD PROVIDE THE DISTRICT WITH THAT DOCUMENTATION, BUT AS OF APRIL 2014 THE DISTRICT HAS NOT RECEIVED ANY DOCUMENTATION TO PROVE THE DIVISIONS ALLIGATIONS.**

Copies of minutes and District's yearly Ag Cost Share reports showing the dollar amount requested on the application, contract and request for payment for each contract are attached. You will find that there are no discrepancies in the dollars for the application, contract or request for payment unless the applicant did not complete the full BMP and the request for payment was written for less than the contract amount. (Please see packet 4 & 5)

The District did notify NRCS that the County Mgr. was looking at relocating the District office out of the Federal Building in the near future arising another concern in that it will result in a decrease in federal technical oversight for the day-to-day operations of the district staff. The District already has a decreased technical oversight for the day-to-day operations of the district staff due to the District Conservationist is only in Lenoir County two (2) days a week (if there is no training scheduled, doctor appointments, sickness, vacation time, etc.)

Lenoir County is assigned a Neuse Basin Technician, (never been to Lenoir County District Office). The only time we hear from that individual is once a year requesting the BMP's that the Lenoir District has written contracts for that program year. It is not that the Lenoir District does not seek to meet the 30% reduction target. The District does include on its ranking form bonus points to those cooperators that would be willing to install nutrient reducing practices, such as riparian buffers, water control structures, nutrient scavenger crops, etc. In hopes it will give those cooperators a better chance to be funded through the AG. Cost Share program. At the 2014 LAC meeting held at the Cooperative Extension Office it was pointed out that acres of different crops were not on the report that should have been reported.

The statement was made that the crops reported was taken directly from the reports the FSA office furnished.



Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Division of Soil and Water Conservation

Patricia K. Harris
Director

May 16, 2014

Mr. Michael Robinson, Chairman
Lenoir Soil & Water Conservation District
2026 Hwy 11/55
Kinston, NC 28504

Dear Chairman Robinson:

The Division of Soil and Water Conservation has reviewed the response you submitted to the April 3, 2014 memo from the Commission and the August 15, 2013 and December 10, 2013 program review summaries from the Division. The response and the district's proposed action plan are helpful and extensive, but more is needed to address the concerns noted.

Why Was This In-Depth Review Indicated?

I will begin by responding to the question posed on the first page of Document 3: District's Response to Draft 2013 Review of the Lenoir Soil & Water Conservation District Cost Share Program. You ask, "What in (the CREP) review determined a more in-depth program review was indicated?" You note correctly that the division staff began doing the CREP field inspections in 2009, noting that all but one CREP sites were in compliance. The CREP field inspections were only aimed at determining if the sites were in compliance with the easement requirements. This field review was never intended to review the cost share files for procedural and policy compliance.

You also correctly assert that the district made the division's CREP manager aware of the problem with a particular CREP easement, and that the division and NRCS staff reviewed 15 cost share contracts associated with CREP easements in January of 2013. In reviewing the CREP files, the division discovered that several cost contracts associated with CREP enrollments appeared to be implemented before the division approved them and others included payments for components for which the file lacked documentation justifying the payment.

The division concluded that there was a good possibility that these procedural lapses may not have been limited to only CREP files and that a complete review of all cost share contract files was needed.

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Concerns Related to Board Meeting Minutes

At our meeting in September in your office, I mentioned that there were a few items we noted as being inconsistent in board meeting minutes. I promised to provide a list of these concerns, but I did not provide the items of concern. Table 1 lists several meeting minutes of the Lenoir District that have inconsistencies with the contracts or payments actually submitted to the division. Please note that this list is only from reviewing a small sampling of minutes.

Table 1: Contract or payment approval not accurately reflected in District Board Minutes

Contract number	Date Contract Approved per Minutes	Comments
54-2006-008	9/12/2005	Only \$2,132 approved for contract in 9/12/05 minutes, but contract submitted for \$2,823
54-2011-006, 54-2011-007	3/08/2011	3/8/11 minutes show the wrong contract numbers for 2 contracts
54-2008-011	4/14/2008	Minutes show contract for 3-yr Conservation Tillage, but actually 5-yr conservation tillage on contract submitted to Division.
54-2010-009	6/14/2010	Contract signed by chairman dated 5/10/2010, which was the date of the May board meeting. Minutes show that board authorized contracts to go forward without specific board approval due to end of the year, despite being informed in email that this practice was inappropriate (see NOTE below).
54-2010-501	6/14/2010	Contract signed by chairman dated 5/10/2010, which was the date of the May board meeting. Minutes show that board authorized contracts to go forward without specific board approval due to end of the year, despite being informed in email that this practice was inappropriate. This contract reflected in the minutes as contract number 54-10-08-09. (see NOTE below).
54-2012-010	6/12/2012	Contract signed by chairman dated 5/8/2012, which was the date of the May board meeting. Minutes show that board authorized contracts to go forward without specific board approval due to end of the year, despite being informed in email that this practice was inappropriate. (see NOTE below).
54-2012-501	6/12/2012	Contract signed by chairman dated 5/8/2012, which was the date of the May board meeting. Minutes show that board authorized contracts to go forward without specific board approval due to end of the year, despite being informed in email that this practice was inappropriate. (see NOTE below).
54-2013-501	6/11/2013	Contract signed by chairman dated 5/14/2013, which was the date of the May board meeting. Minutes show that board authorized contracts to go forward without specific board approval due to end of the year, despite being informed in email that this practice was inappropriate. (see NOTE below).
54-2010-007	5/10/2010, 2/14/2012	Minutes show contract approved for CREP Site Prep, but contract actually submitted for Tree Planting and Site Prep, Request for Payment just says CREP Supplement.

NOTE: At May board meetings since 2010, David Anderson has requested, and the board has granted, authority to write additional contracts to finish out cost share funds for the current program year to meet deadlines, without the board acting on individual contracts. Language in minutes has also referenced a similar process to meet deadlines for RFPs in a particular program year. At the May 2008 board meeting, division staff provided guidance (email correspondence to D.Anderson on May 14, 2008) that this process is not appropriate, and the board needs to take action on specific contracts to encumber funds. On May 29, 2008, the Lenoir SWCD held a special meeting to obligate funds in time for program year deadlines. Each year after 2008, the district has ignored the 2008 guidance, and similar

authority for the office staff has been requested and granted. It appears that contracts signed after the May board meeting dates have been back dated by district representative and cooperator to be reflective of May meeting dates. This could have appropriately been handled by a special teleconference meeting of the board to approve the contracts.

In addition to the items listed in Table 1 above, there were several other minutes from the period 2004-2007 that did not include an action approving requests for payment. We acknowledge that this concern had been previously pointed out in the 2009 program review and more recent minutes have shown improvement with regard to this concern.

Contract by Contract Response and Reaction to Action Plan

Following is the division's reaction to the 2014 Lenoir Soil & Water Action Plan submitted on May 1, 2014. The Action Plan includes several positive actions that will address many of the concerns noted in the review and the December 13 Division response, but it does not fully address all of the concerns. Each of the concerns noted in the review will be repeated below, followed by a commentary on how the Action Plan addresses the concern and any further corrective actions needed to more completely address the concern. Also, each section references a table summarizing the specific contracts with noted concerns, the response from the district, and the Division's comment/reaction to the response.

Contracts Implemented Prior to Division Approval

Fifteen contracts were initially found to have been implemented prior to division approval. These are shown in Table 2. In response to the district's explanation, thirteen of these contracts continue to qualify as post approvals. For many of these contracts there was a long lapse between the date the district board approved the contract and the date it was submitted to the division for approval that the district confirms likely contributed to many of the projects being started prior to approval.

- 1) The district's proposed **action item #5** calls for any contract that has not been approved by the division to be spot checked by the staff, NRCS DC or with the assistance of a supervisor to ensure that the practice has not been started prior to approval. ***Corrective Action: To ensure the effectiveness of this action the spot check should be made at the time the cooperator is notified that the contract has been approved by the division and they are authorized to begin work.***
- 2) Proposed **action item #10** states that all contracts will be sent to Raleigh within 5 to 10 business days after district board approval. ***Corrective action: This action should be effective to reduce the potential for work to begin prior to Division approval, but there is no reason the contracts cannot be submitted within 3 business days. The chairman's signature indicates that all components of the contract have been reviewed and that the contract is ready for division approval.***
- 3) Proposed **action item #3** calls for the supervisors to receive receipts showing the dates the work was completed prior to approving any request for payment. ***Corrective Action: The supervisors need to compare the dates on the receipts to the dates the contract received division approval. The concern is not that the work was not done prior to approving the request for payment, but rather it was done before the contract was fully approved.***
- 4) Proposed **action item #2** calls for any contract for cropland conversion, conservation tillage, long-term no-till or nutrient management will have documentation of field checks and crop history reports for review prior to approval. ***Comment: This action should be effective to reduce the potential for contracts to be approved after the first crop has already been planted. Corrective Action: These contracts need to be considered for approval by the board and submitted to the division sufficiently in advance of the planting season to allow them to receive final***

division/commission approval prior to normal planting time for the respective cropping systems or vegetative type.

Contracts Suspected of Being Implemented Outside Normal Planting Season

In addition to the contracts shown in Table 2 there are also three contracts for cropland conversion to grass that were found to be approved and paid for grass planted well outside the recommended planting dates. While there were no receipts or notes in the file to confirm when the crops were actually planted, the contracts were approved in June and the RFPs were certified September or October. The total value of these contracts is \$11,579. Table 3 lists the contracts and values.

Comment: *The Districts proposed action items and the Division's recommendations should be effective to reduce the likelihood of contracts being approved for implementation outside the typical planting dates.*

Ineligible Contracts

Nine contracts were initially found to contain elements that were ineligible for cost share. These are shown in Table 4. In response to the district's explanation, eight of these contracts continue to be at least partially ineligible. Of these, five involved cropland conversion to grass where the FSA cropping history shows at least part of the fields to be in grass prior to the year the contract was approved. Another contract for 3-year conservation tillage included fields that were enrolled in CRP.

- 5) Proposed **action item #2** calls for any contract for cropland conversion, conservation tillage, long-term no-till or nutrient management will have documentation of field checks and crop history reports for review prior to approval. ***Comment:*** *This action should be effective to reduce the potential for contracts to be approved for situations where the water quality concern has already been addressed prior to the contract.*
- 6) Proposed **action item #4** states that any contract for cropland conversion will have a photo prior to board approval showing that it is in row crops. ***Comment:*** *This action should be effective to ensure that a water quality concern still exists.*
- 7) The district's proposed **action item #5** calls for any contract that has not been approved by the division to be spot checked by the staff, NRCS DC or with the assistance of a supervisor to ensure that the practice has not been started prior to approval. ***Comment:*** *This action should also be helpful to ensure that ineligible contracts are not approved and implemented.*
- 8) Proposed **action item #7** states that all contracts will be reviewed by Carl Kirby (NRCS) to ensure they meet NRCS standards and guidelines. ***Comment:*** *This action should also be helpful to ensure that ineligible contracts are not approved and implemented, but this action item needs to take into consideration the impact of this additional workload on the district conservationist who is shared with another district.*
- 9) Proposed **action item #8** calls for all contracts to be cross-checked to ensure there is no overlap of another practice or program (NCASCP/NRCS). ***Comment:*** *This action will be helpful to prevent duplicative contracts addressing the same water quality problem, but occasionally it is necessary to use multiple programs to comprehensively address a particular concern.*

It should be noted that several explanations from the district for cropland conversion to grass states that FSA crop history defaults to grass if no crop report is filed. The Division checked with FSA and received

email correspondence that this is neither the policy nor practice for FSA in Lenoir County or statewide, nor has it been in the past.

Overpaid Contracts

Ten contracts were found to be overpaid based on the documentation that was found in the file. These contracts are shown below in Table 5. The district's explanation provided sufficient evidence to remove only one contract from this list. The overpayments are associated with components for which the file lacks necessary supporting documentation, for contracts where actual acreage planted does not add up to the acres shown on the request for payment, and contracts where the receipts in the file do not add up to the amount shown on the request for payment. It is important to remember that contracts are seldom implemented exactly as planned.

- 10) Proposed **action item #3** calls for the supervisors to receive receipts showing the dates the work was completed prior to approving any request for payment. ***Corrective Action: The supervisors need to ensure the receipts sufficiently document the quantities and acreages shown for each of the items on the request for payment.***

Inadequate Follow-Up on Out of Compliance Contract

The division's review included a contract that was thought to be out of compliance due to waste application in excess of the waste plan. At the September 4, 2013 meeting it was discovered that division staff had misinterpreted the information in the file. The contract is actually in compliance according to the records in the file. **No further response is needed for this concern.**

Unauthorized Signature for Job Approval Authority

Seven contracts were found to have been certified by David Anderson when he did not have the appropriate job approval authority per NRCS records. These contracts are shown in Table 6 below.

- 11) Proposed **action item #6** calls for any contract that needs JAA that can't be signed on the local level will be signed by Carl Kirby (NRCS) or the Area Engineer. ***Corrective Action: The board of supervisors needs to know which practices the district staff have Job Approval Authority and which ones require higher level approval. To facilitate this awareness, the division recommends job approval authority records for all district staff be readily available for review at every district board meeting. The supervisors should verify that each practice design and installation is approved by someone with appropriate authority.***
- 12) ***Corrective Action: The board of supervisors should also create the expectation that the district staff work with the district conservationist and area office staff to obtain job approval authority for as many practices that are typically implemented in the district as possible.***
- 13) Proposed **action item #3** calls for the supervisors to receive receipts showing the dates the work was completed prior to approving any request for payment. ***Corrective Action: The supervisors need to ensure the receipts sufficiently document the quantities and acreages shown for each of the items on the request for payment.***
- 14) Proposed **action item #6** calls for any contract that needs JAA that can't be signed on the local level will be signed by Carl Kirby (NRCS) or the Area Engineer. ***Corrective Action: The board of supervisors needs to know which practices the district staff have Job Approval Authority and which ones require higher level approval. To facilitate this awareness, the division recommends job***

approval authority records for all district staff be readily available for review at every district board meeting. The supervisors should verify that each practice design and installation is approved by someone with appropriate authority.

15) Corrective Action: *The board of supervisors should also create the expectation that the district staff work with the district conservationist and area office staff to obtain job approval authority for as many practices that are typically implemented in the district as possible.*

Spot Check Discrepancies & District Follow Up

The division's review included two contracts with discrepancies related to spot checks and district follow up on non-compliance. These contracts are shown below in Table 7. The district's proposed action plan does not have any specific actions to address the concern.

16) Corrective Action: *The supervisors should receive a copy of each contract to be spot checked prior to the field visits to help them understand exactly what fields and practices need to be spot checked, and the contract file needs to include photos and other written documentation documenting the results of the spot check. Care needs to be taken to review all of the fields that are included in the contract not just the ones that are easily accessed.*

17) Corrective Action: *The district also needs to implement greater follow-up procedures to document that contracts found to be out of compliance are either returned to compliance or paid back. All compliance issues need to be reported immediately to the division cost share staff.*

Apparent Conflict of Interest

The Division's review points out concern about David Anderson's secondary employment being contrary to paragraphs 1b,c,d,and f of the Soil and Water Conservation Commission's advisory related to secondary employment. The district's **action item # 9** says that any contract that could be considered a conflict of interest will be reviewed by the Board prior to approval and will be overseen and signed off on by NRCS District Conservationist or equivalent. **Corrective Action: The action item should require any employee to specifically declare any association with a contract participant, and to take specific action to document that the employee did not sign as a district representative or technical approval for that contract.**

General Actions

The district's proposed action items include two general actions that have the potential to be helpful. **Action item #1** proposes for supervisors to receive a copy of all contracts prior to being approved at board meetings. **Action item #6** proposes that the district conservationist review all contracts to ensure they meet NRCS standards and guidelines. This action is already necessary for the practices for which district staff does not have the necessary job approval authority. Requiring the district conservationist to oversee the district staff for practices for which they have JAA may have the unintended consequence of diverting the district conservationist's time away from other cooperators needing assistance.

At its March meeting the commission imposed a change in procedure to require any contract or request for payment from the Lenoir SWCD to be presented to the commission for approval by a supervisor and the district technician. For the items that have to come before the Commission, all documentation (e.g., receipts, signed forms, photos) that goes to the district board needs to be scanned and attached or emailed to the division cost share specialist prior to the published deadline for materials to be considered at each Commission meeting.

Summary

The concerns noted in the review are serious and numerous. The district's proposed action plan and the division's additional corrective actions are aimed at preventing recurrences, but they may not thoroughly address the root of the problems noted in the division's review. It is apparent that the district supervisors need to obtain a more complete understanding of Commission policies and procedures to better enable them to oversee implementation of the cost share programs in the Lenoir District. The board of supervisors also needs to demonstrate that it is willing to do what is necessary to establish greater accountability for the district staff and preserve the integrity of the cost share programs in Lenoir District.

We look forward to working with you to incorporate the changes included in your action plan and the additional corrective actions noted in this response. Please let me know if you have questions about this response or if you need further assistance to implement the necessary corrective actions.

Sincerely,



David B. Williams, Deputy Director

Cc: Randy Smith, Vice Chair
Charles Hughes, Treasurer
Lynwood Earl Everett, Supervisor
Steven Putnam, Supervisor
Soil and Water Conservation Commission
Lenoir SWCD District Staff
Kristina Fisher, DSWC Regional Coordinator
Eric Pare, DSWC Regional Coordinator
Tim Beard, NRCS State Conservationist
Renee Melvin, NRCS Assistant State Conservationist for Field Operations
Carl Kirby, NRCS District Conservationist

Table 2: Contracts where BMPs were implemented prior to approval.

PY	Contract Number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Install Date	Comment	District Comment/Response	Division Comment/Response
2004	54-2004-052*/**		\$1,374	3/8/04	4/16/04	3/26/04	Receipts show that trees were planted before Board Chair signed the contract or Division approval	Supplement to CREP Contract # 2004-0198AA; Riparian Buffer – contract written by Jerry Raynor	This ACSP contract is affiliated with a CREP contract. It is not a supplement contract. It must still be approved by the board and the division in advance of implementation. The board (not NRCS) is responsible to ensure that all cost share procedures are followed.
2006	54-2006-042*/**	Cropland Conversion – Trees	\$782	2/13/06	4/17/06	Jan. 2006	Receipts show that the trees were planted before Board or Division approval	Supplement to CREP Contract # 54-2006-268; Cropland Conversion to Trees – Contract was written as a supplement to a CREP contract.	This ACSP contract is affiliated with a CREP contract. It is not a supplement contract. It must still be approved by the board and the division in advance of implementation. The board (not NRCS) is responsible to ensure that all cost share procedures are followed.
2007	54-2007-001*/**	Riparian Buffer	\$825	9/11/06	4/30/07	Dec. 2006	Receipts show that the trees were planted before Division approval	Supplement to CREP Contract # 54-2006-286; Contract was written as a supplement to a CREP contract	This ACSP contract is affiliated with a CREP contract. It is not a supplement contract. It must still be approved by the board and the division in advance of implementation. The board (not NRCS) is responsible to ensure that all cost share procedures are followed.
2007	54-2007-005*/**	Riparian Buffer	\$395	11/13/06	4/30/07	12/28/05	Receipts show that the trees were planted before Board or Division approval	Supplement to CREP Contract # 54-2006-270; Contract was written as a supplement to a CREP contract from info gathered from Jerry Raynor.	This ACSP contract is affiliated with a CREP contract. It is not a supplement contract. It must still be approved by the board and the division in advance of implementation. The board (not NRCS) is responsible to ensure that all cost share procedures are followed.

PY	Contract Number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Install Date	Comment	District Comment/Response	Division Comment/Response
2007	54-2007-009	Conservation Tillage (3 Yr.); Grassed Waterway	\$6,801	4/9/07	6/12/07		Conservation tillage implemented on spring crop before Division approval. (Crops confirmed by FSA records)	Contract was approved by the Division on June 12, 2007. That means that he would have planted wheat and it is picked in June and the next crop (soybeans) would have been planted in the stubble. The RFP was done on July 19, 2007, which means he would have had time to plant and the crop be established in the residue. All No-Till contracts have been done by NRCS standards and have passed their spot checks.	FSA Cropping history reports that corn was planted in 2007, not soybeans. Contract should have been approved prior to any fields being approved at planting.
2007	54-2007-011	Conservation Tillage (3 Yr.)	\$6,000	4/9/07	6/12/07		Conservation tillage implemented on spring crop before Division approval. (Crops confirmed by FSA records)	Contract was approved by the Division on June 12, 2007. Practice would have been spot-checked after the next crop would have been planted in adequate residue and date shows that to be correct. Soybeans following wheat. Spot checked by NRCS and met their standards.	3 of the fields are shown to be in wheat/soybeans in 2007, and 6 fields (T182, F 4&5 + All of T 186) are listed as being in corn in 2007. Contract should have been approved prior to any fields being approved at planting.
2008	54-2008-001	Nutrient Management	\$10,000	3/10/08	6/3/08	May/June 2008	Nutrient application for first crop year occurred before Division approval	Division approved contract on 6/3/08. Due to the contract not being possibly mailed in on a timely matter the landowner actually applied 23 days prior to Division approval. The landowner followed his nutrient management plan and completed all necessary paper work to fulfill his cost share contract.	District should have requested to be placed on Commission agenda for post approval once it became aware that the contract was implemented prior to approval.
2008	54-2008-006*	Cropland Conversion - Grass	\$2,072	3/10/08	6/3/08	5/10/08	Receipt for bermuda and field notes state sprigged prior to Division approval	Practice was installed on 5/10/08. I forgot to have the landowner to initial that they understand that the contract had not been approved by the Division of Soil & Water and	District should have requested to be placed on Commission agenda for post approval once it became aware that the contract was implemented prior to approval.

PY	Contract Number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Install Date	Comment	District Comment/Response	Division Comment/Response
								they are proceeding with project installation. The landowner met all the requirements to proceed except getting them to initial. Practice is in place and meets all NRCS specs.	
2008	54-2008-007*	Cropland Conversion - Grass	\$2,318	4/14/08	6/3/08	Unknown	Receipt for KY-31 seed 3/20/08; Fescue would not have been planted between June/Sept.	Receipt showed KY-31 which is fescue seed. The recommended planting dates for fall-planted fescue are 9/1 – 9/30. The RFP was dated 9/8/08, which is within the planting dates and after the Division's approval. The receipt shows when the seed were purchased, not when it was seeded.	Explanation is plausible, based on receipts in file. This contract is not considered post-approval per explanation from the district.
2008	54-2008-011	Long Term No-Till	\$8,325	4/14/08	6/6/08		Long-term No-till implemented on spring crop before Division approval. (Crops confirmed by FSA records)	No-till was checked later in the planting season. Soybeans were planted in wheat residue. 80% residue is required for LTNT. Contract met those requirements. Contract was approved by the Division on 6/6/08 and RFP was dated 9/8/08.	All tracts are listed in FSA Crop history for 2008 as being either corn or full season soybeans, with no mention of wheat. At least the fields in corn were planted prior to approval.
2008	54-2008-012*	Long Term No-Till	\$3,013	4/14/08	6/6/08		Long-term No-till implemented on spring crop before Division approval. (Crops confirmed by FSA records)	No-till was checked later in the planting season. Soybeans were planted in wheat residue. 80% residue is required for LTNT. Contract met those requirements. Contract was approved by the Division on 6/6/08 and RFP was dated 9/8/08.	Rechecked FSA records show the field to be in soybeans in 2008. It's not clear whether it was double cropped soybeans, so this contract <u>may</u> have been valid. This contract is not considered post-approval per explanation from the district.
2010	54-2010-003	Solid Set	\$23,552	3/8/10	3/1/11	2/15/11	Invoice confirms installation prior to Division approval	Contract was approved pending engineer's (Carl Dunn's) signature. Carl wanted to wait until the system was installed and final	Contract was not "approved" pending engineer's approval, but pending engineer's design. Correspondence from D Anderson received 1/21/11

PY	Contract Number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Install Date	Comment	District Comment/Response	Division Comment/Response
								inspection was performed before he signed off on it. Ken Parks was made aware of this before hand. Carl signed the form on 2/24/11, when he performed the inspection and the Division approved it on 3/1/11 knowing it was already installed. The RFP is dated 3/8/11. A supplement contract was written in 2011.	acknowledges the contract is pending design approval. System was installed on 2/15/11 although approval was not sent until 3/1/11. The district did not follow the procedures and it should have sought Commission approval for this contract as a post-approval.
2011	54-2011-006	Conservation Tillage (3 Yr.)	\$15,000	3/8/11	6/9/11		Conservation tillage implemented on spring crop before Division approval. (Crops confirmed by FSA records)	Contract was approved by the Division on June 9, 2011. Wheat was planted and picked at the end of June – soybeans was planted in the stubble and it was spot checked on 9/1/11 and residue was over 60%. RFP was dated 9/13/11. Contract was spot checked by NRCS and found to be in compliance	This contract involves 8 tracts, but only 1 tract listed wheat/soybeans on 2011 crop history report. The other tracts listed corn or cotton, which would have been planted prior to Division approval in June.
2012	54-2012-007	Conservation Tillage (3 Yr.)	\$9,297	4/10/12	6/22/12		Conservation tillage implemented on spring crop before Division approval. (Crops confirmed by FSA records)	Contract was approved by the Division on June 22, 2012. soybeans were planted in wheat stubble, which was picked in late June. Fields were spot checked on 9/6/12 to ensure 60% residue was present. RFP was approved by the board and dated 9/11/12 and residue was over 60%. RFP was dated 9/11/12. Fields were spot checked by NRCS and noted to be in compliance	A recheck of FSA crop report data shows that at least some of the field were reported to be in grass in crop year 2011.
2012	54-2012-008	Cropland Conversion - Grass	\$4,301	5/3/12	6/22/12	3/23/12	Invoice and field notes verify grass planted before contract approved by District Board or Division	Fields were sprigged prior to Division approval. Landowner brought invoice in after RFP was sent to Raleigh for payment. An action plan has been put in place to ensure that the landowner	Receipt and conservation field notes document fields were sprigged in March 2012, prior to application being submitted or board approval.

PY	Contract Number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Install Date	Comment	District Comment/Response	Division Comment/Response
								does not proceed until he is notified that the contract has been approved by the local board and the Division.	

*Contract was potentially eligible for vegetative exception, but proper documentation was not included in the contract.

** These contracts also have a CREP component.

Table 3: Cropland Conversion Contracts Outside of Recommended Planting Dates

PY	Contract number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Practice Certification Date	District Comment/ Response	Division Comment/ Response
2008	54-2008-004	Cropland Conversion - Grass	\$3,659	3/10/08	6/3/08	9/8/08	Contract was not completed and sent to the Division in a timely manner after Board's approval. Most cropland conversion springing takes place at the end of April to May, and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the local board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards.	District should have requested to be placed on Commission agenda for post approval once it became aware that the contract was implemented prior to approval. Division received the contract on 5/30/08.
2008	54-2008-005	Cropland Conversion - Grass	\$6,795	3/10/08	6/3/08	9/8/08	Contract was not completed and sent to the Division in a timely manner after Board's approval. Most cropland conversion springing takes place at the end of April to May, and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the local board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards.	District should have requested to be placed on Commission agenda for post approval once it became aware that the contract was implemented prior to approval. Division received the contract on 5/30/08.
2011	54-2011-004	Cropland Conversion-Grass	\$1,125	3/8/11	6/9/11	10/21/11	Contract was not completed and sent to the Division in a timely manner after Board's approval. Most cropland conversion springing takes place at the end of April to May, and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the local board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards.	District should have requested to be placed on Commission agenda for post approval once it became aware that the contract was implemented prior to approval. Division received the contract on 5/20/11.

Table 4: Contracts not eligible for cost share.

PY	Contract number	BMP	Contract Amount	Board Approve Date	Division Approve Date	Comment	District Comment/ Response	Division Comment/ Response
2007	54-2007-002	Cropland Conversion - Grass	\$4,725	9/11/06	5/18/07	FSA 2006 cropping history shows that fields in grass. DWQ Compliance Inspection dated 9/21/06 and DSWC Op Review dated 11/07/06 confirms Bermuda planted.	Landowner was contacted to see if he was going to follow thru with contract, and he stated that he had sprigged it in 2007. The field was previously in row crop, but since the producer doesn't get any Federal subsidies it's not reported to FSA and they automatically claim it as being in grass even though it isn't. The field was not in grass prior to the contract being approved by the board. FSA map shows that it was not in grass.	Waste utilization plans signed by integrator representative dated December 2006 shows these fields listed as Bermuda grass. Waste plans, compliance inspections by DWQ and DSWC all confirm FSA record that fields were in Bermuda prior to contract approval. No receipts in file.
2007	54-2007-003	Cropland Conversion - Grass	\$3,510	9/11/06	12/14/06	FSA 2006 cropping history shows that fields in grass. Revised Waste Utilization Plan dated 5/06 references this field as grass; DWQ Compliance Inspection dated 2/07 and DSWC Op Review dated 10/06 confirms Bermuda Grass/Winter Overseed;	Fields were spot checked previous to contract being written and FSA maps confirm it. FSA reported it in grass because landowner gets no federal subsidies and since it's not reported in crops, they show it in grass. Landowner also had waste utilization plan revised prior to contract because he planned to put those fields in grass. Even though the plan shows it is grass does not mean that it is and anyone that is certified to write waste utilization plans knows that. The field had been overseeded with small grain prior to sprigging coastal which was done in March 2007, and that proves why the plan was revised.	Waste utilization plans signed by integrator representative dated May 2006 shows these fields listed as Bermuda grass. Waste plans, compliance inspections by DWQ and DSWC all confirm that fields were in Bermuda prior to contract approval. FSA crop history report shows grass in 2006 and 2007. No receipts in file. RFP shows conversion to field 1 (15.6 acres), but that field does not have 15.6 acres. Field 3 shows in the contract (with field 1 crossed out). Field 3 also does not have 15.6 acres, so it's not clear what fields were actually converted. If the correct fields are field 3 at 14.6 acres and Field 4 at 1.0 acre, then it could be feasible that field 3 had appropriate cropping history.
2007	54-2007-006	Cropland Conversion - Grass	\$4,763	11/13/06	1/23/07	FSA 2006 cropping history shows the field in grass.	FSA maps shows it being in row crops and landowner can verify. FSA reports fields in grass that are not reported or receive federal subsidies. Fields are spot checked prior to a contract being written and they were in row crops.	FSA 2006 data show 2 of the fields being in grass. Fields appear to be in grass in 2006 Google EC image.

PY	Contract number	BMP	Contract Amount	Board Approve Date	Division Approve Date	Comment	District Comment/ Response	Division Comment/ Response
2008	54-2008-008	Cropland Conversion - Grass	\$3,105	4/14/08	6/3/08	FSA 2007 cropping history shows the field in grass.	Field was not reported to FSA and since they receive no federal subsidies it was reported in grass. Practice has been spot checked with a supervisor and maintenance for weed control was needed. Landowner was sent a letter and they responded within 5 days and took appropriate action. Grass is maintained and looks good.	Recheck with FSA confirms that field was in tobacco, not grass in 2007. This contract is no longer a concern. This contract is no longer considered ineligible.
2008	54-2008-010 [#]	Cropland Conversion - Grass	\$7,110	4/14/08	6/6/08	FSA 2007 cropping history shows the fields in grass. Acreage paid for cropland conversion includes what appears to be a pond and trees that should have been excluded.	FSA reported fields in grass, but they were actually planted in millet. This contract was written for Neuse Milling, which was owned by "present" supervisor Steve Putnam's father (who passed away). Steve has verified that FSA reported it wrong and that it was in crops before and not grass. The RFP and the acres used came off of FSA's maps and believed to be accurate. After discussing this because of the audit all field acres are now checked or measured through soil data mart or Google Earth instead of depending solely on FSA maps.	Recheck with FSA confirms field 12 was in grass as early as 2006, field 13 was first reported to be in grass in 2007.
2008	54-2008-013 [#]	Nutrient Management	\$9,000	4/14/08	6/6/08	Field included in a waste management plan dated 3/04 written by District staff. Per Commission policy, land receiving animal waste is not eligible for Nutrient Management Incentive.	Contract was written for supervisor Randy Smith. The Nutrient Mgmt Plan covered 500 acres total and evidently one field containing 16.4 acres was included that should not have been due to it being used to periodically spray animal waste on. This was an honest oversight by the supervisor and district staff.	Any acreage that should not have been included should be requested for repayment. 16.4 acres included on RFP were ineligible = \$295 overpaid. Also note overpayment for 51.8 acres for which application records were never submitted (\$1,026). Total overpayment was \$1,321.
2009	54-2009-008 [#]	Waste Application Equipment	\$6,531	3/9/09	5/20/09	Planned and paid for irrigation equipment which will spray animal waste on acreage under Nutrient Management contract 54-08-13. Contrary to Commission policy.	Contract was written as a supplement to an EQIP contract for underground irrigation equipment. The field that had underground pipe installed on it is the 16.4 acres that had a nutrient management plan (54-08-13) written by mistake. District staff and NRCS Conservationist are currently looking at ways to cross check to ensure this does not happen again. EQIP contract # 74453248514.	This contract would not have been noted as ineligible, but for the nutrient management incentive contract was in effect from the prior program year. The district needs to develop a methodology to check for existing federal and state cost share restrictions affecting land that is being considered for cost share.

PY	Contract number	BMP	Contract Amount	Board Approve Date	Division Approve Date	Comment	District Comment/ Response	Division Comment/ Response
2009	54-2009-009	Cropland Conversion - Grass	\$1,541	3/9/09	5/14/09	FSA 2008 cropping history shows the fields in grass.	Field was in crops and not grass. Landowner does not receive any federal subsidies and since the field is not reported, it is shown to be in grass. Practice was spot checked and grass looked very good.	Recheck with FSA confirms field was in grass as early as 2008, and not reported in 2007.
2009	54-2009-011	Conservation Tillage (3-yr.)	\$15,000	4/13/09	5/18/09	Some of the land included in the contract is enrolled in CRP. Field notes do not indicate fields were checked prior to payment.	The total acres paid under this contract equal 250 acres. 1.5 acres were enrolled in CRP and included in the no-till contract by mistake. 3 yr no-till pays an incentive of \$60/acre so the landowner received \$90 more than he should have. The whole contract is not out of compliance. This contract has been spot checked and the landowner is exceeding his required 60% residue.	Contract should have excluded the 1.5 acres in 2 fields that are clearly shown as being under CRP enrollment. The district is correct that only the 1.5 acres is ineligible. Overpayment of \$90.

These contracts are associated with a supervisor or former supervisor.

Table 5: Contracts that were overpaid based on documentation in files.

PY	Contract number	BMP	Contract Amount	Overpayment amount	Comment	District Comment/ Response	Division Comment/ Response
2005	54-2005-038**	Riparian Buffer		\$570	Request for Payment included chemical site prep, but no receipts or documentation in SWCD or NRCS file to support payment of chemical site prep.	Supplement to CREP contract # 054-005-231. This contract was written by Jerry Raynor (NRCS) as a supplement to CREP	There is no supporting documentation (receipts, field notes, photos) to support the payment for chemical site prep.
2005	54-2005-044**	Riparian Buffer		\$930	Overpaid acreage of trees actually planted per receipt in file. No receipts or documentation in file to support payment of chemical site prep.	Supplement to CREP contract # 054-005-229 and 054-005-232. This contract was written by Jerry Raynor (NRCS) as a supplement to CREP	Site prep was also planned in the FSA CRP file, but it was never certified and not paid by FSA. There is no supporting documentation (receipts, field notes, photos) to support the payment for chemical site prep.
2006	54-2006-011**	Riparian Buffer		\$1,976	There is no documentation that site prep or tree planting in the amount of 7.2 acres was completed on Field 5, but the Request for Payment included payments for this field.	Supplement to CREP contract # 054-005-250. There was originally a total of 19.2 acres in field 5. Jerry Raynor (NRCS) excluded 7.2 acres from the field and marked it on the map leaving 12.0 acres in that field. I pulled a current FSA map and it matches what Jerry did and their map matches the part he excluded. If a new map had been pulled during the office audit, they would have seen it. Contract was never out of compliance.	A portion of this cost share contract supports CREP, approximately 22 acres. The remaining portion of this contract of 11.8 acres is cropland conversion. D. Anderson is probably correct that the current FSA map does show the 7.2 acres of field 5 as not being associated with the CREP contract. However, the noncompliance issue is associated with the cropland conversion portion, not CREP. Therefore, the FSA map would not reflect the implementation of the state cost share practices. Per invoice in NRCS file dated 12/22/05 showed that 19.4 acres were planted, this would be the CREP portion. DSWC staff has confirmed this entire field 5 is not planted in trees as it has been indicated by the request for Payment dated 7/14/05. Per NAIP Imagery for 2008, 2009 and 2010, this area of the field in reference is not planted. This contract was spot checked by M. Robinson and D. Anderson on 6/23/10.

PY	Contract number	BMP	Contract Amount	Overpayment amount	Comment	District Comment/ Response	Division Comment/ Response
2006	54-2006-025**	Riparian Buffer		\$2,112	No receipts or documentation in SWCD or NRCS file to support payment of chemical site prep or post spray.	Supplement to CREP contract # 054-006-247. Contract was written by Jerry Raynor (NRCS)	There is no supporting documentation (receipts, field notes, photos) to support the payment for chemical site prep.
2006	54-2006-027**	Riparian Buffer		\$198	No receipts or documentation in SWCD or NRCS file to support payment of chemical post spray.	Supplement to CREP contract # 054-006-262V. Contract was written by Jerry Raynor (NRCS)	There is no supporting documentation (receipts, field notes, photos) to support the payment for chemical site prep.
2006	54-2006-028**	Riparian Buffer		\$297	No receipts or documentation in SWCD or NRCS file to support payment of chemical post spray.	Supplement to CREP contract # 054-006-261. Contract was written by Jerry Raynor (NRCS)	There is no supporting documentation (receipts, field notes, photos) to support the payment for chemical site prep.
2006	54-2006-040**	Riparian Buffer		\$1,978	Receipts show that only trees planted and disking was completed, but the request for payment also included chemical site prep and mowing.	Contract was written as a supplement to CREP Contract #054-006-276. Receipt in file shows that chemical spraying took place on 2/15/07 in the amount of \$1,533.	Receipt in FSA file shows purchase of chemicals for \$1,533 dated 2/19/07 This contract is no longer considered overpaid. However, better documentation is needed in contract file..
2007	54-2007-007	Cropland Conversion - Grass		\$360	Written and paid for acreage that exceeds conservation plan map; Partial field planted however no field measurements to justify the additional acreages.	The contract was written for 23 acres and the RFP was completed and paid for 23 acres. The FSA crop reports show that 22.25 acres are in grass. Some of the shortage could be mapping error, but if not an overpayment for .75 would be \$168.75.	Conservation Plan in file shows 21.8 acres for field 3A. Map also shows 21.8 acres. There is another map that shows 23 acres handwritten, but appears preliminary. Overpaid by \$270.
2008	54-2008-013	Nutrient Management		\$1,026	Total acreage paid was for 500 acres; only 442.99 acres reported each year by landowner. 2009 and 2010 records checked by District staff and certified.	Total contract was for 500 acres, and RFP was completed for 500 acres. Landowner filled out paperwork in our office and we did not catch the error of the acres being short. The over payment of the 57.01 acres at \$18/ac is \$1,026. The contract was fulfilled by the landowner. Any nutrient management plan written from now on will be crosschecked with FSA crop reports.	No application records provided for tract 1976 (57.1 ac). Should not have been paid for these acres. Overpaid by \$1,026.
2010	54-2010-009	Pasture Renovation		\$982	Pasture renovation BMPs were paid based on receipts. The receipt in the file shows the contract was paid in excess.	Contract was paid based on a total replant. Landowner had spotty coverage at best, so myself and the sprigging contractor felt it would be best to spray, disk, and totally resprig the fields. I was not aware that pasture renovation only paid 75% of the actual receipt. Landowner was paid just like it was a new contract because everything had to be redone. Fields look great and meets NRCS standards.	Overpaid by \$982 based on policy for pasture renovation that payment based on actual cost.

** These contracts also have a CREP component.

Table 6: Contracts certified without appropriate job approval authority.

PY	Contract number	BMP	Contract Amount	JAA Certification	Comment	District Comment/ Response	Division Comment/ Response
2006	54-2006-025**	Riparian Buffer	\$2,969	David Anderson	NRCS JAA chart does not show that Anderson has JAA for chemical treatments included on the Request for Payment.	Supplement to CREP contract # 054-006-247. Contract was written by Jerry Raynor (NRCS) and first RFP was completed and signed by Jerry in the amount of \$2,249. Before the final payment of \$720 was made, Jerry left Lenoir County for another position. D Anderson completed the final RFP in the amount of \$720 which was for chemical tree release, not realizing I need JAA. I was required to have my pesticide license as was Jerry Raynor, and I assumed that was all I needed. This was an oversight on my part. The only part that should be out of compliance is the \$720 for tree release, not the whole contract.	Contract references NRCS practice standard 666 (chemical tree release) as a separate item from the 612 (tree planting) standard for which D Anderson has JAA.
2006	54-2006-011**	Riparian Buffer	\$5,856	David Anderson	NRCS JAA chart does not show that Anderson has JAA for chemical treatments included on the Request for Payment.	Supplement to CREP contract # 054-006-250. Contract was written by Jerry Raynor (NRCS) and first RFP was completed and signed by Jerry in the amount of \$4,447. Before the final payment of \$1,379 was paid, Jerry left Lenoir County for another position. D Anderson completed the final RFP in the amount of \$1,379 which was for chemical tree release, not realizing I need JAA for this practice. I had my pesticide license as was required and assumed that was all I needed. This was an oversight on my part. The only part that should be out of compliance is the \$1,379 for tree release, not the whole contract.	Contract references NRCS practice standard 666 (chemical tree release) as a separate item from the 612 (tree planting) standard for which D Anderson has JAA.
2006	54-2006-040**	Riparian Buffer	\$3,971	David Anderson	NRCS JAA chart does not show that Anderson has JAA for chemical treatments or Site Prep included on the Request for Payment.	Supplement to CREP contract # 054-006-276. First RFP was completed and signed by Jerry Raynor (NRCS) in the amount of \$3,089. The final payment was completed by D Anderson due to Jerry Raynor taking another position and leaving Lenoir County. D Anderson completed the final RFP in the amount of \$882 for chemical tree release, I did not realize that I needed JAA for this practice due to me having my pesticide license and it was an honest oversight on my part.	Contract references NRCS practice standard 666 (chemical tree release) as a separate item from the 612 (tree planting) standard for which D Anderson has JAA.

PY	Contract number	BMP	Contract Amount	JAA Certification	Comment	District Comment/ Response	Division Comment/ Response
2006	54-2006-042**	Cropland Conversion - Trees	\$782	David Anderson	NRCS JAA chart does not show that Anderson has JAA for Site Prep included on the Request for Payment.	Supplement to CREP contract # 054-006-268. The request for payment was paid for cropland conversion to trees in the amount of \$578 and seed bed prep in the amount of \$204. I was not aware that I needed JAA for seed bed prep since I have JAA for Cropland Conversion to Grass or Trees. The only element of this contract that would be out of compliance is seed bed prep, not the whole contract.	Seed bed prep is a different practice standard from tree planting. Board needs to encourage employee to obtain JAA for this standard.
2007	54-2007-001**	Riparian Buffer	\$825	David Anderson	NRCS JAA chart does not show that Anderson has JAA for chemical treatments included on the Request for Payment.	Supplement to CREP Contract #054-006-286. The first RFP was written in the amount of \$492 for tree planting and mowing. The second RFP was written in the amount of \$333 for chemical release. I was not aware that I needed JAA for chemical release since I was required to have my pesticide license. The complete contract would not be out of compliance, only the chemical release part. All receipts for planting and spraying are in the folder and the practice has been spot checked by the local board and NRCS and found to be in good condition and in compliance.	Employee does not have JAA for chemical tree release. Board needs to encourage employee to obtain JAA for this standard.
2007	54-2007-005**	Riparian Buffer	\$395	David Anderson	NRCS JAA chart does not show that Anderson has JAA for chemical treatments included on the Request for Payment.	Supplement to CREP Contract # 054-006-270. The first RFP was written in the amount of \$252 for tree planting and mowing. The second RFP was written in the amount of \$143 for chemical release. I was not aware that I needed JAA for chemical release, since I was required to have my pesticide license. The complete contract would not be out of compliance, only the chemical release part. All receipts for planting and spraying are in the folder and the practice has been spot checked by the local board and NRCS and found to be in good condition and in compliance.	Employee does not have JAA for chemical tree release. Board needs to encourage employee to obtain JAA for this standard.
2010	54-2010-004	Incinerator	\$8,923	David Anderson	NRCS JAA chart does not show that Anderson has JAA for Animal Mortality Facility (Practice 316).	This contract was written for the "New" landowner (Robert Murphy) as a replacement to the original contract 54-2004-39 (Alvin Turner). The original landowner installed the incinerator in 2005 based on a design done by me and signed off on by Jerry Raynor (NRCS). The original landowner passed away in	

PY	Contract number	BMP	Contract Amount	JAA Certification	Comment	District Comment/ Response	Division Comment/ Response
						<p>2009 and his wife sold the farm to the new landowner in 2010. The incinerator was past the 5 yrs. Required by the Cost Share standards of operation and maintenance and the new landowner wanted to apply for a new one since that one was worn out and beyond repair. I contacted Ken Parks and was informed that since he was the new landowner he could apply for a new incinerator. The new landowner installed the new unit and I signed the RFP. Ken Parks contacted me when they received the RFP because I had signed it. I told Ken that the concrete pad was already there, plus all the electrical and fuel hook ups and that all he did was replace one unit with another. Ken said that should be fine and the RFP was paid. If there was an issue at that point the RFP should never have been paid.</p>	

** These contracts also have a CREP component.

Table 7: Contracts where the district failed to adequately follow-up on program requirements.

PY	Contract number	BMP	Contract Amount	Comments	District Comment/ Response	Division Comment/ Response
2006	54-2006-011**	Riparian Buffer/Cropland Conversion	\$5,856	There is no documentation that site prep or tree planting in the amount of 7.2 acres was completed on Field 5. Spot check was completed June 2010 by Mike Robinson and David Anderson	Supplement to CREP contract # 054-006-250. Contract was written by Jerry Raynor (NRCS) and first RFP was completed and signed by Jerry in the amount of \$4,447. Before the final payment of \$1,379 was paid, Jerry left Lenoir County for another position. D Anderson completed the final RFP in the amount of \$1,379 which was for chemical tree release, not realizing I need JAA for this practice. I had my pesticide license as was required and assumed that was all I needed. This was an oversight on my part. The only part that should be out of compliance is the \$1,379 for tree release, not the whole contract.	Spot check was not sufficiently thorough to detect that Field 5 (7.2 acres) was never planted and should not have been paid in the first place.
2008	54-2008-003	Cropland Conversion - Grass	\$2,948	No follow up from the district to ensure compliance with maintenance request	The landowner was send a letter making him aware that he needed to spray for weeds and that there would be a follow up within 30 days. I followed up with the landowner and fields had been sprayed, but I failed to note it in the conservation assistance notes. Farm has since been spot checked several times, are weed free and practice is in compliance.	Nothing has been mentioned in the Action Plan to ensure proper documentation of follow up on non-compliance.

** These contracts also have a CREP component.



April 3, 2014

Mr. Mike Robinson, Chairman
Lenoir Soil and Water Conservation District
2026 Hwy 11/55
Kinston, NC 28504

Dear Chairman Robinson and Lenoir Soil and Water District Supervisors:

At its regularly scheduled meeting held on March 19, 2014, the Soil and Water Conservation Commission (Commission) received a report regarding deficiencies in the Lenoir Soil and Water Conservation District's handling of Cost Share contracts, which deficiencies were most recently brought to your attention in 2013. During 2013 Lenoir Soil and Water Conservation District (District) received an evaluation of the program review conducted by the Division of Soil and Water Conservation (Division), which was dated August 15, 2013, followed by a letter from the Division's Deputy Director to the District, dated December 10, 2013, that indicated areas where the District's proposed plan of action on the deficiencies was also lacking. Given that problems with the District's handling of Cost Share contracts have persisted, the Commission has voted to send this letter to make you aware of the Commission's actions at its March 19 meeting and ratified at its March 24 meeting:

1. Require the District to file by May 1, 2014 a detailed, written report responding to every inadequacy noted in the Division's August 15, 2013 program review and the Division's special review letter dated December 10, 2013. The District's Chairman and the District Cost Share Technician must appear before the Commission at its May 22, 2014 meeting to explain these inadequacies and actions to correct these inadequacies.
2. Beginning March 19, 2014, the Commission must approve each Ag Cost Share, CCAP, and AgWRAP contract of the District before that contract can be effective and the Commission must approve each District request for reimbursement prior to the Division issuing payment. A District supervisor and the District Cost Share Technician must appear before the Commission at a scheduled meeting to present these contracts and reimbursement requests to the Commission.

Vicky Porter
Chairwoman

Craig Frazier

Tommy Houser

Charles Hughes

John Langdon

Bill Yarborough

3. Beginning March 19, 2014, no Lenoir Soil and Water Conservation District Supervisor will be eligible for Cost Share contracts.
4. The Commission has instructed the Division to consult with the Attorney General's Office to take appropriate legal action for Lenoir Soil and Water Conservation District contracts that appear to have been overpaid or were ineligible.

The Commission looks forward to receiving the District's written report on May 1, 2014 and to hearing the presentation by the District's Chairman and the District's Cost Share Technician on May 22, 2014. Please make sure if the District has contracts or reimbursement requests to be considered by the Commission at its May meeting that these materials are submitted to the Division prior to May 7, 2014.

The Commission looks forward to hearing from you in May.

Sincerely,

A handwritten signature in cursive script that reads "Victoria P. Porter".

Vicky Porter
Chairwoman

Cc: Soil and Water Conservation Commission members
Lenoir County Manager
Lenoir County Commissioners

**LENOIR COUNTY
SOIL & WATER**
CONSERVATION DISTRICT

2026 Hwy 11/55, Kinston, NC 28504
Phone # 252-523-7010 ext. 3 Fax # 252-523-1353

April 29, 2014

Vicky Porter, Chairwoman
North Carolina Soil & Water Conservation Commission
4455 Mount Pleasant Road S.
Concord, NC 28025

Dear Chairwoman Porter:

In response to your memo dated April 3, 2014, Mike Robinson, District Chairman, and David Anderson, Ag. Cost Share Technician has reviewed and addressed the Divisions' August 15, 2013 program review and the Division's special review letter dated December 10, 2013. Please find the following enclosures addressing the Districts response:

1. Document 1 – 2014 Lenoir Soil & Water Action Plan (recommended)
2. Document 2 – Lenoir SWCD Response to Office Audit Conducted by Division – April 2014
3. Document 3 – District's response to Draft 2013 review of the Lenoir Soil & Water Conservation District Cost Share Program
4. Packet 1 – Minutes concerning CREP Issues
5. Packet 2 – Minutes concerning Audit Review
6. Packet 3 – Minutes, etc. concerning Secondary Employment
7. Report A – Cost Share Program Running List of Contract Dollars per Famer since 1994 to 2013
8. Packet 4 – Minutes showing approval of applications, contracts and request for payments
9. Packet 5 – District's NC Ag. Cost Share Program yearly Report

If you have further questions prior to the Commission meeting May 22, 2014 please contact me and I will be glad to address any questions you may have. You can reach me at my email address is Dealmaker1963@yahoo.com or by phone 252-521-4777.

Sincerely,



Michael D. Robinson,
Lenoir District Chairman

Cc: Michael Jarman, Lenoir County Manager
Pat Harris, Director, Division of Soil & Water Conservation

2014 LENOIR SOIL & WATER ACTION PLAN (RECOMMENDED)

- 1.) Supervisors will receive a copy of the complete contract prior to being approved at the Board meeting.**
- 2.) Any contract for cropland conversion, conservation tillage, long term no-till or nutrient mgt. will have documentation of field checks and crop history reports for review prior to approval.**
- 3.) Supervisors will receive receipts showing the dates that the work was completed prior to approving any request for payment.**
- 4.) Any contract for cropland conversion will have a photo prior to board approval showing that it is in row crops.**
- 5.) Any contract that has not been approved by the Division will be spot checked by the staff, NRCS DC or with the assistance of a Supervisor to ensure that the practice has not been started on or completed prior to approval.**
- 6.) Any contract that needs JAA that can't be signed on the local level will be signed by Carl Kirby (NRCS) or the Area Engineer.**
- 7.) All contracts will be reviewed by Carl Kirby (NRCS) to ensure they meet NRCS standards and guidelines.**
- 8.) All contracts will be cross checked to ensure there is no overlap of another practice or program (NCACSP/NRCS).**
- 9.) Any Contract that could be considered a conflict of interest will be reviewed by the Board prior to approval and will be overseen and signed off on by NRCS District Conservationist or equivalent.**
- 10.) All contracts will be sent to Raleigh within 5 to 10 days after District Board approval.**

LENOIR SWCD RESPONSE TO OFFICE AUDIT CONDUCTED BY DIVISION - APRIL 2014

1. Contacts where BMP's were implemented prior to approval								
YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By	Comment/Response	RFP \$
2004	54-2004-052	Murray Rouse	Jerry Raynor 3/31/04	Riparian Buffer	1,374	Jerry Raynor	Supplement to CREP Contract # 2004-0198AA- Riparian Buffer - contract written by Jerry Raynor (NRCS)	1,374
2006	54-2006-042	Clarence Smith	David Anderson	Cropland Conversion to Trees	782	David Anderson	Supplement to CREP Contract # 054-006-268 - Cropland Conversion to Trees - Contract was written as a supplement to a CREP Contract Also listed under # 6. Contracts certified without appropriate job approval authority	782
2007	54-2007-001	James Kinsey	David Anderson 9/11/06	Site Prep	825	David Anderson 5/14/07	Supplement to CREP Contract # 054-006-286 -	492
				Chemical Release		David Anderson 6/11/07	Contract was written as a supplement to A CREP Contract Also listed under # 6. Contracts certified without appropriate job approval authority	333
2007	54-2007-005	Orville Daughety	David Anderson 11/13/06	Site Prep	395	David Anderson 5/14/07	Supplement to CREP Contract # 054-006-270 -	143
				Chemical Release		David Anderson 6/12/07	Contract was written as a supplement to a CREP Contract from info. Gathered from Jerry Raynor Also listed under # 6. Contracts certified without appropriate job approval authority	252
2007	54-2007-009	Tommy Hardy	David Anderson 4/9/07	Grassed waterway/3yr Tillage	6,801	David Anderson 7/19/07	3 yr. Conservation Tillage - Contract was approved by the Division on June 12, 2007 that means that he would have planted wheat and it is picked in June and the next crop (soybeans) would have been planted in the stubble. The RFP was done on July 19, 2007 which means he would have had time to plant and the crop be established in the residue. All No-till contracts have been done by NRCS standards and have passed their spot checks	6,801
2007	54-2007-011	Lynwood Smith	David Anderson 4/9/07	3 yr. Conservation tillage	6,000	David Anderson 7/3/07	3 yr. Conservation Tillage - Contract was approved by the Division on June 12, 2007 Practice would have been spot checked after the next crop would have been planted in adequate residue and date shows that to be correct. Soybeans following wheat. Spot checked by NRCS and met their standards.	6,000

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By	Comment/Response	RFP \$
2008	54-2008-001	Gary Byrd	David Anderson 3/10/08	Nutrient Management	10,000	David Anderson 7/13/09	Nutrient Mgt. - Board approved contract on 3/10/08 - Division approved contract on 6/3/2008 - Due to the contract not being possibly mailed in on a timely matter the landowner actually applied 23 days prior to Division approval. The landowner followed his nutrient mgt. plan and completed all necessary paper work to full fill his cost share contract.	10,000
2008	54-2008-006	Taylor Best	David Anderson 3/10/08	Cropland Conversion-Grass	2,072	David Anderson 9/08/08	Cropland Conversion to Grass - Division approved contract on 6-3-2008 - Practice was installed on 5-10-2008 - I forgot to have the landowner to initial that they understand that the contract has not been approved by the Division of Soil & Water and they are proceeding with the project installation. The landowner met all of the requirements to proceed except me getting them to initial. Practice is in place and meets all NRCS specs.	2,072
2008	54-2008-007	Kevin Harrison	David Anderson 4/14/08	Cropland Conversion-Grass	2,318	David Anderson 9/08/08	Cropland Conversion to Grass - Receipt shows KY-31 which is Fescue seed. The recommended planting dates for "Fall" planted Fescue are 9-1/9-30. The request for payment was dated on 9/8/2008 which is within the planting dates and "after" the Division's approval. The receipt only shows when he purchased the seed, not when it was seeded!	2,318
2008	54-2008-011	Woody Sutton, Sr.	David Anderson 4/14/08	5 Yr. Long Term No-Till	8,325	David Anderson 9/08/08	Long-Term No-till - No-till was checked later in the planting season. Soybeans were planted in wheat residue. 80% residue is required for long term no-till - Contract met those requirements. Contract was approved by the Division on 6/6/2008. and the RFP was dated 9/8/2008.	8,325
2008	54-2008-12	Woody Sutton, Jr.	David Anderson 4/14/08	5 yrs. Long Term No-Till	3,013	David Anderson 9/08/08	Long-Term No-till - No-till was checked later in the planting season. Soybeans were planted in wheat residue. 80% residue is required for long term no-till - Contract met those requirements. Contract was approved by the Division on 6/6/2008. and the RFP was dated 9/8/2008.	3,013

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By	Comment/Response	RFP \$
2010	54-2010-003	Ruth Varnell	David Anderson 3/8/10	Solid Set System	23,552	David Anderson 3/8/11	Solid set Irrigation - Contract was approved pending engineers (Carl Dunn's) signature. Carl wanted to wait until the system was installed and final inspection was performed before he signed off on it. Ken Parks was made aware of this before hand. Carl signed the form on 2/24/2011, when he performed the inspection and the Division approved it on 3/1/2011 knowing it was already installed. The RFP is dated 3/8/2011. A supplement contract was written in 2011. Contract 54-2011-07 due to the original contract being short of funding. Ken Parks knew that a supplement was going to be written and Carl Dunn signed off on that also. Contract was spot checked by NRCS and found to be in compliance.	23,552
2011	54-2011-006	Rodney Smith	David Anderson 3/08/11	3 yr. Conservation Tillage	15,000	David Anderson 9/13/11	3 yr. Conservation Tillage - Contact was approved on 6-9-2011. Wheat was planted and picked at the end of June - soybeans was planted in the stubble and it was spot checked on 9-1-2011 and residue was over 60%. RFP was dard 9-13-2011 . Contract was spot checked by NRCS and Found to be in compliance.	15,000
2012	54-2012-007	William Jan King	David Anderson 4/10/12	3 yr. Conservation Tillage	9,297	David Anderson 9/11/12	3 yr. Conservation Tillage - Contract was approved by the Division on 6-22-2012. Soybeans were planted in wheat stubble which was picked in late June. Fields were spot checked on 9-6-2012 to ensure 60% residue was present. RFP was approved by the Board and dated 9-11-2012 - Fields were spot checked on 11-6-2012 by NRCS and noted to be in compliance.	9,297
2012	54-2012-008	Robert Bland	David Anderson 4/10/12	Cropland Conversion-Grass	4,725	David Anderson 9/11/12	Cropland Conversion to Grass - Fields were sprigged prior to Divison approval. Landowner brought invoice in after RFP was sent to Raleigh for payment. An action plan has been put in place to ensure that the landowner does not proceed until he is notified that the contract has been approved by the local Board & Division.	4,500
2. Cropland Conversion Contracts Outside of Recommended Planting Dates								
2008	54-2008-004	Ronnie Waters	David Anderson 3/10/08	Cropland Conversion-Grass	3,668	David Anderson 9/8/08	Cropland Conversion to Grass - Contract was not completed and sent to the Division in a timely matter after Board's approval. Most cropland conversion sprigging takes place at the end of April to May and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the Local Board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards.	3,659

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By		RFP \$
2008	54-2008-005	Randy Herring	David Anderson 3/10/08	Cropland Conversion-Grass	8,933	David Anderson 9/8/08	Cropland Conversion to Grass - Contract was not completed and sent to the Division in a timely matter after Board's approval. Most cropland conversion sprigging takes place at the end of April to may and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the Local board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards. Same as above contract 54-2004-004.	6,795
2011	54-2011-004	Donald Herring	David Anderson 3/8/11	Cropland Conversion-Grass	1,125	David Anderson 9/13/11	Cropland Conversion to Grass - Contract was not completed and sent to the Division in a timely matter after Board's approval. Most cropland conversion sprigging takes place at the end of April to may and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the Local Board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards. Same as Contracts 54-2008-04 & 54-2008-05	1,125
3. Contract not eligible for cost share								
2007	54-2007-002	Forest Rouse	David Anderson 9/11/06	Cropland Conversion-Grass	4,725	David Anderson 6/9/08	Cropland Conversion to Grass - Division approved contract n 5-18-2007 - RFP was done on 6-9-2008. Landowner was contacted to see if he was going to follow thru with contract and he stated that he had sprigged it in 2007. The field was previously in row crop, but since the producer doesn't get any Federal subsidies it's not reported with FSA and they automatically claim it as being in grass even though it isn't. The field was not in grass prior to the contract being approved by the board. FSA map shows that is was not in grass.	4,725
2007	54-2007-003	Brandon Whitfield	David Anderson 9/11/06	Cropland Conversion-Grass	3,510	David Anderson 4/9/07	Cropland Conversion to grass - Contract was approved by the Division on 12-14-2006. RFP was completed on 4-9-2007. Fields were spot checked previous to contract being written and FSA maps confirm it. FSA reported it in grass because Landowner gets no Federal subsidies and since its not reported in crops they show it in grass. Landowner also had waste utilization plan revised prior to contract being written because he planned on putting those fields in grass. Even though the plan shows it in grass does not mean that it is and any one that is certified to write waste utilization plans knows that. The field had been over seeded with small grain prior to sprigging coastal which was done in March 2007 and that proves why the plan was revised.	3,510

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By	Comments/Response	RFP \$
2007	54-2007-006	Vernie Barwick	David Anderson 11/13/06	Cropland Conversion-Grass	4,673	David Anderson 7/10/07	Cropland Conversion to Grass - FSA maps shows it being in row crops and Landowner can verify. FSA reports fields in grass that are not reported or receive Federal subsidies. Fields are spot checked prior to a contract being written and they were in row crops.	4,673
2008	54-2008-008	William Hines	David Anderson 4/14/08	Cropland Conversion-Grass	3,105	David Anderson 9/8/08	Cropland Conversion to Grass - FSA maps show field in row crops not grass. Field was not reported to FSA and since they receive no Federal Subsidies it was reported in grass. Practice has been spot checked with a supervisor and maintenance for weed control was needed. Landowner was sent a letter and they responded within 5 days and took appropriate action. Grass is maintained and look good.	3,105
2008	54-2008-010	Neuse Milling Ray Collier	David Anderson 4/14/08	Cropland Conversion-Grass	7,110	David Anderson 10/14/08	FSA reported fields in grass but they were actually planted in millet. This contract was written for Neuse Milling which was owned by "present" supervisor Steve Putnam's father (who passed away). Steve has verified that FSA reported it wrong and that it was in crops before and not grass. The RFP and the acres used came off of FSA's maps and believed to be accurate. After discussing this because of the Audit all field acres are now checked or measured through soil data mart or google earth instead of depending solely on FSA maps.	7,110
2008	54-2008-013	Randy Smith	David Anderson 4/14/08	Nutrient Management	9,000	David Anderson 8/10/09	Nutrient Management - Contract was written for supervisor Randy Smith. The Nutrient Mgt. Plan covered 500 acres total and evidently one field containing 16.4 acres was included that should not have been due to it being used to periodically spray animal waste on. This was an honest oversight by the supervisor and district staff. Also listed under # 4. Contracts that were overpaid based on documentation files	9,000
2009	54-2009-008	Randy Smith	David Anderson 3/9/09	Waste Application Equipment	6,531	David Anderson 6/8/09	Waste Application Equipment - Contract was written as a supplement to and EQIP contract for underground irrigation equipment. The field that had underground pipe installed on it is the 16.4 acres that had a nutrient management plan (54-2008-13) written on by mistake. District staff and NRCS Conservationist are currently looking at ways to cross check to ensure this does not happen again. EQIP Contract # 74453248514	6,531
2009	54-2009-009	Douglas Heath	David Anderson 3/9/09	Cropland Conversion	1,541	David Anderson 7/13/09	Cropland Conversion to Grass - Field was in crops and not Grass. Landowner does not receive any Federal subsidies and since the field is not reported it is shown to be in grass. Practice was spot checked and grass looked very good.	1,541

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By		RFP \$
2009	54-2009-011	Scott Wooten	David Anderson 4/13/09	Conservation Tillage 3 yr.	15,000	David Anderson	3 yrs. Conservation Tillage - The total acres paid under this contract Equal 250 acres. 1.5 acres were enrolled in CRP and included in the no-till contract by mistake. 3 yr. no-till pays and incentive of \$60.00 per acre so 1.5 acres X \$60.00/acre would mean that the landowner received \$90.00 that he shouldn't have. The whole contract is not out of compliance. This contact has been spot checked and the landowner is exceeding his required 60% residue.	15,000
4. Contracts that were overpaid based on documentation files								
2005	54-2005-038	G. A. Byrd	Jerry Raynor 2/15/05	Riparian Buffer/Site Prep	1,350	Jerry Raynor 5/8/06	Supplement to CREP Contract # 054-005-231 - Riparian Buffer - This contract was written by Jerry Raynor (NRCS) as a supplement to CREP	1,350
2005	54-2005-044	Douglas Sutton	Jerry Raynor 2/7/05	Riparian Buffer/Site Prep	1,796	Jerry Raynor 1/17/06	Supplement to CREP Contract # 054-005-229 & 054-005-232 - Riparian Buffer This contract was written by Jerry Raynor (NRCS) as supplement to CREP.	1,796
2006	54-2006-011	H. Russell Rouse	Jerry Raynor 9/1/05	Riparian Buffer /Site Prep	5,856	Jerry Raynor 1/5/06	Supplement to CREP Contract # 054-005-250 - Riparian Buffer - There was originally a total of 19.2 acres in field 5. Jerry Raynor (NRCS) excluded 7.2 acres from the field and marked it on the map leaving 12.0 acres in that field. I pulled a current FSA map and it matches what Jerry Raynor did and their map matches the part he excluded. If a new map had been pulled during the office audit they would have seen it. Contract was never out of compliance.	4,477
						David Anderson 1/16/07	Tree Release - Chemical Also listed under # 6. Contracts certified without appropriate job approval authority	1,379
2006	54-2006-025	Daryl B. Kilpatrick	Jerry Raynor 9/22/05	Riparian Buffer/Site Prep	2,969	Jerry Raynor 6/12/09	Supplement to CREP Contract # 054-006-247 - Riparian Buffer - Contract was written by Jerry Raynor (NRCS)	2,249
						David Anderson 1/16/07	Tree Release - Chemical Also listed under # 6. Contracts certified without appropriate job approval authority	720
2006	54-2006-027	Kenneth Smith	Jerry Raynor 8/5/05	Riparian Buffer/Site Prep	1,069	Jerry Raynor 3/01/06	Supplement to CREP Contract # 054-006-262V - Riparian Buffer - Contract was written by Jerry Raynor (NRCS)	871
						Jerry Raynor 6/27/06	Tree Release - Chemical	198

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By		RFP \$
2006	54-2006-028	Larry Smith	Jerry Raynor 8/5/05	Riparian Buffer/Site Prep	1,208	Jerry Raynor 3/13/06	Supplement to CREP Contract # 054-006-261 - Riparian Buffer - Contract was written by Jerry Raynor (NRCS)	911
						Jerry Raynor 6/12/06	Tree Release - Chemical	297
2006	54-2006-040	James E. Smith	David & Jerry 1/17/06	Riparian Buffer/Site Prep	3,971	Jerry Raynor 6/12/06	Riparian Buffer - Contract was written as Supplement to CREP Contract # 054-006-276 RFP dated 6-12-2006 was completed and signed by Jerry Raynor	3,089.00
						David Anderson 4/17/07	Second RFP was dated 4/17/2007 for tree release chemical spraying. Receipt in file shows that chemical spraying took place on 2/15/2007 in the amount of \$1,533.00. (Contract was for James E. Smith & sister Ida B. Smith Fischer)	882
							Also listed under # 6. Contracts certified without appropriate job approval authority	
2007	54-2007-007	D.W. Shivar	David Anderson 11/1/06	Cropland Conversion-Grass	5,175	David Anderson 5/31/07	Cropland Conversion to grass - The contract was written for 23 acres and the RFP was completed and paid for 23 acres. The FSA crop reports show that 22.25 acres are in grass. Some of the shortage could be in mapping, error but if not an over payment for .75 acres would be .75 X \$225/ac. = \$168.75 dollars.	5,175.00
2008	54-2008-013	Randy Smith	David Anderson 4/14/08	Nutrient Management	9,000	David Anderson 8/10/09	Nutrient Management - Total contract was for 500 acres and RFP was completed for 500 acres. Landowner filled out paperwork in our office and we did not catch the error of the acres being short. The over payment of the 57.01 acres at \$18.00/ac. Equals \$1,026.00 dollars. The Contract was fulfilled by the Landowner. Any nutrient mgt. plan written from now on will be crosschecked with FSA crop reports.	9,000.00
							Also listed under # 3. Contract not eligible for cost share	
2010	54-2010-009	Ernie Hurst	David Anderson 5/10/10	Pasture Renovation	1,901	David Anderson 4/13/11	Pasture Renovation - Contract was paid based on a total replant. Landowner had spotty coverage at best so myself and the sprigging contractor felt it would be best to spray, disk and totally resprig the fields. I was not aware that pasture renovation only paid 75% of the "Actual" receipt. Landowner was paid just like it was a new contract because everything had to be redone. Fields look great and meets NRCS standards.	1,901.00

YEAR	CONTRACT #		Contract Written By	BMP	Contract \$	RFP Written By		RFP \$
5. Contract found out of compliance with inadequate follow up								
2011	54-2011-005	Freddie Sutton	David Anderson 3/8/11	Waste Application Equipment	12,600	David Anderson 4/10/12	There were sticky notes in the contract that had phosphorus target levels per field based 4 phosphorus level was higher than the target range the landowner had to take deep samples to be under that range. During the review they assumed that the HIGH phosphorus numbers were nitrogen rates without looking at the Nutrient Mgt. Plan to see if the numbers matched up which they wouldn't. This contact was never out of compliance and no over application ever took place.	12,600
2010	54-2010-004	Robert Murphy	David Anderson 3/4/10	Incinerator 600 lb. unit	8,923	David Anderson 3/8/11	This contract was written for the "New" landowner (Robert Murphy) as a replacement to the original contract 54-2004-39 (Alvin Turner). The original Landowner installed the incinerator in 2005 based on a design done by me and signed off on by Jerry Raynor (NRCS). The original landowner passed away in 2009 and his wife sold the farm to the new landowner in 2010. The incinerator was past the 5 yrs. Required by the Cost Share standards of operation and maintenance and the new landowner wanted to apply for a new one since that one was worn out beyond repair. I contacted Ken Parks and was informed that since he was the new landowner he could apply for a new incinerator. The new landowner installed the new unit and I signed the RFP. Ken Parks contacted me when they received the RFP because I had signed it. I told Ken that the concrete pad was already there plus all the electrical and fuel hook ups and that all he did was replace one unit with another. Ken said that should be fine and the RFP was paid. If there was an issue at that point the RFP should never have been paid. Also listed under # 6. Contract certified without appropriate job approval authority	8,923.00
6. Contract certified without appropriate job approval authority								
2006	54-2006-025	Daryl B. Kilpatrick	Jerry Raynor 9/22/05	Riparian Buffer/Site Prep	2,969	Jerry Raynor 6/12/09	Supplement to CREP Contract # 054-006-247 - Riparian Buffer - Contract was written by Jerry Raynor (NRCS) and first RFP was completed and signed by Jerry in the amount of \$2,249.00. Before the final payment of \$720.00 was made Jerry left Lenoir County for another position.	2,249
						David Anderson 1/16/07	Tree Release - Chemical - I completed the final RFP in the amount of \$720.00 which was for chemical tree release not realizing I need JAA. I was required to have my pesticide license as was Jerry Raynor and I assumed that was all I needed. This was an oversight on my part. The only part of the contract that would be consider out of compliance is the \$720 for tree release not the whole contract.	720
Also listed under # 4. Contracts that were overpaid based on documentation files								

	<u>CONTRACT #</u>		<u>Contract Written By</u>	<u>BMP</u>	<u>Contract \$</u>	<u>RFP Written By</u>		<u>RFP \$</u>
2006	54-2006-011	H. Russell Rouse	Jerry Raynor 9/1/05	Riparian Buffer /Site Prep	5,856	Jerry Raynor 1/5/06	Supplement to CREP Contract # 054-005-250 Contract was written by Jerry Raynor (NRCS) The first RFP was completed and signed by Jerry in the Amount of \$4,447.00. Before the final payment of \$1,379.00 was paid Jerry Raynor left Lenoir County for another position.	4,477
						David Anderson 1/16/07	Tree Release - Chemical - I completed the final RFP in the amount of \$1,379.00 which was for the chemical tree release not realizing I needed JAA for the practice. I had my pesticide license as required and assumed that's all I needed. This was an oversight on my part. The only part of the contract that would be consider out of compliance is the \$1,379.00 for Chemical Tree Release.	1,379
							Also listed under # 4. Contracts that were overpaid based on documentation files	
2006	54-2006-040	James E. Smith	Jerry Raynor 1/17/06	Riparian Buffer/Site Prep	3,971	Jerry Raynor 6/12/06	Supplement to CREP Contract # 054-006-276 Riparian Buffer - The contract was written as a CREP Contract. The first RFP was completed and signed by Jerry Raynor (NRCS) in the Amount of \$3,089.00. The final RFP was completed by me due to Jerry Raynor taking a new position and leaving Lenoir County.	3,089.00
				Tree Release - Chemical		David Anderson 4/17/07	The RFP was in the amount of \$882.00 for chemical tree release. I did not realize that I needed JAA due to me having my pesticide license and it was an honest oversight on my part.	882
							Also listed under # 4. Contracts that were overpaid based on documentation files	
2006	54-2006-042	Clarence Smith	David Anderson	Cropland Conversion to Trees	782	David Anderson	Supplement to CREP Contract # 054-006-268 - Cropland Conversion to Trees The request for payment was paid for cropland conversion to trees in the amount of \$578 and seed bed prep in the amount of \$204.00. I was not aware that I needed JAA for seed bed prep since I have JAA for Cropland Conversion to Grass or "Trees". The only element of this contract that would be out of compliance is seed bed prep not the whole contract.	782
							Also listed under # 1. Contracts where BMP's were implemented prior to approval	
2007	54-2007-001	James Kinsey	David Anderson 9/11/06	Site Prep	825	David Anderson 5/14/07	Supplement to CREP Contract # 054-006-286 - Riparian Buffer - Contract was written as a supplement to a CREP Contract. The first RFP was written in the amount of \$492.00 for tree planting and mowing. The second RFP was written in the amount of \$333.00 for chemical release. I was not aware that I needed JAA for chemical release since I was required to have my pesticide license. The complete contract would not be out	492
				Chemical Release		David Anderson 6/11/07	compliance, only the chemical release part. All receipts for planting and spraying are in the folder and the practice has been spot checked by the local board and NRCS and found to be in good condition and in compliance.	333
							Also listed under # 1. Contracts where BMP's were implemented prior to approval	

	<u>CONTRACT #</u>		<u>Contract Written By</u>	<u>BMP</u>	<u>Contract \$</u>	<u>RFP Written By</u>		<u>RFP \$</u>
2007	54-2007-005	Orville Daughety	David Anderson 11/13/06	Site Prep	395	David Anderson 5/14/07	Supplement to CREP Contract # 054-006-270 - Riparian Buffer - Contract was written as a supplement to a CREP Contract. The first RFP was written in the amount of \$252.00 for tree planting and mowing. The second RFP was written in the amount of \$143.00 for chemical release. I was not aware that I needed JAA for chemical release since I was	252
				Chemical Release		David Anderson 6/12/07	required to have my pesticide license. The complete contract would not be out compliance, only the chemical release part. All receipts for planting and spraying are in the folder and the practice has been spot checked by the local board and NRCS and found to be in good condition and in compliance.	143
							Also listed under # 1. Contracts where BMP's were implemented prior to approval	
	<u>CONTRACT #</u>		<u>Contract Written By</u>	<u>BMP</u>	<u>Contract \$</u>	<u>RFP Written By</u>		<u>RFP \$</u>
2010	54-2010-004	Robert Murphy	David Anderson 3/4/10	Incinerator 600 lb. unit	8,923	David Anderson 3/8/11	This contract was written for the "New" landowner (Robert Murphy) as a replacement to the original contract 54-2004-39 (Alvin Turner). The original Landowner installed the incinerator in 2005 based on a design done by me and signed off on by Jerry Raynor (NRCS). The original landowner passed away in 2009 and his wife sold the farm to the new landowner in 2010. The incinerator was past the 5 yrs. Required by the Cost Share standards of operation and maintenance and the new landowner wanted to apply for a new one since that one was worn out and beyond repair. I contacted Ken Parks and was informed that since he was the new landowner he could apply for a new incinerator. The new landowner installed the new unit and I signed the RFP. Ken Parks contacted me when they received the RFP because I had signed it. I told Ken that the concrete pad was already there plus all the electrical and fuel hook ups and that all he did was replace one unit with another. Ken said that should be fine and the RFP was paid. If there was an issue at that point the RFP should never have been paid.	8,923.00
							Also listed under # 5. Contract found out of compliance with inadequate follow up	

DOCUMENT 3

DISTRICT'S RESPONSE TO DRAFT 2013 REVIEW OF THE LENOIR SOIL & WATER CONSERVATION DISTRICT COST SHARE PROGRAM.

BACKGROUND

The District made the CREP Mgr. aware of a possible problem with a CREP easement in Lenoir County, when the landowner came in the District office asking what he needed to do, that he had paid back the money at the FSA Office for an acre of the land and he thought he had met his obligation. He stated he had allowed his granddaughter to put a mobile home on the land. He said no one at the FSA office told him he needed to check with NRCS or the Soil & Water office. He stated he was not aware there was a problem until the lawyer contacted him when his granddaughter was trying to closed on her loan and the lawyer told him there was an easement on the property and he could not closed the loan until the easement problem was reconciled. This is when the District staff contacted the CREP Mgr.

Review conducted on January 28, 29 and February 1st by Natalie Woolard, Kelly Ibrahim and Bill Edwards reviewed 15 cost share contract files which were associated with CREP easements.

The Division's review stated that during the investigation the partnering agencies found deficiencies in the contracts in question. According to the Farm Service Agency, Natural Resources Conservation Service and the Division determined that a more thorough program review was needed in Lenoir County.

QUESTION:

1. What in this review determine a more in depth program review was indicated? All of the CREP Ag Cost Share Contracts were supplement contracts to the Federal CREP Contracts written by and signed by the District Conservationist, not the district staff. Prior to 2009 year all CREP Contacts were Spot Check by the District (each year the District noted it did only road frontage spot checks). In 2009 Charles Bowden (CREP Program staff) spot checked all CREP Contracts per the CREP Mgrs. (Natalie Woolard) request due to an out of compliance issue with a CREP Contact (Robert D. Shepard). Mr. Bowden reported that all CREP Contracts in Lenoir County were in compliance except for that one. Mr. Bowden did not indicate there was an issue with the riparian buffer practices at that time. This practice did not show on maps and field notes in the NRCS files or district files. The 2010 year was the last time the District monitored all CREP Contracts, we were told not to do them that the CREP Program was going to draw up a contract with each District and until then not to bother with the spot checks. At the time the District stopped the stewardship monitoring for CREP easements. Continued to do random spot checks on all the CREP Contracts that had an Ag. Cost Share Contract tied to them. The District was waiting to hear from Natalie on the new contract with the new procedures to be used for CREP spot checks. This has not transpired as to date.

Please see copies of board minutes dated June 8, 2009 & February 8, 2010.

Please see email from Natalie Woolard dated September 02, 2009.

Please see copies of CREP spot checks for years 2008, 2009 & 2010. (See Packet # 1)

It was also noted in the response that the Division notified the Lenoir District Board and staff on February 28, 2013 that it would conduct an additional review of all 2007 to 2013 cost share contracts (District staff did not receive this notification). On March 1, 2013 David Williams, Kellie Ibrahim and Ken Parks came in the District office. David Williams stated that they were here to do a review of Cost Share Contracts and he had the list of contracts they wanted to review. At that point & time Ken and Kellie went over to the FSA office. Mary pulled all the contracts that David Williams requested and he took them across the hall to the FSA office. David Williams returned the contract folders to Mary when they finished with their audit of the AG. Cost Share Contracts. There were no questions asked about any of the contracts.

The Division presented the District with their findings on Wednesday, September 9, 2013. A meeting with the following individuals was held in the Lenoir Soil & Water office on September 9, 2013 at 9:30 am.

Division Staff: Pat Harris, David Williams, Kellie Ibrahim, Natalie Woolard and Kristina Fischer

District Supervisors: Mike Robinson, Charles Hughes and Steve Putnam

District Staff: David Anderson and Mary Parker

District Conservationist: Carl Kirby

See attached board minutes dated: September 10, 2013, October 8, 2013 and March 11, 2014 concerning District's discussion after the meeting with the Division staff on Wednesday, September 9, 2013. (See Packet # 2)

APPARENT CONFLICT OF INTEREST

The secondary employment issue in the Lenoir District has been addressed on several occasions since November of 2004; at that time Jerry Raynor brought to the boards attention that Bill Harrell (ASTCFO, NRCS) had contacted him and that he had concerns that a District employee maybe operating a side business that could be in conflict with current District responsibilities. After a lengthy phone conversation between Bill Harrell, Jerry Raynor, and David Anderson, the conclusion by Bill Harrell was that he did not see any conflict of interest with David's side business. Jerry, after a lengthy discussion with the board of supervisors came to the same conclusion, that there was not conflict of interest with David's secondary business (see attached documentation).

Discussed - October 13, 2009 – no conflict of interest was determined by the board of supervisors (see attached minutes).

Discussed – November 9, 2009 - no conflict of interest was determined by the board of supervisors (see attached minutes).

See copy of Lenoir SWCD Plan of Action – meeting held with County Manager.

Discussed – February 8, 2010 board meeting after receiving email (dated January 21, 2010) from David Williams stating a proposed policy regarding secondary employment of district staff whose salaries are partially paid by cost share funds (see attached email, original board minutes, copy of Charles' board minutes stating correction to the February 8th board minutes.

March 8, 2010 board minutes stating the change to the February 8, 2010 board minutes concerning secondary employment.

See Memo dated March 8, 2009 from David Williams, Chief, Nonpoint Source Programs Section

See Memo dated March 10, 2010 from Lenoir Soil & Water Conservation District to Mr. Mike Jarman, Lenoir County Manager.

See Memo dated March 23, 2010 from Michael W. Jarman, County Manager concerning the Counties stance on Secondary Employment.

(See Packet # 3)

Please see report (Cost Share Program Running List of Contract Dollars per Farmer/Applicant) listing all contracts written/paid in Lenoir County from year 1994 to year 2013). Looking at this report you can easily see that no one has received special consideration to receive Ag. Cost Share money in Lenoir County. (see report marked report A)

At the present time the majority of the present District Board of Supervisors sees no need to take further actions concerning this issue since it has been address by multiple boards and no conflict of interest to be found.

OTHER ITEMS OF CONCERN

It was indicated in the response that the board meeting minutes did not accurately reflect the cost share contract or request for payment. No one had ever noted that the minutes needed to list every component of a contract (not during the previous audit in 2009). The Contract #, individual name, BMP practice and dollar amount of contract are always documented in the minutes when presented to the board of supervisors for approval).

There was also a statement made in the Divisions draft, that numerous cases where the cooperators, practices, and amounts shown in the minutes were very different from the practices and amounts submitted to the Division for approval, also, it stated the same was true for request for payments

(indicating that the board may not be reviewing or approving the contracts and requests for payments that are actually submitted to the division or that the contracts and payments are being changed after the board's approval. **AT THIS TIME THE DISTRICT REQUESTED THAT THE DIVISION PROVIDE THE DOCUMENTATION THAT THEY BASED THIS ALLIGATION ON. THE DIVISION STAFF STATED THEY WOULD PROVIDE THE DISTRICT WITH THAT DOCUMENTATION, BUT AS OF APRIL 2014 THE DISTRICT HAS NOT RECEIVED ANY DOCUMENTATION TO PROVE THE DIVISIONS ALLIGATIONS.**

Copies of minutes and District's yearly Ag Cost Share reports showing the dollar amount requested on the application, contract and request for payment for each contract are attached. You will find that there are no discrepancies in the dollars for the application, contract or request for payment unless the applicant did not complete the full BMP and the request for payment was written for less than the contract amount. (Please see packet 4 & 5)

The District did notify NRCS that the County Mgr. was looking at relocating the District office out of the Federal Building in the near future arising another concern in that it will result in a decrease in federal technical oversight for the day-to-day operations of the district staff. The District already has a decreased technical oversight for the day-to-day operations of the district staff due to the District Conservationist is only in Lenoir County two (2) days a week (if there is no training scheduled, doctor appointments, sickness, vacation time, etc.)

Lenoir County is assigned a Neuse Basin Technician, (never been to Lenoir County District Office). The only time we hear from that individual is once a year requesting the BMP's that the Lenoir District has written contracts for that program year. It is not that the Lenoir District does not seek to meet the 30% reduction target. The District does include on its ranking form bonus points to those cooperators that would be willing to install nutrient reducing practices, such as riparian buffers, water control structures, nutrient scavenger crops, etc. In hopes it will give those cooperators a better chance to be funded through the AG. Cost Share program. At the 2014 LAC meeting held at the Cooperative Extension Office it was pointed out that acres of different crops were not on the report that should have been reported.

The statement was made that the crops reported was taken directly from the reports the FSA office furnished.



Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Division of Soil and Water Conservation

Patricia K. Harris
Director

May 16, 2014

Mr. Michael Robinson, Chairman
Lenoir Soil & Water Conservation District
2026 Hwy 11/55
Kinston, NC 28504

Dear Chairman Robinson:

The Division of Soil and Water Conservation has reviewed the response you submitted to the April 3, 2014 memo from the Commission and the August 15, 2013 and December 10, 2013 program review summaries from the Division. The response and the district's proposed action plan are helpful and extensive, but more is needed to address the concerns noted.

Why Was This In-Depth Review Indicated?

I will begin by responding to the question posed on the first page of Document 3: District's Response to Draft 2013 Review of the Lenoir Soil & Water Conservation District Cost Share Program. You ask, "What in (the CREP) review determined a more in-depth program review was indicated?" You note correctly that the division staff began doing the CREP field inspections in 2009, noting that all but one CREP sites were in compliance. The CREP field inspections were only aimed at determining if the sites were in compliance with the easement requirements. This field review was never intended to review the cost share files for procedural and policy compliance.

You also correctly assert that the district made the division's CREP manager aware of the problem with a particular CREP easement, and that the division and NRCS staff reviewed 15 cost share contracts associated with CREP easements in January of 2013. In reviewing the CREP files, the division discovered that several cost contracts associated with CREP enrollments appeared to be implemented before the division approved them and others included payments for components for which the file lacked documentation justifying the payment.

The division concluded that there was a good possibility that these procedural lapses may not have been limited to only CREP files and that a complete review of all cost share contract files was needed.

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Concerns Related to Board Meeting Minutes

At our meeting in September in your office, I mentioned that there were a few items we noted as being inconsistent in board meeting minutes. I promised to provide a list of these concerns, but I did not provide the items of concern. Table 1 lists several meeting minutes of the Lenoir District that have inconsistencies with the contracts or payments actually submitted to the division. Please note that this list is only from reviewing a small sampling of minutes.

Table 1: Contract or payment approval not accurately reflected in District Board Minutes

Contract number	Date Contract Approved per Minutes	Comments
54-2006-008	9/12/2005	Only \$2,132 approved for contract in 9/12/05 minutes, but contract submitted for \$2,823
54-2011-006, 54-2011-007	3/08/2011	3/8/11 minutes show the wrong contract numbers for 2 contracts
54-2008-011	4/14/2008	Minutes show contract for 3-yr Conservation Tillage, but actually 5-yr conservation tillage on contract submitted to Division.
54-2010-009	6/14/2010	Contract signed by chairman dated 5/10/2010, which was the date of the May board meeting. Minutes show that board authorized contracts to go forward without specific board approval due to end of the year, despite being informed in email that this practice was inappropriate (see NOTE below).
54-2010-501	6/14/2010	Contract signed by chairman dated 5/10/2010, which was the date of the May board meeting. Minutes show that board authorized contracts to go forward without specific board approval due to end of the year, despite being informed in email that this practice was inappropriate. This contract reflected in the minutes as contract number 54-10-08-09. (see NOTE below).
54-2012-010	6/12/2012	Contract signed by chairman dated 5/8/2012, which was the date of the May board meeting. Minutes show that board authorized contracts to go forward without specific board approval due to end of the year, despite being informed in email that this practice was inappropriate. (see NOTE below).
54-2012-501	6/12/2012	Contract signed by chairman dated 5/8/2012, which was the date of the May board meeting. Minutes show that board authorized contracts to go forward without specific board approval due to end of the year, despite being informed in email that this practice was inappropriate. (see NOTE below).
54-2013-501	6/11/2013	Contract signed by chairman dated 5/14/2013, which was the date of the May board meeting. Minutes show that board authorized contracts to go forward without specific board approval due to end of the year, despite being informed in email that this practice was inappropriate. (see NOTE below).
54-2010-007	5/10/2010, 2/14/2012	Minutes show contract approved for CREP Site Prep, but contract actually submitted for Tree Planting and Site Prep, Request for Payment just says CREP Supplement.

NOTE: At May board meetings since 2010, David Anderson has requested, and the board has granted, authority to write additional contracts to finish out cost share funds for the current program year to meet deadlines, without the board acting on individual contracts. Language in minutes has also referenced a similar process to meet deadlines for RFPs in a particular program year. At the May 2008 board meeting, division staff provided guidance (email correspondence to D.Anderson on May 14, 2008) that this process is not appropriate, and the board needs to take action on specific contracts to encumber funds. On May 29, 2008, the Lenoir SWCD held a special meeting to obligate funds in time for program year deadlines. Each year after 2008, the district has ignored the 2008 guidance, and similar

authority for the office staff has been requested and granted. It appears that contracts signed after the May board meeting dates have been back dated by district representative and cooperator to be reflective of May meeting dates. This could have appropriately been handled by a special teleconference meeting of the board to approve the contracts.

In addition to the items listed in Table 1 above, there were several other minutes from the period 2004-2007 that did not include an action approving requests for payment. We acknowledge that this concern had been previously pointed out in the 2009 program review and more recent minutes have shown improvement with regard to this concern.

Contract by Contract Response and Reaction to Action Plan

Following is the division's reaction to the 2014 Lenoir Soil & Water Action Plan submitted on May 1, 2014. The Action Plan includes several positive actions that will address many of the concerns noted in the review and the December 13 Division response, but it does not fully address all of the concerns. Each of the concerns noted in the review will be repeated below, followed by a commentary on how the Action Plan addresses the concern and any further corrective actions needed to more completely address the concern. Also, each section references a table summarizing the specific contracts with noted concerns, the response from the district, and the Division's comment/reaction to the response.

Contracts Implemented Prior to Division Approval

Fifteen contracts were initially found to have been implemented prior to division approval. These are shown in Table 2. In response to the district's explanation, thirteen of these contracts continue to qualify as post approvals. For many of these contracts there was a long lapse between the date the district board approved the contract and the date it was submitted to the division for approval that the district confirms likely contributed to many of the projects being started prior to approval.

- 1) The district's proposed **action item #5** calls for any contract that has not been approved by the division to be spot checked by the staff, NRCS DC or with the assistance of a supervisor to ensure that the practice has not been started prior to approval. ***Corrective Action: To ensure the effectiveness of this action the spot check should be made at the time the cooperator is notified that the contract has been approved by the division and they are authorized to begin work.***
- 2) Proposed **action item #10** states that all contracts will be sent to Raleigh within 5 to 10 business days after district board approval. ***Corrective action: This action should be effective to reduce the potential for work to begin prior to Division approval, but there is no reason the contracts cannot be submitted within 3 business days. The chairman's signature indicates that all components of the contract have been reviewed and that the contract is ready for division approval.***
- 3) Proposed **action item #3** calls for the supervisors to receive receipts showing the dates the work was completed prior to approving any request for payment. ***Corrective Action: The supervisors need to compare the dates on the receipts to the dates the contract received division approval. The concern is not that the work was not done prior to approving the request for payment, but rather it was done before the contract was fully approved.***
- 4) Proposed **action item #2** calls for any contract for cropland conversion, conservation tillage, long-term no-till or nutrient management will have documentation of field checks and crop history reports for review prior to approval. ***Comment: This action should be effective to reduce the potential for contracts to be approved after the first crop has already been planted. Corrective Action: These contracts need to be considered for approval by the board and submitted to the division sufficiently in advance of the planting season to allow them to receive final***

division/commission approval prior to normal planting time for the respective cropping systems or vegetative type.

Contracts Suspected of Being Implemented Outside Normal Planting Season

In addition to the contracts shown in Table 2 there are also three contracts for cropland conversion to grass that were found to be approved and paid for grass planted well outside the recommended planting dates. While there were no receipts or notes in the file to confirm when the crops were actually planted, the contracts were approved in June and the RFPs were certified September or October. The total value of these contracts is \$11,579. Table 3 lists the contracts and values.

Comment: *The Districts proposed action items and the Division's recommendations should be effective to reduce the likelihood of contracts being approved for implementation outside the typical planting dates.*

Ineligible Contracts

Nine contracts were initially found to contain elements that were ineligible for cost share. These are shown in Table 4. In response to the district's explanation, eight of these contracts continue to be at least partially ineligible. Of these, five involved cropland conversion to grass where the FSA cropping history shows at least part of the fields to be in grass prior to the year the contract was approved. Another contract for 3-year conservation tillage included fields that were enrolled in CRP.

- 5) Proposed **action item #2** calls for any contract for cropland conversion, conservation tillage, long-term no-till or nutrient management will have documentation of field checks and crop history reports for review prior to approval. ***Comment:*** *This action should be effective to reduce the potential for contracts to be approved for situations where the water quality concern has already been addressed prior to the contract.*
- 6) Proposed **action item #4** states that any contract for cropland conversion will have a photo prior to board approval showing that it is in row crops. ***Comment:*** *This action should be effective to ensure that a water quality concern still exists.*
- 7) The district's proposed **action item #5** calls for any contract that has not been approved by the division to be spot checked by the staff, NRCS DC or with the assistance of a supervisor to ensure that the practice has not been started prior to approval. ***Comment:*** *This action should also be helpful to ensure that ineligible contracts are not approved and implemented.*
- 8) Proposed **action item #7** states that all contracts will be reviewed by Carl Kirby (NRCS) to ensure they meet NRCS standards and guidelines. ***Comment:*** *This action should also be helpful to ensure that ineligible contracts are not approved and implemented, but this action item needs to take into consideration the impact of this additional workload on the district conservationist who is shared with another district.*
- 9) Proposed **action item #8** calls for all contracts to be cross-checked to ensure there is no overlap of another practice or program (NCASCP/NRCS). ***Comment:*** *This action will be helpful to prevent duplicative contracts addressing the same water quality problem, but occasionally it is necessary to use multiple programs to comprehensively address a particular concern.*

It should be noted that several explanations from the district for cropland conversion to grass states that FSA crop history defaults to grass if no crop report is filed. The Division checked with FSA and received

email correspondence that this is neither the policy nor practice for FSA in Lenoir County or statewide, nor has it been in the past.

Overpaid Contracts

Ten contracts were found to be overpaid based on the documentation that was found in the file. These contracts are shown below in Table 5. The district's explanation provided sufficient evidence to remove only one contract from this list. The overpayments are associated with components for which the file lacks necessary supporting documentation, for contracts where actual acreage planted does not add up to the acres shown on the request for payment, and contracts where the receipts in the file do not add up to the amount shown on the request for payment. It is important to remember that contracts are seldom implemented exactly as planned.

- 10) Proposed **action item #3** calls for the supervisors to receive receipts showing the dates the work was completed prior to approving any request for payment. ***Corrective Action: The supervisors need to ensure the receipts sufficiently document the quantities and acreages shown for each of the items on the request for payment.***

Inadequate Follow-Up on Out of Compliance Contract

The division's review included a contract that was thought to be out of compliance due to waste application in excess of the waste plan. At the September 4, 2013 meeting it was discovered that division staff had misinterpreted the information in the file. The contract is actually in compliance according to the records in the file. **No further response is needed for this concern.**

Unauthorized Signature for Job Approval Authority

Seven contracts were found to have been certified by David Anderson when he did not have the appropriate job approval authority per NRCS records. These contracts are shown in Table 6 below.

- 11) Proposed **action item #6** calls for any contract that needs JAA that can't be signed on the local level will be signed by Carl Kirby (NRCS) or the Area Engineer. ***Corrective Action: The board of supervisors needs to know which practices the district staff have Job Approval Authority and which ones require higher level approval. To facilitate this awareness, the division recommends job approval authority records for all district staff be readily available for review at every district board meeting. The supervisors should verify that each practice design and installation is approved by someone with appropriate authority.***
- 12) ***Corrective Action: The board of supervisors should also create the expectation that the district staff work with the district conservationist and area office staff to obtain job approval authority for as many practices that are typically implemented in the district as possible.***
- 13) Proposed **action item #3** calls for the supervisors to receive receipts showing the dates the work was completed prior to approving any request for payment. ***Corrective Action: The supervisors need to ensure the receipts sufficiently document the quantities and acreages shown for each of the items on the request for payment.***
- 14) Proposed **action item #6** calls for any contract that needs JAA that can't be signed on the local level will be signed by Carl Kirby (NRCS) or the Area Engineer. ***Corrective Action: The board of supervisors needs to know which practices the district staff have Job Approval Authority and which ones require higher level approval. To facilitate this awareness, the division recommends job***

approval authority records for all district staff be readily available for review at every district board meeting. The supervisors should verify that each practice design and installation is approved by someone with appropriate authority.

15) Corrective Action: *The board of supervisors should also create the expectation that the district staff work with the district conservationist and area office staff to obtain job approval authority for as many practices that are typically implemented in the district as possible.*

Spot Check Discrepancies & District Follow Up

The division's review included two contracts with discrepancies related to spot checks and district follow up on non-compliance. These contracts are shown below in Table 7. The district's proposed action plan does not have any specific actions to address the concern.

16) Corrective Action: *The supervisors should receive a copy of each contract to be spot checked prior to the field visits to help them understand exactly what fields and practices need to be spot checked, and the contract file needs to include photos and other written documentation documenting the results of the spot check. Care needs to be taken to review all of the fields that are included in the contract not just the ones that are easily accessed.*

17) Corrective Action: *The district also needs to implement greater follow-up procedures to document that contracts found to be out of compliance are either returned to compliance or paid back. All compliance issues need to be reported immediately to the division cost share staff.*

Apparent Conflict of Interest

The Division's review points out concern about David Anderson's secondary employment being contrary to paragraphs 1b,c,d,and f of the Soil and Water Conservation Commission's advisory related to secondary employment. The district's **action item # 9** says that any contract that could be considered a conflict of interest will be reviewed by the Board prior to approval and will be overseen and signed off on by NRCS District Conservationist or equivalent. **Corrective Action: The action item should require any employee to specifically declare any association with a contract participant, and to take specific action to document that the employee did not sign as a district representative or technical approval for that contract.**

General Actions

The district's proposed action items include two general actions that have the potential to be helpful. **Action item #1** proposes for supervisors to receive a copy of all contracts prior to being approved at board meetings. **Action item #6** proposes that the district conservationist review all contracts to ensure they meet NRCS standards and guidelines. This action is already necessary for the practices for which district staff does not have the necessary job approval authority. Requiring the district conservationist to oversee the district staff for practices for which they have JAA may have the unintended consequence of diverting the district conservationist's time away from other cooperators needing assistance.

At its March meeting the commission imposed a change in procedure to require any contract or request for payment from the Lenoir SWCD to be presented to the commission for approval by a supervisor and the district technician. For the items that have to come before the Commission, all documentation (e.g., receipts, signed forms, photos) that goes to the district board needs to be scanned and attached or emailed to the division cost share specialist prior to the published deadline for materials to be considered at each Commission meeting.

Summary

The concerns noted in the review are serious and numerous. The district's proposed action plan and the division's additional corrective actions are aimed at preventing recurrences, but they may not thoroughly address the root of the problems noted in the division's review. It is apparent that the district supervisors need to obtain a more complete understanding of Commission policies and procedures to better enable them to oversee implementation of the cost share programs in the Lenoir District. The board of supervisors also needs to demonstrate that it is willing to do what is necessary to establish greater accountability for the district staff and preserve the integrity of the cost share programs in Lenoir District.

We look forward to working with you to incorporate the changes included in your action plan and the additional corrective actions noted in this response. Please let me know if you have questions about this response or if you need further assistance to implement the necessary corrective actions.

Sincerely,



David B. Williams, Deputy Director

Cc: Randy Smith, Vice Chair
Charles Hughes, Treasurer
Lynwood Earl Everett, Supervisor
Steven Putnam, Supervisor
Soil and Water Conservation Commission
Lenoir SWCD District Staff
Kristina Fisher, DSWC Regional Coordinator
Eric Pare, DSWC Regional Coordinator
Tim Beard, NRCS State Conservationist
Renee Melvin, NRCS Assistant State Conservationist for Field Operations
Carl Kirby, NRCS District Conservationist

Table 2: Contracts where BMPs were implemented prior to approval.

PY	Contract Number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Install Date	Comment	District Comment/Response	Division Comment/Response
2004	54-2004-052*/**		\$1,374	3/8/04	4/16/04	3/26/04	Receipts show that trees were planted before Board Chair signed the contract or Division approval	Supplement to CREP Contract # 2004-0198AA; Riparian Buffer – contract written by Jerry Raynor	This ACSP contract is affiliated with a CREP contract. It is not a supplement contract. It must still be approved by the board and the division in advance of implementation. The board (not NRCS) is responsible to ensure that all cost share procedures are followed.
2006	54-2006-042*/**	Cropland Conversion – Trees	\$782	2/13/06	4/17/06	Jan. 2006	Receipts show that the trees were planted before Board or Division approval	Supplement to CREP Contract # 54-2006-268; Cropland Conversion to Trees – Contract was written as a supplement to a CREP contract.	This ACSP contract is affiliated with a CREP contract. It is not a supplement contract. It must still be approved by the board and the division in advance of implementation. The board (not NRCS) is responsible to ensure that all cost share procedures are followed.
2007	54-2007-001*/**	Riparian Buffer	\$825	9/11/06	4/30/07	Dec. 2006	Receipts show that the trees were planted before Division approval	Supplement to CREP Contract # 54-2006-286; Contract was written as a supplement to a CREP contract	This ACSP contract is affiliated with a CREP contract. It is not a supplement contract. It must still be approved by the board and the division in advance of implementation. The board (not NRCS) is responsible to ensure that all cost share procedures are followed.
2007	54-2007-005*/**	Riparian Buffer	\$395	11/13/06	4/30/07	12/28/05	Receipts show that the trees were planted before Board or Division approval	Supplement to CREP Contract # 54-2006-270; Contract was written as a supplement to a CREP contract from info gathered from Jerry Raynor.	This ACSP contract is affiliated with a CREP contract. It is not a supplement contract. It must still be approved by the board and the division in advance of implementation. The board (not NRCS) is responsible to ensure that all cost share procedures are followed.

PY	Contract Number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Install Date	Comment	District Comment/Response	Division Comment/Response
2007	54-2007-009	Conservation Tillage (3 Yr.); Grassed Waterway	\$6,801	4/9/07	6/12/07		Conservation tillage implemented on spring crop before Division approval. (Crops confirmed by FSA records)	Contract was approved by the Division on June 12, 2007. That means that he would have planted wheat and it is picked in June and the next crop (soybeans) would have been planted in the stubble. The RFP was done on July 19, 2007, which means he would have had time to plant and the crop be established in the residue. All No-Till contracts have been done by NRCS standards and have passed their spot checks.	FSA Cropping history reports that corn was planted in 2007, not soybeans. Contract should have been approved prior to any fields being approved at planting.
2007	54-2007-011	Conservation Tillage (3 Yr.)	\$6,000	4/9/07	6/12/07		Conservation tillage implemented on spring crop before Division approval. (Crops confirmed by FSA records)	Contract was approved by the Division on June 12, 2007. Practice would have been spot-checked after the next crop would have been planted in adequate residue and date shows that to be correct. Soybeans following wheat. Spot checked by NRCS and met their standards.	3 of the fields are shown to be in wheat/soybeans in 2007, and 6 fields (T182, F 4&5 + All of T 186) are listed as being in corn in 2007. Contract should have been approved prior to any fields being approved at planting.
2008	54-2008-001	Nutrient Management	\$10,000	3/10/08	6/3/08	May/June 2008	Nutrient application for first crop year occurred before Division approval	Division approved contract on 6/3/08. Due to the contract not being possibly mailed in on a timely matter the landowner actually applied 23 days prior to Division approval. The landowner followed his nutrient management plan and completed all necessary paper work to fulfill his cost share contract.	District should have requested to be placed on Commission agenda for post approval once it became aware that the contract was implemented prior to approval.
2008	54-2008-006*	Cropland Conversion - Grass	\$2,072	3/10/08	6/3/08	5/10/08	Receipt for bermuda and field notes state sprigged prior to Division approval	Practice was installed on 5/10/08. I forgot to have the landowner to initial that they understand that the contract had not been approved by the Division of Soil & Water and	District should have requested to be placed on Commission agenda for post approval once it became aware that the contract was implemented prior to approval.

PY	Contract Number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Install Date	Comment	District Comment/Response	Division Comment/Response
								they are proceeding with project installation. The landowner met all the requirements to proceed except getting them to initial. Practice is in place and meets all NRCS specs.	
2008	54-2008-007*	Cropland Conversion - Grass	\$2,318	4/14/08	6/3/08	Unknown	Receipt for KY-31 seed 3/20/08; Fescue would not have been planted between June/Sept.	Receipt showed KY-31 which is fescue seed. The recommended planting dates for fall-planted fescue are 9/1 – 9/30. The RFP was dated 9/8/08, which is within the planting dates and after the Division's approval. The receipt shows when the seed were purchased, not when it was seeded.	Explanation is plausible, based on receipts in file. This contract is not considered post-approval per explanation from the district.
2008	54-2008-011	Long Term No-Till	\$8,325	4/14/08	6/6/08		Long-term No-till implemented on spring crop before Division approval. (Crops confirmed by FSA records)	No-till was checked later in the planting season. Soybeans were planted in wheat residue. 80% residue is required for LTNT. Contract met those requirements. Contract was approved by the Division on 6/6/08 and RFP was dated 9/8/08.	All tracts are listed in FSA Crop history for 2008 as being either corn or full season soybeans, with no mention of wheat. At least the fields in corn were planted prior to approval.
2008	54-2008-012*	Long Term No-Till	\$3,013	4/14/08	6/6/08		Long-term No-till implemented on spring crop before Division approval. (Crops confirmed by FSA records)	No-till was checked later in the planting season. Soybeans were planted in wheat residue. 80% residue is required for LTNT. Contract met those requirements. Contract was approved by the Division on 6/6/08 and RFP was dated 9/8/08.	Rechecked FSA records show the field to be in soybeans in 2008. It's not clear whether it was double cropped soybeans, so this contract <u>may</u> have been valid. This contract is not considered post-approval per explanation from the district.
2010	54-2010-003	Solid Set	\$23,552	3/8/10	3/1/11	2/15/11	Invoice confirms installation prior to Division approval	Contract was approved pending engineer's (Carl Dunn's) signature. Carl wanted to wait until the system was installed and final	Contract was not "approved" pending engineer's approval, but pending engineer's design. Correspondence from D Anderson received 1/21/11

PY	Contract Number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Install Date	Comment	District Comment/Response	Division Comment/Response
								inspection was performed before he signed off on it. Ken Parks was made aware of this before hand. Carl signed the form on 2/24/11, when he performed the inspection and the Division approved it on 3/1/11 knowing it was already installed. The RFP is dated 3/8/11. A supplement contract was written in 2011.	acknowledges the contract is pending design approval. System was installed on 2/15/11 although approval was not sent until 3/1/11. The district did not follow the procedures and it should have sought Commission approval for this contract as a post-approval.
2011	54-2011-006	Conservation Tillage (3 Yr.)	\$15,000	3/8/11	6/9/11		Conservation tillage implemented on spring crop before Division approval. (Crops confirmed by FSA records)	Contract was approved by the Division on June 9, 2011. Wheat was planted and picked at the end of June – soybeans was planted in the stubble and it was spot checked on 9/1/11 and residue was over 60%. RFP was dated 9/13/11. Contract was spot checked by NRCS and found to be in compliance	This contract involves 8 tracts, but only 1 tract listed wheat/soybeans on 2011 crop history report. The other tracts listed corn or cotton, which would have been planted prior to Division approval in June.
2012	54-2012-007	Conservation Tillage (3 Yr.)	\$9,297	4/10/12	6/22/12		Conservation tillage implemented on spring crop before Division approval. (Crops confirmed by FSA records)	Contract was approved by the Division on June 22, 2012. soybeans were planted in wheat stubble, which was picked in late June. Fields were spot checked on 9/6/12 to ensure 60% residue was present. RFP was approved by the board and dated 9/11/12 and residue was over 60%. RFP was dated 9/11/12. Fields were spot checked by NRCS and noted to be in compliance	A recheck of FSA crop report data shows that at least some of the field were reported to be in grass in crop year 2011.
2012	54-2012-008	Cropland Conversion - Grass	\$4,301	5/3/12	6/22/12	3/23/12	Invoice and field notes verify grass planted before contract approved by District Board or Division	Fields were sprigged prior to Division approval. Landowner brought invoice in after RFP was sent to Raleigh for payment. An action plan has been put in place to ensure that the landowner	Receipt and conservation field notes document fields were sprigged in March 2012, prior to application being submitted or board approval.

PY	Contract Number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Install Date	Comment	District Comment/Response	Division Comment/Response
								does not proceed until he is notified that the contract has been approved by the local board and the Division.	

*Contract was potentially eligible for vegetative exception, but proper documentation was not included in the contract.

** These contracts also have a CREP component.

Table 3: Cropland Conversion Contracts Outside of Recommended Planting Dates

PY	Contract number	BMP	Contract Amount	Board Approval Date	Division Approval Date	Practice Certification Date	District Comment/ Response	Division Comment/ Response
2008	54-2008-004	Cropland Conversion - Grass	\$3,659	3/10/08	6/3/08	9/8/08	Contract was not completed and sent to the Division in a timely manner after Board's approval. Most cropland conversion sprigging takes place at the end of April to May, and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the local board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards.	District should have requested to be placed on Commission agenda for post approval once it became aware that the contract was implemented prior to approval. Division received the contract on 5/30/08.
2008	54-2008-005	Cropland Conversion - Grass	\$6,795	3/10/08	6/3/08	9/8/08	Contract was not completed and sent to the Division in a timely manner after Board's approval. Most cropland conversion sprigging takes place at the end of April to May, and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the local board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards.	District should have requested to be placed on Commission agenda for post approval once it became aware that the contract was implemented prior to approval. Division received the contract on 5/30/08.
2011	54-2011-004	Cropland Conversion-Grass	\$1,125	3/8/11	6/9/11	10/21/11	Contract was not completed and sent to the Division in a timely manner after Board's approval. Most cropland conversion sprigging takes place at the end of April to May, and these contracts were completed just prior to the Division's approval. An action plan has been put in place and is being overseen by the local board to ensure that no practice is started prior to Division approval. The contract has been spot checked by supervisors and NRCS and it was noted that the grass looked great and met NRCS standards.	District should have requested to be placed on Commission agenda for post approval once it became aware that the contract was implemented prior to approval. Division received the contract on 5/20/11.

Table 4: Contracts not eligible for cost share.

PY	Contract number	BMP	Contract Amount	Board Approve Date	Division Approve Date	Comment	District Comment/ Response	Division Comment/ Response
2007	54-2007-002	Cropland Conversion - Grass	\$4,725	9/11/06	5/18/07	FSA 2006 cropping history shows that fields in grass. DWQ Compliance Inspection dated 9/21/06 and DSWC Op Review dated 11/07/06 confirms Bermuda planted.	Landowner was contacted to see if he was going to follow thru with contract, and he stated that he had sprigged it in 2007. The field was previously in row crop, but since the producer doesn't get any Federal subsidies it's not reported to FSA and they automatically claim it as being in grass even though it isn't. The field was not in grass prior to the contract being approved by the board. FSA map shows that it was not in grass.	Waste utilization plans signed by integrator representative dated December 2006 shows these fields listed as Bermuda grass. Waste plans, compliance inspections by DWQ and DSWC all confirm FSA record that fields were in Bermuda prior to contract approval. No receipts in file.
2007	54-2007-003	Cropland Conversion - Grass	\$3,510	9/11/06	12/14/06	FSA 2006 cropping history shows that fields in grass. Revised Waste Utilization Plan dated 5/06 references this field as grass; DWQ Compliance Inspection dated 2/07 and DSWC Op Review dated 10/06 confirms Bermuda Grass/Winter Overseed;	Fields were spot checked previous to contract being written and FSA maps confirm it. FSA reported it in grass because landowner gets no federal subsidies and since it's not reported in crops, they show it in grass. Landowner also had waste utilization plan revised prior to contract because he planned to put those fields in grass. Even though the plan shows it is grass does not mean that it is and anyone that is certified to write waste utilization plans knows that. The field had been overseeded with small grain prior to sprigging coastal which was done in March 2007, and that proves why the plan was revised.	Waste utilization plans signed by integrator representative dated May 2006 shows these fields listed as Bermuda grass. Waste plans, compliance inspections by DWQ and DSWC all confirm that fields were in Bermuda prior to contract approval. FSA crop history report shows grass in 2006 and 2007. No receipts in file. RFP shows conversion to field 1 (15.6 acres), but that field does not have 15.6 acres. Field 3 shows in the contract (with field 1 crossed out). Field 3 also does not have 15.6 acres, so it's not clear what fields were actually converted. If the correct fields are field 3 at 14.6 acres and Field 4 at 1.0 acre, then it could be feasible that field 3 had appropriate cropping history.
2007	54-2007-006	Cropland Conversion - Grass	\$4,763	11/13/06	1/23/07	FSA 2006 cropping history shows the field in grass.	FSA maps shows it being in row crops and landowner can verify. FSA reports fields in grass that are not reported or receive federal subsidies. Fields are spot checked prior to a contract being written and they were in row crops.	FSA 2006 data show 2 of the fields being in grass. Fields appear to be in grass in 2006 Google EC image.

PY	Contract number	BMP	Contract Amount	Board Approve Date	Division Approve Date	Comment	District Comment/ Response	Division Comment/ Response
2008	54-2008-008	Cropland Conversion - Grass	\$3,105	4/14/08	6/3/08	FSA 2007 cropping history shows the field in grass.	Field was not reported to FSA and since they receive no federal subsidies it was reported in grass. Practice has been spot checked with a supervisor and maintenance for weed control was needed. Landowner was sent a letter and they responded within 5 days and took appropriate action. Grass is maintained and looks good.	Recheck with FSA confirms that field was in tobacco, not grass in 2007. This contract is no longer a concern. This contract is no longer considered ineligible.
2008	54-2008-010 [#]	Cropland Conversion - Grass	\$7,110	4/14/08	6/6/08	FSA 2007 cropping history shows the fields in grass. Acreage paid for cropland conversion includes what appears to be a pond and trees that should have been excluded.	FSA reported fields in grass, but they were actually planted in millet. This contract was written for Neuse Milling, which was owned by "present" supervisor Steve Putnam's father (who passed away). Steve has verified that FSA reported it wrong and that it was in crops before and not grass. The RFP and the acres used came off of FSA's maps and believed to be accurate. After discussing this because of the audit all field acres are now checked or measured through soil data mart or Google Earth instead of depending solely on FSA maps.	Recheck with FSA confirms field 12 was in grass as early as 2006, field 13 was first reported to be in grass in 2007.
2008	54-2008-013 [#]	Nutrient Management	\$9,000	4/14/08	6/6/08	Field included in a waste management plan dated 3/04 written by District staff. Per Commission policy, land receiving animal waste is not eligible for Nutrient Management Incentive.	Contract was written for supervisor Randy Smith. The Nutrient Mgmt Plan covered 500 acres total and evidently one field containing 16.4 acres was included that should not have been due to it being used to periodically spray animal waste on. This was an honest oversight by the supervisor and district staff.	Any acreage that should not have been included should be requested for repayment. 16.4 acres included on RFP were ineligible = \$295 overpaid. Also note overpayment for 51.8 acres for which application records were never submitted (\$1,026). Total overpayment was \$1,321.
2009	54-2009-008 [#]	Waste Application Equipment	\$6,531	3/9/09	5/20/09	Planned and paid for irrigation equipment which will spray animal waste on acreage under Nutrient Management contract 54-08-13. Contrary to Commission policy.	Contract was written as a supplement to an EQIP contract for underground irrigation equipment. The field that had underground pipe installed on it is the 16.4 acres that had a nutrient management plan (54-08-13) written by mistake. District staff and NRCS Conservationist are currently looking at ways to cross check to ensure this does not happen again. EQIP contract # 74453248514.	This contract would not have been noted as ineligible, but for the nutrient management incentive contract was in effect from the prior program year. The district needs to develop a methodology to check for existing federal and state cost share restrictions affecting land that is being considered for cost share.

PY	Contract number	BMP	Contract Amount	Board Approve Date	Division Approve Date	Comment	District Comment/ Response	Division Comment/ Response
2009	54-2009-009	Cropland Conversion - Grass	\$1,541	3/9/09	5/14/09	FSA 2008 cropping history shows the fields in grass.	Field was in crops and not grass. Landowner does not receive any federal subsidies and since the field is not reported, it is shown to be in grass. Practice was spot checked and grass looked very good.	Recheck with FSA confirms field was in grass as early as 2008, and not reported in 2007.
2009	54-2009-011	Conservation Tillage (3-yr.)	\$15,000	4/13/09	5/18/09	Some of the land included in the contract is enrolled in CRP. Field notes do not indicate fields were checked prior to payment.	The total acres paid under this contract equal 250 acres. 1.5 acres were enrolled in CRP and included in the no-till contract by mistake. 3 yr no-till pays an incentive of \$60/acre so the landowner received \$90 more than he should have. The whole contract is not out of compliance. This contract has been spot checked and the landowner is exceeding his required 60% residue.	Contract should have excluded the 1.5 acres in 2 fields that are clearly shown as being under CRP enrollment. The district is correct that only the 1.5 acres is ineligible. Overpayment of \$90.

These contracts are associated with a supervisor or former supervisor.

Table 5: Contracts that were overpaid based on documentation in files.

PY	Contract number	BMP	Contract Amount	Overpayment amount	Comment	District Comment/ Response	Division Comment/ Response
2005	54-2005-038**	Riparian Buffer		\$570	Request for Payment included chemical site prep, but no receipts or documentation in SWCD or NRCS file to support payment of chemical site prep.	Supplement to CREP contract # 054-005-231. This contract was written by Jerry Raynor (NRCS) as a supplement to CREP	There is no supporting documentation (receipts, field notes, photos) to support the payment for chemical site prep.
2005	54-2005-044**	Riparian Buffer		\$930	Overpaid acreage of trees actually planted per receipt in file. No receipts or documentation in file to support payment of chemical site prep.	Supplement to CREP contract # 054-005-229 and 054-005-232. This contract was written by Jerry Raynor (NRCS) as a supplement to CREP	Site prep was also planned in the FSA CRP file, but it was never certified and not paid by FSA. There is no supporting documentation (receipts, field notes, photos) to support the payment for chemical site prep.
2006	54-2006-011**	Riparian Buffer		\$1,976	There is no documentation that site prep or tree planting in the amount of 7.2 acres was completed on Field 5, but the Request for Payment included payments for this field.	Supplement to CREP contract # 054-005-250. There was originally a total of 19.2 acres in field 5. Jerry Raynor (NRCS) excluded 7.2 acres from the field and marked it on the map leaving 12.0 acres in that field. I pulled a current FSA map and it matches what Jerry did and their map matches the part he excluded. If a new map had been pulled during the office audit, they would have seen it. Contract was never out of compliance.	A portion of this cost share contract supports CREP, approximately 22 acres. The remaining portion of this contract of 11.8 acres is cropland conversion. D. Anderson is probably correct that the current FSA map does show the 7.2 acres of field 5 as not being associated with the CREP contract. However, the noncompliance issue is associated with the cropland conversion portion, not CREP. Therefore, the FSA map would not reflect the implementation of the state cost share practices. Per invoice in NRCS file dated 12/22/05 showed that 19.4 acres were planted, this would be the CREP portion. DSWC staff has confirmed this entire field 5 is not planted in trees as it has been indicated by the request for Payment dated 7/14/05. Per NAIP Imagery for 2008, 2009 and 2010, this area of the field in reference is not planted. This contract was spot checked by M. Robinson and D. Anderson on 6/23/10.

PY	Contract number	BMP	Contract Amount	Overpayment amount	Comment	District Comment/ Response	Division Comment/ Response
2006	54-2006-025**	Riparian Buffer		\$2,112	No receipts or documentation in SWCD or NRCS file to support payment of chemical site prep or post spray.	Supplement to CREP contract # 054-006-247. Contract was written by Jerry Raynor (NRCS)	There is no supporting documentation (receipts, field notes, photos) to support the payment for chemical site prep.
2006	54-2006-027**	Riparian Buffer		\$198	No receipts or documentation in SWCD or NRCS file to support payment of chemical post spray.	Supplement to CREP contract # 054-006-262V. Contract was written by Jerry Raynor (NRCS)	There is no supporting documentation (receipts, field notes, photos) to support the payment for chemical site prep.
2006	54-2006-028**	Riparian Buffer		\$297	No receipts or documentation in SWCD or NRCS file to support payment of chemical post spray.	Supplement to CREP contract # 054-006-261. Contract was written by Jerry Raynor (NRCS)	There is no supporting documentation (receipts, field notes, photos) to support the payment for chemical site prep.
2006	54-2006-040**	Riparian Buffer		\$1,978	Receipts show that only trees planted and disking was completed, but the request for payment also included chemical site prep and mowing.	Contract was written as a supplement to CREP Contract #054-006-276. Receipt in file shows that chemical spraying took place on 2/15/07 in the amount of \$1,533.	Receipt in FSA file shows purchase of chemicals for \$1,533 dated 2/19/07 This contract is no longer considered overpaid. However, better documentation is needed in contract file..
2007	54-2007-007	Cropland Conversion - Grass		\$360	Written and paid for acreage that exceeds conservation plan map; Partial field planted however no field measurements to justify the additional acreages.	The contract was written for 23 acres and the RFP was completed and paid for 23 acres. The FSA crop reports show that 22.25 acres are in grass. Some of the shortage could be mapping error, but if not an overpayment for .75 would be \$168.75.	Conservation Plan in file shows 21.8 acres for field 3A. Map also shows 21.8 acres. There is another map that shows 23 acres handwritten, but appears preliminary. Overpaid by \$270.
2008	54-2008-013	Nutrient Management		\$1,026	Total acreage paid was for 500 acres; only 442.99 acres reported each year by landowner. 2009 and 2010 records checked by District staff and certified.	Total contract was for 500 acres, and RFP was completed for 500 acres. Landowner filled out paperwork in our office and we did not catch the error of the acres being short. The over payment of the 57.01 acres at \$18/ac is \$1,026. The contract was fulfilled by the landowner. Any nutrient management plan written from now on will be crosschecked with FSA crop reports.	No application records provided for tract 1976 (57.1 ac). Should not have been paid for these acres. Overpaid by \$1,026.
2010	54-2010-009	Pasture Renovation		\$982	Pasture renovation BMPs were paid based on receipts. The receipt in the file shows the contract was paid in excess.	Contract was paid based on a total replant. Landowner had spotty coverage at best, so myself and the sprigging contractor felt it would be best to spray, disk, and totally resprig the fields. I was not aware that pasture renovation only paid 75% of the actual receipt. Landowner was paid just like it was a new contract because everything had to be redone. Fields look great and meets NRCS standards.	Overpaid by \$982 based on policy for pasture renovation that payment based on actual cost.

** These contracts also have a CREP component.

Table 6: Contracts certified without appropriate job approval authority.

PY	Contract number	BMP	Contract Amount	JAA Certification	Comment	District Comment/ Response	Division Comment/ Response
2006	54-2006-025**	Riparian Buffer	\$2,969	David Anderson	NRCS JAA chart does not show that Anderson has JAA for chemical treatments included on the Request for Payment.	Supplement to CREP contract # 054-006-247. Contract was written by Jerry Raynor (NRCS) and first RFP was completed and signed by Jerry in the amount of \$2,249. Before the final payment of \$720 was made, Jerry left Lenoir County for another position. D Anderson completed the final RFP in the amount of \$720 which was for chemical tree release, not realizing I need JAA. I was required to have my pesticide license as was Jerry Raynor, and I assumed that was all I needed. This was an oversight on my part. The only part that should be out of compliance is the \$720 for tree release, not the whole contract.	Contract references NRCS practice standard 666 (chemical tree release) as a separate item from the 612 (tree planting) standard for which D Anderson has JAA.
2006	54-2006-011**	Riparian Buffer	\$5,856	David Anderson	NRCS JAA chart does not show that Anderson has JAA for chemical treatments included on the Request for Payment.	Supplement to CREP contract # 054-006-250. Contract was written by Jerry Raynor (NRCS) and first RFP was completed and signed by Jerry in the amount of \$4,447. Before the final payment of \$1,379 was paid, Jerry left Lenoir County for another position. D Anderson completed the final RFP in the amount of \$1,379 which was for chemical tree release, not realizing I need JAA for this practice. I had my pesticide license as was required and assumed that was all I needed. This was an oversight on my part. The only part that should be out of compliance is the \$1,379 for tree release, not the whole contract.	Contract references NRCS practice standard 666 (chemical tree release) as a separate item from the 612 (tree planting) standard for which D Anderson has JAA.
2006	54-2006-040**	Riparian Buffer	\$3,971	David Anderson	NRCS JAA chart does not show that Anderson has JAA for chemical treatments or Site Prep included on the Request for Payment.	Supplement to CREP contract # 054-006-276. First RFP was completed and signed by Jerry Raynor (NRCS) in the amount of \$3,089. The final payment was completed by D Anderson due to Jerry Raynor taking another position and leaving Lenoir County. D Anderson completed the final RFP in the amount of \$882 for chemical tree release, I did not realize that I needed JAA for this practice due to me having my pesticide license and it was an honest oversight on my part.	Contract references NRCS practice standard 666 (chemical tree release) as a separate item from the 612 (tree planting) standard for which D Anderson has JAA.

PY	Contract number	BMP	Contract Amount	JAA Certification	Comment	District Comment/ Response	Division Comment/ Response
2006	54-2006-042**	Cropland Conversion - Trees	\$782	David Anderson	NRCS JAA chart does not show that Anderson has JAA for Site Prep included on the Request for Payment.	Supplement to CREP contract # 054-006-268. The request for payment was paid for cropland conversion to trees in the amount of \$578 and seed bed prep in the amount of \$204. I was not aware that I needed JAA for seed bed prep since I have JAA for Cropland Conversion to Grass or Trees. The only element of this contract that would be out of compliance is seed bed prep, not the whole contract.	Seed bed prep is a different practice standard from tree planting. Board needs to encourage employee to obtain JAA for this standard.
2007	54-2007-001**	Riparian Buffer	\$825	David Anderson	NRCS JAA chart does not show that Anderson has JAA for chemical treatments included on the Request for Payment.	Supplement to CREP Contract #054-006-286. The first RFP was written in the amount of \$492 for tree planting and mowing. The second RFP was written in the amount of \$333 for chemical release. I was not aware that I needed JAA for chemical release since I was required to have my pesticide license. The complete contract would not be out of compliance, only the chemical release part. All receipts for planting and spraying are in the folder and the practice has been spot checked by the local board and NRCS and found to be in good condition and in compliance.	Employee does not have JAA for chemical tree release. Board needs to encourage employee to obtain JAA for this standard.
2007	54-2007-005**	Riparian Buffer	\$395	David Anderson	NRCS JAA chart does not show that Anderson has JAA for chemical treatments included on the Request for Payment.	Supplement to CREP Contract # 054-006-270. The first RFP was written in the amount of \$252 for tree planting and mowing. The second RFP was written in the amount of \$143 for chemical release. I was not aware that I needed JAA for chemical release, since I was required to have my pesticide license. The complete contract would not be out of compliance, only the chemical release part. All receipts for planting and spraying are in the folder and the practice has been spot checked by the local board and NRCS and found to be in good condition and in compliance.	Employee does not have JAA for chemical tree release. Board needs to encourage employee to obtain JAA for this standard.
2010	54-2010-004	Incinerator	\$8,923	David Anderson	NRCS JAA chart does not show that Anderson has JAA for Animal Mortality Facility (Practice 316).	This contract was written for the "New" landowner (Robert Murphy) as a replacement to the original contract 54-2004-39 (Alvin Turner). The original landowner installed the incinerator in 2005 based on a design done by me and signed off on by Jerry Raynor (NRCS). The original landowner passed away in	

PY	Contract number	BMP	Contract Amount	JAA Certification	Comment	District Comment/ Response	Division Comment/ Response
						<p>2009 and his wife sold the farm to the new landowner in 2010. The incinerator was past the 5 yrs. Required by the Cost Share standards of operation and maintenance and the new landowner wanted to apply for a new one since that one was worn out and beyond repair. I contacted Ken Parks and was informed that since he was the new landowner he could apply for a new incinerator. The new landowner installed the new unit and I signed the RFP. Ken Parks contacted me when they received the RFP because I had signed it. I told Ken that the concrete pad was already there, plus all the electrical and fuel hook ups and that all he did was replace one unit with another. Ken said that should be fine and the RFP was paid. If there was an issue at that point the RFP should never have been paid.</p>	

** These contracts also have a CREP component.

Table 7: Contracts where the district failed to adequately follow-up on program requirements.

PY	Contract number	BMP	Contract Amount	Comments	District Comment/ Response	Division Comment/ Response
2006	54-2006-011**	Riparian Buffer/Cropland Conversion	\$5,856	There is no documentation that site prep or tree planting in the amount of 7.2 acres was completed on Field 5. Spot check was completed June 2010 by Mike Robinson and David Anderson	Supplement to CREP contract # 054-006-250. Contract was written by Jerry Raynor (NRCS) and first RFP was completed and signed by Jerry in the amount of \$4,447. Before the final payment of \$1,379 was paid, Jerry left Lenoir County for another position. D Anderson completed the final RFP in the amount of \$1,379 which was for chemical tree release, not realizing I need JAA for this practice. I had my pesticide license as was required and assumed that was all I needed. This was an oversight on my part. The only part that should be out of compliance is the \$1,379 for tree release, not the whole contract.	Spot check was not sufficiently thorough to detect that Field 5 (7.2 acres) was never planted and should not have been paid in the first place.
2008	54-2008-003	Cropland Conversion - Grass	\$2,948	No follow up from the district to ensure compliance with maintenance request	The landowner was send a letter making him aware that he needed to spray for weeds and that there would be a follow up within 30 days. I followed up with the landowner and fields had been sprayed, but I failed to note it in the conservation assistance notes. Farm has since been spot checked several times, are weed free and practice is in compliance.	Nothing has been mentioned in the Action Plan to ensure proper documentation of follow up on non-compliance.

** These contracts also have a CREP component.

Allocation of remaining Animal Waste Funds

Alleghany	\$5,386
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