

**NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION
RALEIGH, NORTH CAROLINA
BUSINESS SESSION AGENDA
DRAFT**

WORK SESSION

Smithfield Hog Production Corporate Office
Corporate Boardroom
2822 Highway 24 West
Warsaw, NC 28398
May 16, 2017
6:00 p.m.

BUSINESS SESSION

Smithfield Hog Production Corporate Office
Corporate Boardroom
2822 Highway 24 West
Warsaw, NC 28398
May 17, 2017
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

Welcome Chairman John Langdon

III. BUSINESS

- | | | |
|----|---|-----------------------|
| 1. | Approval of Agenda | Chairman John Langdon |
| 2. | Reading of Statements of Economic Interests Evaluations | Mr. Phillip Reynolds |
| 3. | Approval of Meeting Minutes | Chairman John Langdon |
| | A. March 15, 2017 Business Session Meeting Minutes | |
| | B. March 14, 2017 Work Session Meeting Minutes | |
| | C. April 5, 2017 Business Meeting Minutes | |
| 4. | Division Report | Mr. Vernon Cox |
| 5. | Disaster Recovery Program of 2016 | Mr. David Williams |
| 6. | Association Report | Mr. Chris Hogan |
| 7. | NRCS Report | Mr. Tim Beard |

- 8. Consent Agenda
 - A. Supervisor Appointments
 - B. Supervisor Contracts
 - C. Job Approval Authority
- 9. Final Readoption for Rule 02 NCAC 59C.0303
APPROVALS TO EXERCISE THE POWER OF EMINENT DOMAIN
- 10. Cost Share Programs Rules Revisions
 - A. 02 NCAC 59D
 - B. 02 NCAC 59H
- 11. 2015 AgWRAP Regional Contract Extension Request

Mr. Eric Pare
Ms. Kelly Hedgepeth
Ms. Julie Henshaw

Mr. David Williams

Ms. Julie Henshaw

Ms. Julie Henshaw

IV. PUBLIC COMMENTS

V. ADJOURNMENT

DRAFT

**NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION
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**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
BUSINESS MEETING MINUTES
May 17, 2017**

Smithfield Hog Production Division
Corporate Office
Corporate Boardroom
2822 Highway 24 West
Warsaw, NC 28398

Commission Members	Guests	
John Langdon	Richard Reich	Ralston James
Wayne Collier	Vernon Cox	Tim Beard
Chris Hogan	David Williams	Eric Pare
Ben Knox	Julie Henshaw	Ken Parks
Manly West	Kelly Hedgepeth	Michelle Lovejoy
Commission Counsel	Helen Wiklund	Chester Lowder
Phillip Reynolds	Rob Baldwin	Henry Faison – Sampson SWCD
Guests	Bryan Evans	Angie Quinn – Duplin SWCD
Dietrich Kilpatrick	Davis Ferguson	Mandy Williams – Duplin SWCD
Mike Willis	Kristina Fischer	Vickie Baker – Duplin SWCD

Chairman John Langdon opened with a prayer and called the meeting to order at 9:02 a.m. Chairman Langdon inquired whether any Commission members need to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. None were declared.

Chairman Langdon welcomed everyone to the meeting. Chairman Langdon thanked Mr. Neill Westerbeek with the Smithfield Hog Production Division for being our host and providing us a wonderful, educational farm tour and meal last evening and for being so hospitable.

Chairman Langdon recognized Dr. Reich, who provided the following budget update:

- Commissioner Troxler met with the Legislators last Friday
- Senate budget was released last Friday and only included \$250,000 for Agricultural Water Resources Assistance Program (AgWRAP) and \$1M for non-recurring funds for Agricultural Development Farmland Preservation (ADFP)
 - Budget did not include the six Soil and Water Conservation engineering positions, which would put more practices on the ground to support hurricane recovery, AgWRAP, and Cost Share Programs
- Commissioner Troxler waiting to hear when the House budget passes

- Governor Cooper reported asking for over \$900M and only \$6M is available for Hurricane Matthew Recovery and not sure how it will impact the Department of Agriculture
- The State Emergency Recovery Fund has money for Hurricane Matthew Recovery
- Thanked David Williams and all the staff who worked hard during the transition and proud to have Vernon Cox as Division Director
- Thanked David Williams and the staff who worked on the Regional Conservation Partnership Program (RCPP) grant. The NC Pork Council (NCPC) is seeking State money to match the RCPP money
- Important to continue to advocate for Soil & Water; there is also a need for more money for farmland preservation
- Appreciate Bryan Evans's on-going engagement with these issues

Chairman Langdon addressed the group regarding supervisor training and stated the importance for the supervisors to rise and build relationships with the General Assembly and bring them the grassroots news to make informed and intelligent decisions.

1. **Approval of Agenda:** Chairman Langdon asked for comments on the agenda. None were declared. Commissioner Collier motioned to approve the agenda and Commissioner Hogan seconded. Motion carried.
2. **Reading of Statements of Economic Interests Evaluations:** Chairman Langdon recognized Mr. Phillip Reynolds. Mr. Reynolds stated the Statements of Economic Interests Evaluations have not been received. Commissioner West is continuing to represent his area. Chairman Langdon thanked Commissioner West for traveling here and supporting the Commission. Chairman Langdon stated Commissioner Yarborough could not be in attendance since Commissioner Troxler has other plans for him to address today. Chairman Langdon thanked Commissioners Kilpatrick and Willis for attending and being on standby.
3. **Approval of Meeting Minutes:** Chairman Langdon asked for a motion to approve the minutes. Commissioner Knox motioned to approve the minutes with one correction on the April 5 minutes as mentioned in the Work Session and Commissioner Hogan seconded. Motion carried.

3A. March 15, 2017 Business Session Meeting Minutes

3B. March 14, 2017 Work Session Meeting Minutes

3C. April 5, 2017 Business Meeting Minutes

4. **Division Report:** Chairman Langdon recognized Director Vernon Cox
 - Thanked Neill Westerbeek with Smithfield for organizing a great event and thanked Chairman Langdon and the staff for spearheading; it is helpful for our staff to see what our cooperators are doing
 - Working on getting the Rules adopted and out for public comments
 - Accelerating Disaster Relief efforts and helping the landowners
 - Re-energize supervisor training and have a program in place to be better supervisors
 - Working towards fully staffing the Division
 - Will reconnect with the districts and partners (NRCS, Association, Foundation, Farm Bureau); reaching out to the Division's regional coordinators for assistance

Commissioner Knox asked about the status of the Pamlico District issue discussed in February 2017. Director Cox stated the Division has been in touch with Mr. Peele's representative and negotiated a settlement but does not know if it has been signed. Director Cox stated he reviewed the paperwork last week and Ms. Tina Hlbase, Division Counsel, is taking the paperwork to New Bern soon and it is on the path for resolution.

Commissioner Knox asked about the directive from the IRS with regards to the per diem issue. Mr. Reynolds stated the IRS has determined the receipt of per diem is now taxable income and every supervisor is entitled to receive it, but it may be waived, if the supervisor chooses. It does not change their stipend for the meals, which is another issue.

Chairman Langdon encouraged everyone to proceed cautiously and encouraged all to have the information and have a clear matrix to show the supervisors are not getting a deduction.

Commissioner West suggested the Area Coordinators should disseminate the proposal for the per diem and the wording should be consistent.

Commissioner Hogan asked if this directive is retroactive to January 1, 2017. Director Cox stated the memo reads it is effective January 1, 2017, and a document must be signed by June 30, 2017.

Chairman Langdon is delighted to see Dr. Reich here and thanked him for being the messenger with exciting news. Chairman Langdon repeated his earlier remarks that we must work collaboratively and raise the bar and invigorate our roster of supervisors to establish those relationships with the General Assembly.

5. Disaster Recovery Program of 2016: Chairman Langdon recognized Deputy Director David Williams to present. A copy of the report is included as an official part of the minutes.

- As of April 2017, submitted a Summary Report to the Office of State Budget and Management (OSBM) with the progress on stream debris removal with 29 approved contracts
- Requested the Commission to give the Division authority to reallocate the non-field farm roads unencumbered funds at the end of this fiscal year into 2018

Commissioner West motioned to approve and give the staff the authority to automatically reallocate the funds to rollover into 2018 for non-field farm roads and Commissioner Knox seconded. Motion carried.

- As of this report, received 13 cost share contracts for road repairs and a contract with the Resource Institute to provide the engineering support for the pond repairs
 - Division and district staff visited Sampson County where work was done immediately following Hurricane Matthew to regain access to roads, ponds, livestock, etc
 - Most of the emergency work may not meet the standards and would like to proceed to come up with interim emergency measures to aid people who cannot meet the standards

- Division needs to decide what the minimum standards are and what standards will be accepted and will bring that information to the Commission in early June via teleconference
- Received the following:
 - Total of 81 applications for ponds
 - Total of 199 applications for road repairs and 13 contracts

Chairman Langdon commended Deputy Director Williams and the staff on handling this difficult task and asked when the official hurricane season begins, which is on June 1, and today is May 17 with only two weeks to get this done.

Commissioner West stated how Director Cox and the staff are working to resolve this and encouraged the cooperators/producers to bring those standards up, if possible, so they can receive the maximum amount of payment and not fund something that will not last.

Deputy Director Williams added some additional funding will be coming in to meet the needs, per Dr. Reich. The non-field farm roads guidance that was approved in January was to access agricultural fields and production facilities, but it did not specifically include or exclude access to forestry roads.

Commissioner West asked if it is appropriate to motion to clarify, if the funds are available, that it is not on this highest level of livestock and cropland but to clarify that these non-field farm roads funds may be used for repairing roads to forest lands. Mr. Reynolds stated the concern is not to state the position of the Commission and hinder it. The Commission can define non-field farm roads but the recommendation is not to make it in the form of a motion, but use it for those purposes when it becomes available.

6. Association Report: Chairman Langdon recognized Commissioner Hogan, President of the NC Association of Soil and Water Conservation Districts to present. A copy of the report is included as an official part of the minutes.

- Annual Meeting is January 7-9, 2018 at the Sheraton Imperial in RTP, NC
- A delegation traveled to Washington on March 20-21 for the NACD Fly-In to advocate for conservation and met with Senator Tillis and Congressman Price and discussed increasing technical assistance for NRCS, improvement to the SAM.gov registrations for federal contracts, concerns of 319 funding cuts, and support for conservation programs
- Association raffle for 2018 will begin in June and run through the Annual Meeting and hope to raise approximately \$6,000-\$7,500
- Educational and upcoming events: NC Envirothon (April), Poster, Essay and Speech Contests (April), Resource Conservation Workshop (RCW) at NC State (June), and Conservation Farm Family ongoing through mid-June
- Mr. Bryan Evans, Executive Director, discussed the SAM.gov site which is a Federal System for Award Management
 - Any entity that gets a Federal contract or grant must have a SAM.gov registration and requires a Dun & Bradstreet (D&B) record which is matched through the IRS exactly
 - During the NACD Fly-In, the delegates advocated for relief for producers to register on the complex SAM.gov web site

- North Carolina is hosting the 2019 North American Envirothon and the Association would like to raise \$150,000 by asking each district for a \$1,000 contribution
 - Commissioner Hogan stated Orange SWCD will give \$1,000-\$2,000
 - Chairman Langdon stated Johnston SWCD Board will give \$1,000
 - Commissioner Collier stated the funds do not have to come from Soil and Water; entertain local partners/businesses in your county
 - Commissioner Collier stated Cumberland SWCD will give \$1,000 and \$2,500 from the partners
 - Commissioner Knox stated Rowan SWCD will give \$1,000 and will discuss this issue during Rowan's Board Meeting tomorrow night to solicit local partners
 - Commissioner Knox thanked Mr. Evans for his diligence in helping the Finance Committee get the Association's books in order through Powell and Powell Associates
 - Mr. Davis Ferguson stated Haywood SWCD gave \$1,000 and will give \$1,000 over the next two years
 - Commissioner West stated Albemarle SWCD has discussed the issue and has not made a commitment; Albemarle is a multi-county district and will reach out to businesses and partners
 - Mr. Dietrich Kilpatrick stated Craven SWCD will give \$1,000 and will ask local partners for financial support
 - Mr. Mike Willis stated it will be discussed at the next Board Meeting to ask for more than \$1,000
 - Mr. Bryan Evans stated the goal is to collect \$130,000 in the next year and go beyond that amount; letters will be mailed to the districts in the next week or so and ask for Corporate Sponsors to donate

Chairman Langdon reiterated it is important to collaborate and keep the districts informed. Commissioner Hogan stated Orange SWCD wants to incorporate this donation into their annual budget for the NC Envirothon.

7. NRCS Report: Chairman Langdon recognized Mr. Tim Beard, State Conservationist. A copy of the report is included as an official part of the minutes.

- National and State issues—many items have transpired
- Anticipated budget cut in CTA, EQIP, and CSP but an increase in CTA nationally
- Proposed budget allocation from October; we are operating on \$17.4M in technical assistance and \$37.3M in financial assistance for a total \$54.7M
- Still under a hiring freeze—38 vacant positions and imposed a cap on the number of employees in the Federal agency for FY17 is 10,732 employees and in FY18 in October the cap will be reduced to 10,250 employees throughout the entire agency
- On April 25, Mr. Sonny Perdue sworn in as U.S. Secretary of Agriculture and NACD has met with him and discussed concerns with SAM.gov
 - USDA is undergoing a reorganization and Congress must approve it; NRCS will no longer be under the Natural Resources and Environmental mission area, it will move under the Farm Production and Conservation Mission area with the Farm Service Agency (FSA) and Risk Management Association (RMA)

Mr. Beard stated the goal is to improve customer service and putting NRCS under the same mission area will help our vision. FSA, NRCS, RMA have different missions, goals, and objectives. NRCS is about conservation. It will take 30-60 days to move forward.

Commissioner Collier hopes the sharing of information and communication is made easier.

Chairman Langdon called for a 5-minute recess at 10:29 a.m. The meeting reconvened at 10:47 a.m.

- 8. Consent Agenda:** Chairman Langdon asked for a motion. Commissioner Knox motioned to approve the consent agenda and Commissioner West seconded. Motion carried.

8A. Supervisor Appointments:

- David Harris, Durham SWCD, filling the unexpired elected term of Katie Locklier for 2014-2018 with an attached resignation letter from Ms. Locklier
- Harold Thompson, Edgecombe SWCD, filling the unexpired appointed term of Joe Suggs for 2016-2020 with an attached resignation letter from Mr. Suggs
- Kevin Mauney, Gaston SWCD, filling the elected term of Roger Hurst for 2016-2020
- Nicholas Norris, Jones SWCD, filling the elected term of Michael Shepherd for 2016-2020 with an attached resignation from Mr. Shepherd
- Kevin Dixon, Rockingham SWCD, filling the unexpired elected term of Brian Pender Grogan for 2016-2020 with an attached resignation letter from Mr. Grogan
- Adam Moore, Union SWCD, filling the unexpired appointed term of Kelvin Baucom for 2014-2018 with an attached resignation letter from Mr. Baucom
- Justin Allen, Washington SWCD, filling the unexpired elected term of Vernon Cahoon, Jr. for 2016-2020

8B. Supervisor Contracts: Six contracts; totaling \$47,446

8C. Job Approval Authority: One division employee, W. Allen Hayes, Jr., is seeking Job Approval Authority for AgWRAP Pond Site Assessment and has successfully completed the requirements.

- 9. Final Readoption for Rule 02 NCAC 59C.0303:** Chairman Langdon recognized Deputy Director David Williams to present. A copy of the report is included as an official part of the minutes.

Deputy Director Williams provided an update to the Disaster Recovery Report (Item 5) that an additional \$700,000 has been added under the supplemental requests leading to timberland roads.

- Subchapter 59C covers the Small Watershed Program
- Commission determined Rule 02 NCAC 59C.0303, Approvals to Exercise the Power of Eminent Domain, to be necessary with substantive public interest
- Rule was published in the North Carolina Register on September 1, 2016. However, no comments were received during the subsequent public comment period
- Division is recommending the Commission approve the final readoption of Rule .0303 with no changes

Chairman Langdon asked for a motion. Commissioner West motioned to approve the final readoption of Rule .0303 with no changes and Commissioner Collier seconded.

Commissioner Hogan asked if the Commission could face any type of legal issue regarding exercising the Power of Eminent Domain. Mr. Reynolds stated it could, if the provision is exercised. This rule governs the Commission's actions when the application comes in and what the Commission must consider. It is not a grant of authority by the Commission to the Commission to exercise eminent domain. It is the procedures by which that authority is exercised which is already given to the Commission by the statute. It does not include any type of liability to individual members when deciding on the construct of the rule. It is a procedural rule not a substantive rule.

Chairman Langdon asked for further discussion. With no further discussion, the motion carried.

10. Cost Share Programs Rules Revisions: Chairman Langdon recognized Ms. Julie Henshaw to present. A copy of the report is included as an official part of the minutes.

10A. 02 NCAC 59D: This is an information item. Ms. Henshaw highlighted the main changes per rule. Rule 59D is to broaden the scope of the current Agricultural Cost Share Program Rule to encompass all the Commission's Cost Share Program Rules. Rule 59H is the current CCAP Rule, which is being proposed for repeal, as CCAP will appear in Rule 59D.

Chairman Langdon asked Henry Faison with Sampson SWCD and Angie Quinn with Duplin SWCD to address this issue. There was a brief discussion about funding.

Chairman Langdon stated Sampson is the largest county in the state and has environmental issues and the Commission does not want to hinder their efforts.

Ms. Henshaw stated several districts wrote letters with their thoughts and concerns regarding the proposed revisions and copies were provided for the Commission to review.

10B. 02 NCAC 59H: Proposed for repeal.

11. 2015 AgWRAP Regional Contract Extension Request: Chairman Langdon recognized Ms. Julie Henshaw to present. A copy of the report is included as an official part of the minutes.

- Request for policy exception of the District Supervisor requirement to attend the first Commission meeting of the new fiscal year and request an extension for 2015 regionally approved AgWRAP contacts; districts will need to follow the process to request a contract extension as described in the *Criteria for Extension of Previous Program Year Contracts Policy* and send a letter; supervisors do not need to appear in person

Chairman Langdon asked for a motion. Commissioner Knox motioned to approve the request for an exception to the Commission policy. Commissioner Hogan seconded. Motion carried.

Public Comments: Mr. Rob Baldwin stated this will be his last meeting as regional coordinator, since he has accepted the position as District Director in Wilkes County. Mr. Baldwin stated that he looked forward to continue working with the Commission in his new position and that he appreciated all the friendships and relationships he had developed during his career. Mr. Baldwin quoted from Poet

Wendell Berry, “there is nothing below the surface of the earth that is more important or worth more than the top 2 inches,” and “the impeded streams seem the loudest,” and going into transition, we need to be the loudest. Chairman Langdon wished Mr. Baldwin well.

Mr. Reynolds stated Senator Tillis is doing fine from his hospital bed and CPR was not administered.

Chairman Langdon thanked the staff for traveling to Duplin County and again thanked Smithfield for hosting the group and for the tours.

Dr. Reich highlighted the upcoming events:

- Got to be NC Festival this weekend at the Fairgrounds with free admission and parking and just \$3.00 to get into the food expo, but if you have a Lowes card, you get in for free
- Governor Cooper planning to announce the recovery efforts for Hurricane Matthew and it will involve Soil and Water and potential relief for cotton farms
- NC Soil Survey celebration in Yanceyville next Thursday, May 25
- Small Farms Field Day in Greensboro on June 15
- Big Dairy Event at the Piedmont Research Station on July 12
- Field Day at Mountain Research Station in Waynesville on July 18
- Grain Field Day at the Eastern Ag Center in Rocky Mount on July 21
- Flatland Farm Field Day at Green Acres on August 2

Mr. Ralston James stated that he went to London, England, and talked to people, who are very proud of their farmers. The food sold in the grocery stores includes labels that show which products are grown in the United Kingdom or Ireland. The United States needs to start promoting and labeling our food production. The United States needs to promote our farmers and educate the American public.

Chairman Langdon asked for feedback with regards to traveling out of Raleigh. Mr. James stated this was like a Town Hall Commission Meeting that allowed for more open discussion and for participants to be educated.

Chairman Langdon would like to travel less, but also meet out of Raleigh once a year and conduct more business by teleconference.

Adjournment: Meeting adjourned at 11:46 a.m.



Vernon N. Cox, Director
Division of Soil & Water Conservation, Raleigh, N.C.



Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on July 19, 2017.



**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
WORK SESSION MEETING MINUTES
May 16, 2017**

Smithfield Hog Production Division
Corporate Office
Corporate Boardroom
2822 Highway 24 West
Warsaw, NC 28398

Commission Members	Guests	
John Langdon	Dietrich Kilpatrick	Bryan Evans
Wayne Collier	Mike Willis	Davis Ferguson
Chris Hogan	Vernon Cox	Kristina Fischer
Ben Knox	David Williams	Ralston James
Manly West	Julie Henshaw	Keith Larick
	Kelly Hedgepeth	Michelle Lovejoy
	Helen Wiklund	Eric Pare
Commission Counsel	Rob Baldwin	Ken Parks
Phillip Reynolds	Tom Ellis	James Lamb

Chairman John Langdon opened with prayer and called the meeting to order at 6:26 p.m. Chairman Langdon inquired whether any Commission members need to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. None were declared. Chairman Langdon welcomed everyone to the meeting and welcomed and congratulated the new director, Mr. Vernon Cox. The Commission looks forward to working with Mr. Cox and the staff and getting together in July for a roast in honor of past director, Ms. Pat Harris.

- 1. Approval of Agenda:** Chairman Langdon asked for comments on the agenda. None were declared.
- 2. Reading of Statements of Economic Interests Evaluations:** Chairman Langdon recognized Mr. Phillip Reynolds. Mr. Reynolds stated the Statements of Economic Interests have not been received for Mr. Kilpatrick and Mr. Willis. The Governor's Office has the paperwork and waiting for approval.
- 3. Approval of Meeting Minutes:** Chairman Langdon asked for comments on the minutes individually now and approve the minutes collectively tomorrow.

3A. March 15, 2017 Business Session Meeting Minutes**3B. March 14, 2017 Work Session Meeting Minutes**

3C. April 5, 2017 Business Meeting Minutes: Commissioner West stated the word “were” needs to be corrected to the word “where” on Page 3 in Paragraph 3.

4. Division Report: Chairman Langdon recognized Director Vernon Cox to present

The Division received a directive from the Office of State Budget Management (OSBM) that came from the Internal Revenue Service (IRS), which states if you receive a per diem, it is subject to income tax withholding, i.e., Social Security and Medicare

- To continue to receive the \$15 per diem, district supervisors must fill out a W-4, I-9, submit a copy of their Social Security card and photo identification
- Spoke to Commission Counsel, Mr. Phillip Reynolds, and Department Counsel, Ms. Tina Hlabse, and the statute states supervisors are entitled to receive per diem and subsistence compensation
- District supervisors can choose to waive the \$15 per diem
- Director Cox proposes the subsistence payment for dinner be restored. Subsistence for dinner is currently \$18.70 and is not taxable.
- Division cannot tell a district supervisor that they cannot take the per diem because each supervisor is entitled to the per diem by statute.
- District supervisors must submit the paperwork by the end of June 2017

5. Disaster Recovery Program of 2016: Chairman Langdon recognized Deputy Director David Williams to present. A copy of the report is included as an official part of the minutes.

Mr. Williams called attention to Attachment 5, the monthly report has been filed with the Office of State Budget Management (OSBM), as of April 30. He noted there are a couple of additional items were not included in the report.

- At the March Meeting, funds were allocated for non-field farm roads to several districts and should have asked for the Commission’s authority to reallocate the unencumbered funds automatically back to the districts when the new fiscal year begins with no interruption to the districts
- Many repairs were needed 2 days after Hurricane Matthew not 7 months later, approximately $\frac{3}{4}$ of the road repairs can be approved that meet the standard but a $\frac{1}{4}$ of the repairs do not meet the standard and cannot be signed off as meeting the standard
- Will the Commission allow the Division to look at accepting a lesser standard at a lower cost share rate, but provide an interim level of support to those people who were impacted?
- A ranking system must be put in place and establish some criteria to fund those that were impacted; this is an emergency to get the funds on the ground

Commissioner Knox agrees it is an emergency and suggested Director Cox and Deputy Director Williams get together after the meeting to discuss the wording for these projects that are possibly questionable that will come before the Commission.

Commissioner West encouraged the staff that will inspect the repairs and sign off on these practices, to try to bring the repair up to where they can receive the full benefit. If the field staff think it will work,

but does not quite meet the standard, at what percentage (5%, 10%, 25%) do you allow some leeway. The practices need to get up to standard so they do not fail in the next 3-5 years.

Chairman Langdon stated the Division needs time to craft this proposal and the Commission can schedule a conference call for the second week in June to get it voted on and expedited.

Commissioner Collier agrees with Commissioner West.

Commissioner Hogan agrees to schedule a conference call.

Deputy Director Williams stated 31 counties requested funds for stream debris removal, 17 counties for road repairs, and 14 counties for pond repairs. The Division is asking for additional funding from the General Assembly for \$58M to support these 3 practices along with pasture renovation in the western part of the state due to the drought and additional assistance for paying a portion of the non-federal share for the Emergency Conservation Program for doing field work.

6. **Association Report:** Chairman Langdon recognized Commissioner Hogan, President of the NC Association of Soil and Water Conservation Districts to present. A copy of the report is included as an official part of the minutes. Commissioner Hogan will present tomorrow.
7. **NRCS Report:** Mr. Tim Beard, State Conservationist, will be in attendance tomorrow to present.
8. **Consent Agenda:** Chairman Langdon recognized Mr. Eric Pare, Ms. Kelly Hedgepeth, and Ms. Julie Henshaw to present

8A. Supervisor Appointments:

- David Harris, Durham SWCD, filling the unexpired elected term of Katie Locklier for 2014-2018 with an attached resignation letter from Ms. Locklier
- Harold Thompson, Edgecombe SWCD, filling the unexpired appointed term of Joe Suggs for 2016-2020 with a resignation letter from Mr. Suggs
- Kevin Mauney, Gaston SWCD, filling the elected term of Roger Hurst for 2016-2020
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8B. Supervisor Contracts: Six contracts; totaling \$47,446

8C. Job Approval Authority: One division employee, W. Allen Hayes, Jr., is seeking Job Approval Authority for AgWRAP and has successfully completed the requirements.

- 9. Final Readoption for Rule 02 NCAC 59C.0303:** Chairman Langdon recognized Deputy Director David Williams to present. A copy of the report is included as an official part of the minutes.

The Commission went through the Rules Review process and identified Rule 02 NCAC 59C.0303, Approvals to Exercise the Power of Eminent Domain, as necessary with substantive public interest. The Commission readopted it without changes after the public comments review with no comments and failed to get on the agenda for final adoption. The same language is in the Rule as stated in 1982, when it was amended. The change in the Rule in 2012 was when the Division moved to the NC Department of Agriculture & Consumer Services (NCDA&CS) from the NC Department of Environmental and Natural Resources (DENR).

- 10. Cost Share Programs Rules Revisions:** Chairman Langdon recognized Ms. Julie Henshaw to present. A copy of the report is included as an official part of the minutes.

There are two attachments—one is with track changes and the other is a clean copy. The summary is combining rules into one series and repealing Rule 59H. The most changes are in Rule 59D.0108. The Cost Share Committee will ask for action in July. The Commission asked the Cost Share Committee to make the rules as flexible as possible and within reason. The rules have not gone to public comment yet. The Cost Share Committee will share the draft rules, and it will be the Commission's decision how to move forward. The Cost Share Committee recommends the Rules Review Commission (RRC) review these changes. The Commission will not vote on these revisions until the RRC reviews it one final time.

- 11. 2015 AgWRAP Regional Contract Extension Request:** Chairman Langdon recognized Ms. Julie Henshaw to present. A copy of the report is included as an official part of the minutes.

- Request for policy exception of the District Supervisor requirement to attend the first Commission meeting of the new fiscal year and request an extension for 2015 regionally approved AgWRAP contacts
- Districts will need to follow the process to request a contract extension as described in the *Criteria for Extension of Previous Program Year Contracts Policy* with a letter
- Only 16 contracts

Public Comments:

Adjournment: Meeting adjourned at 7:40 p.m.



Vernon N. Cox, Director
Division of Soil & Water Conservation, Raleigh, N.C.



Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on July 19, 2017.



NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION BUSINESS MEETING MINUTES March 15, 2017

NC State Fairgrounds
Graham Building – Gate 11
Sales Arena Meeting Room
1025 Blue Ridge Road
Raleigh, NC 27607

Commission Members		
John Langdon	Kelly Hedgepeth	Linda Milt
Wayne Collier	Ralston James	Aaron Martin
Chris Hogan	Helen Wiklund	Davis Ferguson
Charles Hughes	Eric Pare	Louise Hart
Ben Knox	Kristina Fischer	Martin McLawhorn
Manly West	Tom Hill	Janine Owens
Bill Yarborough	Tim Beard	Anne Coan
	Lisa Fine	Jim Chandler
	Ken Parks	Lois Chandler
Commission Counsel		
	Sandra Weitzel	
Phillip Reynolds	Joe Hudyncia	
Guests		
	Dietrich Kilpatrick	
Pat Harris	Mike Willis	
David Williams	Paula Day	
Julie Henshaw	Miles Payne	

Chairman John Langdon opened with prayer and called the meeting to order at 9:02 a.m. Chairman Langdon inquired whether any Commission members need to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. None were declared. Chairman Langdon welcomed everyone to the meeting.

1. **Approval of Agenda:** Chairman Langdon asked for comments on the agenda and reminded the Commissioners Item 2 has been removed from the agenda. Commissioner Collier moved to approve the agenda and Commissioner Hogan seconded. Motion carried.
2. **Reading of Statements of Economic Interests Evaluations:** *Removed*

Chairman Langdon recognized and welcomed the new Commissioners, Mike Willis and Dietrich Kilpatrick. Chairman Langdon recognized and personally thanked Commissioner West for his contributions and years of experience. Chairman Langdon is appreciative of Commissioner West's dedication by serving on the Commission twice and once as Chair. Chairman Langdon recognized and personally thanked Commissioner Yarborough for his many years of experience, his knowledge, and leaning on him. Chairman Langdon is appreciative of Commissioner Yarborough's contributions to the Commission, as he moves on to bigger and better things.

- 3. Approval of Meeting Minutes:** Chairman Langdon asked for a motion based on the changes recommended to the February 21, 2017 minutes during the Work Session on March 14, 2017. Commissioner Knox moved to approve the amended minutes and Commissioner Yarborough seconded. Motion carried.

3A. January 8, 2017, Business Meeting Minutes

3B. January 8, 2017, Work Session Meeting Minutes

3C. February 21, 2017, Teleconference Meeting Minutes

- 4. Division Report:** Chairman Langdon recognized Director Harris to present. A copy of the report is included as an official part of the minutes.

- DSWC Vacancies
- Moving Out of Archdale Building to the Old Health Building Fall of 2017
- NC is HPAI free
- HPAI H7N9 avian influenza virus was reported in Lincoln County, Tennessee on March 5, 2017; a flock of over 73,000 birds was depopulated and properly disposed
- HPAI H7N9 reported in Giles County, Tennessee on March 9, 2017; a flock was depopulated and properly disposed and unrelated to Lincoln County
- Wisconsin Dept. of Ag reported a low pathogenic H5N2 strain on March 6, 2017; a flock of 84,000 turkeys is being monitored and will be controlled marketed
- Bird flu detected in Alabama on March 14, 2017 at two commercial operations; one flock suspected with low pathogenic avian influenza
 - Separate incidents of avian influenza of wild birds, no farm-to-farm spread, monitoring and using surveillance and rapid response are key to eliminating the spread of the disease, some U.S. poultry trade farmers have enacted bans and USDA, AFIS, and state officials are trying to keep the ban at the county level
 - Joe Hudyncia is a contact for this information
- Conservation Action Team (CAT) completed the 5th of 6th Listening Sessions
- National Conservation Planning Partnership (NCP) continues to move forward
- Supervisor Training Committee did not meet due to various other meetings
- Cost Share Committee Program Rules Committee held 8 meetings across the state with 85 counties represented and over 108 people attending
 - Special Commission Work Session to review the rules with the Committee will be scheduled in April in RTP

Chairman Langdon thanked Director Harris for her report. Per Director Harris, this is her last meeting, and her last official day is April 19. Chairman Langdon thanked Director Harris for all her service; it is appreciated, as well as for the many years of working in the Division. Chairman

Langdon invited Director Harris to come back to the Commission's July meeting. The Commission would like to have more time to reflect and recognize what Director Harris has done for the Division and maybe have a roast.

5. Disaster Recovery Program of 2016: Chairman Langdon recognized Deputy Director Williams to present. A copy of the report is included as an official part of the minutes.

- Program was set up to address Hurricane Matthew, Tropical Storm Hermine and Julia, and the western wildfires
- Funds do not revert until NC General Assembly directs reversion of unexpended and unencumbered funds
- Ensure funds expended in a manner that does not adversely affect any person or entity's eligibility for (available or anticipated) Federal funds
- Intent to fund gaps not covered by Federal assistance funds
- 50 counties declared a major disaster
- \$5.4M allocated to 22 sponsors for Stream Debris Removal
- Total initial appropriation is \$12.2M with Total Funds Requested to Date \$24.6M and projected unmet needs totaling \$63.3M
- Discussed the Stream Debris Removal, Non-Field Farm Roads aka agricultural roads, and AgWRAP Supplement for Damaged Ponds and Dams Guidelines
 - 156 applications submitted for road repairs with \$880,000 in allocations
 - Securing match and higher percent match will increase priority
 - Match may include in-kind services, e.g., technical assistance
 - Beaver dam removal *may* be considered part of Stream Debris Removal, if beaver dam compounded damage

Chairman Langdon asked for a motion on the road repairs. Commissioner Knox moved to approve the request for road repairs on Non-Field Farm Roads and Commissioner Hughes seconded. Motion carried.

- Patty Gabriel, ATAC, Conservation Planning Specialist and retired from NRCS, is working on the Disaster Recovery Project with other ATACs and retired NRCS employees that had Job Approval Authority (JAA)
- NRCS has agreed in Area 3 those that are experienced and had JAA will likely do the work and will be approved
- Need to have a back-up plan for what is available to get additional technical assistance for access roads
- AgWRAP Supplement for Damaged Ponds and Dams the Resource Institute (RI) is available to do turnkey, i.e., preliminary assessments (no cost), designs, installation oversight/certification

An open discussion continued regarding the drought in Western NC and Mr. Aaron Martin, Clay SWCD Chair, would like additional funds due to the drought. Deputy Director Williams added 20 counties declared disaster in western NC but not all TVA counties and not all 17 TVA were included in the disaster declaration. Commissioner Yarborough added it is important the districts are aware about outsourcing that without their involvement, it is an easy out. Chairman Langdon added districts do not need to take a hands-off approach.

6. Association Report: Chairman Langdon recognized Commissioner Hogan, President of the NC Association of Soil and Water Conservation Districts, to present. A copy of the report is included as an official part of the minutes.

- Present today are three past presidents, one serving, and two coming in
- Commissioner Hogan is in his 32nd year serving as a supervisor
- Going to the Annual NACD Fly-In in DC on March 20-21 with Franklin Williams, John Finch, Bryan Evans, and David Williams
- In January, attended the NACD National Conference in Denver; over 20 NC folks in attendance; support is important at these meetings
- Supervisor Training is not meant to be a hardship; participation is important
 - There are challenges to attend the Area Meetings; lows of 28% and highs of 58%
- Fundraiser for the North American Envirothon; challenge every district to raise these funds; goal is \$50K-\$70K this year but would like \$120K-\$150K; anything beyond that will go to supporting the North Carolina Envirothon
- Bryan Evans, Executive Director of the NCASWCD, is of tremendous support to Commissioner Hogan and the organization and Mr. Evans should be rewarded for it

Commissioner West added as the Chairman for the Legislative Committee, the Legislative Breakfast was canceled due to weather and other commitments. Ag Awareness Day is taking place at the Science Museum and at the State Fairgrounds. It is important to meet with your Legislator and discuss your priorities about Soil and Water.

Commissioner Knox added it is important when the staff goes to the Fly-In, they meet with the new administration.

Chairman Langdon called for a recess at 10:22 a.m. The meeting reconvened at 10:30 a.m.

7. NRCS Report: Chairman Langdon recognized Mr. Tim Beard, State Conservationist, to present. A copy of the report is included as an official part of the minutes.

- Still under a hiring freeze and should be lifted in April
- Preparing for at least a 10% cut in discretionary funds
- Acting Chief is Leonard Jordan
- Mr. Beard is not going to the Fly-In in Washington, DC
- Will be evaluating the ranking of the 2,500 EQIP applications until mid-to-late May
- NRCS waiting on a request to the National Office for additional EQIP funds of \$1M regarding the drought in Western NC
- Avian Influenza in the Mississippi flyway; not prevalent in the warm weather as in the cold weather
- NRCS will be signing off on all third-party designs that the Research Institute (RI) brings in by working with FSA and the Division on ECP
- NRCS has submitted all paperwork to the National Office for EWP funding for 11 projects for sponsorship valued at approximately \$1M

- NRCS and FSA are researching their databases to retrieve lost information; requesting aerial photos and maps go to digital
- In the fall, NRCS completed an entire soil survey for the state; celebration scheduled for May 25, 2017 in Caswell County

Chairman Langdon thanked Mr. Beard for his report, the relationship with the Commission, taking the time to attend the February conference call, and allowing us to have these conversations.

Mr. Beard remained at the podium while Chairman Langdon asked for a representative from FSA to come forward. Mr. Aaron Martin stood up next to Mr. Beard, next up was Division representative, David Williams, followed by Commission representative, Commissioner Collier, then Janine Owens, representative for the Department of Agriculture, and finally Commissioner Hogan as representative of the Association.

Chairman Langdon stated the appearance we have is a lack of leadership beyond the normal everyday business. The agencies are faced with abnormal challenges in an emergency, and it will not be resolved today or in a few weeks. Chairman Langdon recommended forming a task force because there will be another disaster. We must be ready to cohesively work together and serve our agencies and the landowners. These agencies should consider forming a task force with other members, e.g., Resource Institute, to be proactive before another disaster hits. No agency will solve the problem.

- 8. Consent Agenda:** Chairman Langdon asked for a motion. Commissioner Yarborough moved to approve the Consent Agenda and Commissioner Collier seconded. Motion carried.

8A. Supervisor Appointments:

- Zeb W. Winslow III, Fishing Creek SWCD, filling the unexpired appointed term of Kenneth Brantley, who passed away, for 2016-2020
- Anna Gerringer Amoriello, Guilford SWCD, filling the unexpired elected term of Richard L. Phillips for 2014-2018
- Jerred Nix, Henderson SWCD, filling the unexpired elected term of Theron Maybin, who passed away, for 2014-2018
- Brian R. Harwell, Iredell SWCD, filling the unexpired appointed term of Beecher H. Grose, Jr. for 2014-2018 with an attached resignation letter from Mr. Grose
- Matthew Pence, Iredell SWCD, filling the unexpired elected term of Brian R. Harwell for 2014-2018

8B. Supervisor Contracts: Three contracts; totaling \$7,576

- 9. Animal Waste Management & Technical Specialist Rules Revisions:** Chairman Langdon recognized Director Harris. A copy of the report is included as an official part of the minutes.

- Director Harris recognized Martin McLawhorn with the Division of Soil & Water Conservation and partners with the Farm Bureau, Anne Coan and Keith Larick, who also provided comments on the Rules
- The Rules Review Process started November 14, 2014

- Rule 59E – Procedures and Guidelines to Implement the Non-Discharge Rule for Animal Waste Management Systems
- Rule 59G – Approval of Technical Specialists and BMPs for Water Quality Protection
- Comments received on the classification and approved on May 20, 2015
- Rules Review Commission approved the Commission’s classifications November 2015
- The Division worked on addressing the new parts of the rule changes and cleaned up the 20-year changes
- Published to Federal Register September-October 2016
- Received many comments to address those proposed rules; 8 pages submitted and technical corrections by the Rules Review Commission
- Timeline now
 - Commission could approve the proposed changes today
 - Publish to state register for 60 days (April-May)
 - In June 2017 review comments; address where applicable
 - At the July 19, 2017 Commission Meeting potentially adopt the rules
- The words Designation and Technical Specialist are changed to Certification after the Rules Review Committee provided comments since technical specialists are the ones that certify the animal waste management plan, i.e., approve them
- Worked on consistency, the definitions, the numbering, and the language on Rule 59E Subchapter 59E.0104 item (c) (d) and Subchapter 59E.0105 removed Technical Specialist Designation and incorporated into Rule 59G
- Subchapter 59G – Approval of Technical Specialists and BMPs for Water Quality Protection was cleaned up and the criteria for the approval of Technical Specialists and how a Professional Engineers (PE) fits in as opposed to Job Approval Authority (JAA) as opposed to someone who does not have either credential under 59G.0104 (b) and the criteria in (c) for the technical specialists and training requirements with the training requirements spelled out in Subchapter 59G.0104 (c) (2) (f)

Commissioner Yarborough asked, “if these proposed changes will have a negative impact on animal agriculture?” Director Harris stated, “do not believe the Rules would have a negative impact.” The Rules Review process is trying to come up with rules that are applicable to today. The Commission needs to retain their authority and references to the Ag Cost Share Program. This is a time sensitive issue, and the Commission is on one extension now.

Chairman Langdon asked for a motion. Commissioner Yarborough moved to accept the Rules, and Commissioner West seconded. Commission Counsel stated this will not be the last time the Commission will see the Rules Motion carried.

10. Community Conservation Assistance Program Regional Application Recommendations:

Chairman Langdon recognized Mr. Tom Hill

Mr. Hill referred to Attachment 10, which is included as an official part of the minutes, and is an action item. Mr. Hill stated the Advisory Committee met on March 2, 2017, and the list of recommendations was reviewed. Mr. Hill thanked the Advisory Committee and Scott Melvin, with the Division, who reviewed the applications that submitted engineering designs. The applications received were from local school systems, local governments, NC Coastal Federation, private individuals/businesses.

- Eastern Region: 18 applications; requested \$125,522; with \$5,000 in engineering assistance; fund 6 projects
- Central Region: 15 applications; requested \$76,504; with \$5,000 in engineering assistance; fund 14 projects
- Western Region: 15 applications; requested \$164,765; with \$5,000 in engineering assistance; fund 8 projects
- Total amount is \$366,791 and \$15,000 in engineering assistance

Commissioner Yarborough moved to approve the recommendations and Commissioner Collier seconded. Motion carried.

11. Agricultural Water Resources Assistance Program Regional Application Recommendations: Chairman Langdon recognized Ms. Julie Henshaw

Ms. Henshaw referred to Attachment 11, which is included as an official part of the minutes and explained 12 districts submitted 17 applications. The Division is requesting approval for all recommendations. It is the second batch of regional AgWRAP applications using over \$400,000 in AgWRAP appropriations and TVA funds. The Division is also requesting the ability to reallocate returned or canceled funds for additional AgWRAP projects through the end of the fiscal year.

Commissioner Knox moved to approve the recommendations and Commissioner Hogan seconded. Motion carried.

12. District Issues: Chairman Langdon recognized Ms. Kelly Hedgepeth. Ms. Hedgepeth stated the post approval is from Clay SWCD for a contract, and Mr. Aaron Martin, Board Chair with Clay SWCD, submitted a letter for review. Ms. Linda Milt and Mr. Aaron Martin are present.

12A. Clay SWCD Post Approval Contract: Ms. Linda Milt, Ag Cost Share Technician, asked for a post approval for the stream restoration work on Contract #22-2017-001 (supplement to Contract #22-2014-005) and an extension of the project was made on June 14, 2016. Ms. Linda Milt asked the Commission if Clay SWCD could use their current cost share money to pay for the installation of live stakes totaling \$563. The stream restoration work was completed prior to the July 2016 Commission Meeting with an exception of the planting of the live stakes. Clay SWCD is requesting to use \$563 from their 2017 impaired/impacted allocation to pay for the planting of the live stakes.

Commissioner Yarborough moved to approve the post approval and Commissioner Knox seconded. Motion carried.

12B. Pamlico SWCD Contract Payment: *No action since Commission was updated in February*

13. District Supervisor Conditional Appointments & Basic Training Course Attendance: Chairman Langdon recognized Mr. Eric Pare

Mr. Pare referred to Attachment 13, which is included as an official part of the minutes and presented the status of supervisors who are required to attend training during their current

term. The appointees who indicated a willingness to attend training and have not completed the Basic Training Course offered at the UNC School of Government are:

- William Thompson, Richmond SWCD, attached extension request letter dated 03-06-2017
- Edward Staton, Union SWCD, attached extension request letter received 03-13-2017
- Albert C. Beatty, Bladen SWCD, attached extension request letter dated 02-07-2017
- Robin Armstrong, Gaston SWCD, attached extension request letter dated 03-10-2017
- Clint Brinkley, Hertford SWCD, attached extension request letter dated 03-07-2017
- Corris J. Jenkins III, Martin SWCD, attached extension request letter dated 03-06-2017

Three appointees did not submit extension letters to the Commission:

- Kevin Mauney, Gaston SWCD, attached resignation letter dated 03-07-2017
- Bill Eckler, Rutherford SWCD
- Carl Briley, Pitt SWCD

Commissioner Collier moved to approve the extensions and Commissioner Yarborough seconded. Motion carried. Commissioner Knox stated the Commission would have given Mr. Mauney another year to attend the UNC-SOG. Mr. Mauney was appointed to Gaston SWCD in January.

14. New and Expanded Operations: Chairman Langdon stated the Commission needs to discuss this issue with the Technical Review Committee. At the Work Session, last night, Chairman Langdon asked Commissioner Yarborough to serve on the TRC's New and Expanded Operations Workgroup, which he has agreed to consider.

Public Comments: Chairman Langdon stated he called the ladies and gentlemen upfront earlier for a visual. If each of those persons represented each of their agencies, with a military branch representative, i.e., Coast Guard, National Guard, Air Force, Army, Navy, Marines, etc., are they prepared to go to war, if war breaks out? "Can they take on the task?" This is the reason for forming this task force. When these crises come, we will have a purpose and know what step comes first and to do our jobs and finish our tasks by being more efficient.

Commissioner Knox personally thanked Commissioner West and Commissioner Yarborough for the many years of serving the State of North Carolina Commission and to Commissioner West as past president and past chairman of Commission, and for his advice. At times, Commissioner Knox may not have agreed on things but hoped they agreed to disagree agreeably. Commissioner Knox will miss their expertise and will still call on them for advice or opinions. He thanked both for their services.

Commissioner Yarbrough reiterated to go visit your Legislator in downtown and talk about Soil and Water and lunch is being offered from 11:30-1:30 at the Fairgrounds at the Expo Center.

Adjournment: Meeting adjourned at 11:37 a.m.



David B. Williams, Deputy Director
Division of Soil & Water Conservation, Raleigh, N.C.



Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 17, 2017.



**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
WORK SESSION MEETING MINUTES
March 14, 2017**

NC State Fairgrounds
Graham Building – Gate 11
Sales Arena Meeting Room
1025 Blue Ridge Road
Raleigh, NC 27607

Commission Members	Guests	
John Langdon	Pat Harris	Ken Parks
Wayne Collier	David Williams	Rob Baldwin
Chris Hogan	Julie Henshaw	Joe Hudyncia
Ben Knox	Kelly Hedgepeth	Bryan Evans
Manly West	Ralston James	Keith Larick
Bill Yarborough	Helen Wiklund	Michelle Lovejoy
	Eric Pare	Dietrich Kilpatrick
	Kristina Fischer	Mike Willis
Commission Counsel	Tom Hill	Chester Lowder
Phillip Reynolds	Lisa Fine	Davis Ferguson

Chairman John Langdon opened with prayer and called the meeting to order at 6:19 p.m. Chairman Langdon inquired whether any Commission members need to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. None were declared. Chairman Langdon welcomed everyone to the meeting.

1. **Approval of Work Session Agenda:** Chairman Langdon asked for comments on the agenda. None were declared.

2. **Animal Waste Management & Technical Specialist Rules Revisions (Item 9):** Chairman Langdon recognized Director Harris

Director Harris referred to Attachment 9 and explained the marked-up version and clean version of the proposed Rules. The Commission has been working on the proposed Rules since 2014, and the Rules were taken to the State Register with comments. Ms. Natalie Woolard convened a workgroup, and the group met to work through the comments. The Rules Review Committee submitted their comments Friday, March 10, 2017, and the recommended revisions have been incorporated. Director Harris highlighted the changes in Subchapters 59E and 59G stating there are a lot of duplications, and the revisions have been consolidated into Subchapter 59E. There

are changes under the Definitions sections in both Subchapters 59E and 59G and changes in Subchapter 59G.0104. Subchapter 59E.0105 was repealed, but it shows up in Subchapter 59G.0105. Director Harris reminded the Commission, we are working under an extension.

3. Agricultural Water Resources Assistance Program Regional Application Recommendations (Item 11): Chairman Langdon recognized Ms. Julie Henshaw

Ms. Henshaw referred to Attachment 11 and will ask the Commission for approval for the next batch of 17 applications from 12 districts for micro-irrigation expansion through AgWRAP.

4. Community Conservation Assistance Program Regional Application Recommendations (Item 10): Chairman Langdon recognized Mr. Tom Hill

Mr. Hill referred to Attachment 10 and will ask the Commission for approval for funding of the CCAP regional applications and engineering designs. This is the first year the Division went to the regional application process with local school systems, local governments, NC Coastal Federation, and private individuals/businesses. Based on the totals, there are 28 projects requesting funding across the 3 regions. The total for 2017 is \$366,791 of BMP requests and \$15,000 for engineering assistance requests. The Division is also requesting additional funds that come in from canceled contracts from 2015-2016 that can be used for 2017 requests.

5. District Supervisor Conditional Appointments & Basic Training Course Attendance (Item 13): Chairman Langdon recognized Mr. Eric Pare

Mr. Pare referred to Attachment 13 and reminded the Commission, during the 2016 May Commission Meeting, of the Commission's adoption of conditional appointments and presented the status of supervisors, who have yet to attend training. The supervisors are required to attend training during their current term and provide a written request for an extension. The appointees who indicated a willingness to attend training and have not completed the Basic Training Course offered at the UNC School of Government are:

- William Thompson, Richmond SWCD, attached extension request letter dated 03-06-2017
- Edward Staton, Union SWCD, attached extension request letter received 03-13-2017
- Albert C. Beatty, Bladen SWCD, attached extension request letter dated 02-07-2017
- Robin Armstrong, Gaston SWCD, attached extension request letter dated 03-10-2017
- Clint Brinkley, Hertford SWCD, attached extension request letter dated 03-07-2017
- Corris J. Jenkins III, Martin SWCD, attached extension request letter dated 03-06-2017

Three appointees did not submit extension letters to the Commission:

- Kevin Mauney, Gaston SWCD, attached resignation letter dated 03-07-2017
- Bill Eckler, Rutherford SWCD
- Carl Briley, Pitt SWCD

Mr. Pare read the resignation letter from Mr. Mauney, Gaston SWCD. Mr. Yarborough suggested this item should be moved to the Consent Agenda. Chairman Langdon understands Mr. Mauney's decision to resign and respects the comments.

6. **Consent Agenda (Item 8):** Chairman Langdon recognized Mr. Eric Pare and Ms. Kelly Hedgepeth to present

6A. Supervisor Appointments:

- Zeb W. Winslow III, Fishing Creek SWCD, filling the unexpired appointed term of Kenneth Brantley, who passed away, for 2016-2020
- Anna Gerringer Amoriello, Guilford SWCD, filling the unexpired elected term of Richard L. Phillips for 2014-2018
- Jerred Nix, Henderson SWCD, filling the unexpired elected term of Theron Maybin, who passed away, for 2014-2018
- Brian R. Harwell, Iredell SWCD, filling the unexpired appointed term of Beecher H. Grose, Jr. for 2014-2018 with an attached resignation letter from Mr. Grose
- Matthew Pence, Iredell SWCD, filling the unexpired elected term of Brian R. Harwell for 2014-2018

6B. Supervisor Contracts: Three contracts; totaling \$7,576

7. **District Issues (Item 12):** Chairman Langdon recognized Ms. Kelly Hedgepeth

7A. Clay SWCD Post Approval Contract: Ms. Hedgepeth explained this is a request for an exception. The post approval is for stream restoration work on Contract #22-2017-001 (supplement to Contract #22-2014-005). The request for an extension was made June 14, 2016. The stream restoration work was completed prior to the July 2016 Commission Meeting with an exception of the planting of the live stakes. Clay SWCD is requesting to use \$563 from their 2017 impaired/impacted allocation to pay for the planting of the live stakes.

7B. Pamlico SWCD Contract Payment: Chairman Langdon stated the Commission discussed this issue during the February 21 conference call but asked for a brief update. Director Harris stated she talked to the Department of Agriculture's counsel, Tina Hlabse, and the attorneys are talking and hope to get this resolved (between the Landowner's attorney and the Department's attorney). Commissioner Knox asked again, "what is the issue, and who held up the payment?" There were 13 structures that were approved by the Division but only 5 structures were approved, per the letter from NRCS. Director Harris will discuss the outcome with the Commission, as soon as it gets resolved.

8. **New and Expanded Operations (Item 14):** Chairman Langdon asked for comments from the Commissioners on how this policy is being interpreted. Commissioner Yarborough requested this item on the agenda.

Ms. Hedgepeth provided a highlight of the Commission's current policies on New and Expanded Operations and Special Requests, which fall under the Cost Share Program's Guidelines. The Policy for New and Expanded Operations was adopted in 1992 and the policy states the districts are allocated monies based on the identified level of agricultural-related nonpoint source pollution problems, BMP installation goals, and the district's record of performance to affect BMP installation. The Policy for Special Requests deals with requests a district makes that do

not fit the current policy, which allows a district to come before the Commission with a Special Request for post approval contracts or an exception to the policy.

Commissioner Yarborough's issue with this rule is with Area 1, it is not practical or possibly even part of this rule. The rules are used, but they do not get assistance. Commissioner Yarborough understands the reasoning for the rule, especially during the hog and chicken operations, when many farmers were asking for assistance for waste management. Commissioner Yarborough believes there is an intent for some people in Soil and Water to use this as an excuse not to help. Management decisions are critical on a farm.

Commissioner Yarborough shared two examples with regards to dairy farming operations. Commissioner Yarborough stated it is important not to give the farmer the wrong information. The Commission needs to understand what new and expanded means and not use it as a crutch to not do work because of their management decisions.

Deputy Director Williams added it is within the Commission's authority that it is explicit if there are no animals on the operation, and you are bringing animals on that operation, it is not eligible for cost share approval from the District and Division. They are following the Commission's policy. If the Commission wants to change that policy or add an exception to that policy, it is the Commission's right. For consistency, the Commission should consider the importance of the policy and that people have come before the Commission and asked for approval.

For example, a waste storage structure for a poultry operation that is a new operation, the District will ask the Commission for help, and the Commission will state that is the cost of doing business. It is a management decision. Consistency is important for all of us to make the decisions without being arbitrary. Arbitrary is what gets us in trouble, and the Division cannot ignore the policy. The situation that Commissioner Yarborough described seems to be explicit and contrary to the policy. Deputy Director Williams added the policy is intended to prevent someone from creating an environmental concern and then asking the Commission to invest public funds to implement practices to address those concerns.

Commissioner Yarborough gave another example of expanding a cow operation and the Cost Share Program did not help the farmer. Deputy Director Williams stated expanded operations does not mean we cannot help them, but if we are doing assistance for those operations that are expanding, our assistance is limited to the size that would be needed to treat the animals that were pre-expansion numbers.

Mr. Reynolds stated if the Commission has a concern about redefining the policy, maybe it is time to revise it. Chairman Langdon stated the Commission needs to challenge and identify areas for improvement and not negatively impact the policy. The Commission needs to find a better way, if there is a better way.

Deputy Director Williams reminded the Commission the Technical Review Committee (TRC) met and specifically reviewed the New and Expanded Operations. Ms. Hedgepeth is chair of the TRC, and the Committee met in August 2016. The TRC discussed several different BMPs, and if this is a cost for doing business or if this is new and expanding; or both. The TRC is reviewing the

current policies and current BMPs and verifying what should remain in the program or be removed from the program. The TRC is asking for anyone to be on the Committee starting in May or June of 2017, which will be in effect for the 2019 program year.

Chairman Langdon would like to appoint Commissioner Yarborough as a member of the TRC. Commissioner Yarborough will think about joining. Lastly, the Commission retains the authority to approve contracts on a case-by-case basis. The Commission can change their policy, but Deputy Director Williams asks that the Commission change the policy instead of asking the Division to approve something that is clearly contrary to the policy.

9. Disaster Recovery Program of 2016 (Item 5): Chairman Langdon recognized Deputy Director Williams

Chairman Langdon called for a recess at 7:51 p.m. The meeting reconvened at 8:03 p.m.

Deputy Director Williams referred to Attachment 5 and will present an update on the Disaster Recovery Program with one action item proposed for allocation for Ag Road Repair (non-field farm road repair). Districts have requested \$1,285,307. The Division is recommending a proportional allocation of \$880,000 for 156 applications from 17 districts. The districts will be asked to decide how to use the allocated funds to best address the repair needs in their district. The funds are coming out of the \$12.2M appropriated to the Division with \$10M for stream debris removal, \$1.2M for pond repairs, and \$1M for non-field farm road repairs. The Division is using the Federal funds before using the State funds. The Federal funds are coming from FSA.

Chairman Langdon stated we are defining who we are every day, and this is an opportunity for us to shine, as a team, with FSA, NRCS, the Division, the Commission, and all 96 districts.

10. Approval of Meeting Minutes (Item 3): Chairman Langdon asked for comments

Commissioner Knox highlighted a few minor corrections to the February 21 teleconference minutes on pages 2, 3 and 4. On page 4, Item 4, District Issue from Pamlico SWCD, Commissioner Knox's question to Ms. Bohmert was not included in the minutes. The question was, "what was the difference in cost between 13 structures vs. 5 structures?" Ms. Bohmert stated about \$5,000.

10A. January 8, 2017, Business Meeting Minutes:

10B. January 8, 2017, Work Session Meeting Minutes:

10C. February 21, 2017, Teleconference Meeting Minutes:

11. Division Report (Item 4): Chairman Langdon recognized Director Harris

- Commission picture at 8:30 a.m.
- New Commissioners are waiting for their appointments
- DSWC vacancies and the impact on our services
- New building space
- HPAI confirmed in Tennessee and more reports with bird flu in Alabama
- CAT completed 5 of 6 Listening Sessions with the last on April 5 in Greenville

- Supervisor training committee report (nothing to report) except a couple of IT vacancies and launching the database shortly
- Director Harris counting down days until retirement and Deputy Director Williams will step in as Interim Director
- Update on the Cost Share Committee Program Rules Recommendations by Ms. Henshaw

Chairman Langdon suggests the Commission and the Cost Share Committee get together and find common ground. The Committees need to dedicate a morning to work before the next Work Session. The Commission will call a special meeting, and Ms. Henshaw recommends meeting sometime in April.

12. Association Report (Item 6): Chairman Langdon recognized Commissioner Hogan, President of the NC Association of Soil and Water Conservation Districts. Commissioner Hogan will present the report tomorrow. The Spring Area Meetings are done. He is having a good experience. Chairman Langdon added Commissioner Hogan is doing a superb job as President of the Association and thanked him for his contribution.

13. NRCS Report (Item 7): Mr. Tim Beard, NRCS State Conservationist, will be in attendance tomorrow to present the report.

14. Reading of Statements of Economic Interests Evaluations (Item 2): *This item has been removed from the agenda.*

Public Comments:

Adjournment: Meeting adjourned at 9:03 p.m.



David B. Williams, Deputy Director
Division of Soil & Water Conservation, Raleigh, N.C.



Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 17, 2017.



**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
BUSINESS MEETING MINUTES
April 5, 2017**

NC Farm Bureau Federation
Auditorium
5301 Glenwood Avenue
Raleigh, NC 27612

Commission Members	Guests	
John Langdon	David Williams	Louise Hart
Wayne Collier	Julie Henshaw	Gavin Thompson
Chris Hogan	Kelly Hedgepeth	Jason Walker
Charles Hughes	Dietrich Kilpatrick	Brian Lannon
Ben Knox	Mike Willis	Charles Bass
Manly West	Helen Wiklund	Anne Coan
Bill Yarborough	Davis Ferguson	Keith Larick
Commission Counsel	Rob Baldwin	Chester Lowder
Phillip Reynolds	Kristina Fischer	

Ms. Anne Coan with the NC Farm Bureau welcomed the Soil & Water Commission and staff. Chairman John Langdon opened with prayer and called the meeting to order at 9:34 a.m. Chairman Langdon inquired whether any Commission members need to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. None were declared. Chairman Langdon welcomed everyone to the meeting.

As Cost Share Committee Chair, Mr. Langdon stated he had several conversations with the Cost Share Committee members and Commission members to discuss how to best revise Cost Share Programs rules. The purpose of this meeting is to discuss how to revise these rules. While having these discussions, it is important to consider how to write these revisions. The goal is to have rules that are tight enough to be sufficient, but not too limiting. The rules should have some flexibility.

1. **Approval of Agenda:** Chairman Langdon asked for approval on the agenda. Commissioner Hogan moved to approve the agenda and Commissioner Collier seconded. Motion carried.
2. **Reading of Statements of Economic Interests Evaluations:** Chairman Langdon recognized Mr. Phillip Reynolds. Mr. Reynolds stated, as of today, the Statements of Economic Interests have not been received for Mr. Willis and Mr. Kilpatrick. The Ethics Commission should have the appointments ready by the next Commission Meeting.

- 3. Cost Share Programs Rule Revisions:** Chairman Langdon asked the Committee to introduce themselves. The Committee members are:

John Langdon, Chair of Commission and Committee
 Charles Bass, Franklin Soil and Water Conservation District, NC Ag Cost Share Specialist
 Jason Walker, Yadkin Soil and Water Conservation District, District Director
 Davis Ferguson, Division of Soil and Water Conservation, Regional Coordinator
 Julie Henshaw, Division of Soil and Water Conservation, NPS Section Chief
 Brian Lannon, Camden Soil and Water Conservation District, Cost Share Technician
 Gavin Thompson, NRCS, District Conservationist

Ms. Julie Henshaw stated the Committee has worked long and hard over the last four years. The Committee is asking for the Commission's guidance and feedback on how to prepare the draft rule revisions. Ms. Henshaw referred to the PowerPoint presentation as well as the Agriculture Cost Share Program Rules and Community Conservation Assistance Program Rules. The goal is to bring a markup of the rules to the next Commission Meeting for action. These rules are the last set of Commission rules going through the re-adoption and revision process. These rules will have the most changes. It affects district allocations for both best management practices (BMPs) and financial support for district positions, which are the most controversial set of rules for re-adoption.

Ms. Henshaw stated the General Statute requires all rules adopted to be reviewed once every ten years and to make sure the rules are still necessary and within the Commission's authority. This review will be continuous and ensure the rules are current. The proposed schedule for Phase II: Rule Text Revisions was discussed. The rules could be approved by September 2017 and submitted to the Rules Review Commission for approval, which takes at least for 60 days. The earliest revised allocation rules would be used is for FY2019. Chairman Langdon asked for a suggested timeline from the Committee. Ms. Henshaw stated the Division will be short staffed and to reduce further delays, the sooner the Commission acts, the better. The Committee's plan is to bring the revisions to the Commission in May for action. The Committee reached out to the districts across the state to discuss the proposed rule revisions being discussed today.

The following five objectives were discussed:

- Rule format changes
- District BMP allocation parameters for ACSP, CCAP and AgWRAP (three separate allocation rules; one per program to match their purpose)
- Technical Assistance Allocations (the concept of paying for performance vs. paying for a position)
- Job Approval Authority (JAA) requirements for all technical employees
- Prepare schedule for reviewing draft rules

All Commission Cost Share Programs will appear in one rule series: 02 NCAC 59D with three parts in the purpose rule – one per program with a separate rule for each program's allocation parameters.

Commissioner Yarborough stated when the rules are in one basket, the Commission should leave room for some flexibility in the rules; the rules should not be tight. Also, are there ways to put exceptions in the rules? Jason Walker stated the Committee is leaving some flexibility in each program even though all under one rule. Commissioner Yarborough stated the rules are so strict. The Commission can do a lot of things with policy by responding to district needs. David Williams added the changes put in place for the CCAP allocation rule has a lot of flexibility built into that rule. The Commission has authority to allocate funds at the state, regional, or district level based on the funding available at any given year. The Commission can take actions in emergencies and be responsive to needs. The Committee needs to be aware of that need and the Commission fully expects the Committee will build more flexibility into the revised rules. The Commission can also help identify where there is an opportunity that may have been missed.

Ms. Henshaw presented the Ag Cost Share Program (ACSP) and Community Conservation Assistance Program (CCAP) rule suggestions for BMP allocations. The Commissioners and staff discussed the Commission's flexibility and authority. The districts want some certainty with what they will expect when it comes to allocations. Ms. Henshaw stated when it comes to the CCAP allocation rule, if the Commission were to do a district allocation there are set parameters that guide how those allocations are to be made.

Chairman Langdon called a recess at 10:30 a.m. The meeting reconvened at 10:45 a.m.

Ms. Henshaw presented the Agricultural Water Resources Assistance Program (AgWRAP) parameters for BMP allocations. These parameters are how the Commission chose to allocate funds to districts, not for the regional application rounds. There is no existing rule to be replaced for this program; as it is being run as a pilot program. The Committee is recommending using the parameters which were used to allocate funds this year. With these parameters, it would shift funds where agriculture is vital and water is needed to help with agriculture and where there may be competing interests with drinking water uses as well as agriculture.

Ms. Henshaw presented the current technical assistance funding and trends. The funds support 102.6 full-time equivalent positions (FTE) but the Commission is only providing support on average of 40.2% per FTE which is less than the 50% specified in the current technical assistance rule. A new methodology of allocating technical assistance funding was presented, i.e., paying for performance vs. people. This is a different way to prioritize technical assistance funding with the Committee's recommendation to fund district performance instead of a person, which aligns with the Commission's charge given to the Committee.

Two recommendations for the Commission to consider are:

1. Performance is based on dollar spent on BMPs installed in each county
 - a. Weight ACSP, CCAP, AgWRAP BMP expenditures at 100%, excluding engineering costs
 - b. Weight BMP expenditures by other funding sources at 50%

David Williams stated this is based on the past seven years and the allocation is based on your track record of producing. The Committee recommends counting the best three out of seven years.

2. Minimum technical assistance (TA) allocation is \$20,000/year
 - a. Districts would receive funding above \$20,000 based upon the amount of funding spent on BMPs in their county, compared to the total amount spent in the state
 - b. Maximum amount proposed currently is ~\$53,000 (amount of 2 FTEs + operating)

This is a different way to allocate limited TA resources

 - c. Increases in TA funding are needed in implementing the existing or suggested revisions
 - d. Difference is \$4,488 per county

The available allocation of the funds from the General Assembly is \$2.4M. The available allocation for supplemental technical assistance, the amount above \$20,000 per district, is \$448,778 or \$4,488 per county. This funding would operate like a grant to the district for administering cost share programs in their county.

Technical assistance allocations will be determined once every three years, unless there is a significant change in state appropriations, based on the district's performance during the best three of the last seven fiscal years. If allocations will be decreased, districts will receive a notice of the new allocation amount one year in advance. If a district is not spending more from the state Cost Share Programs on BMPs than they receive for technical assistance, the district must account for and justify why the district should continue to receive technical assistance support.

Ms. Henshaw presented a couple of scenarios and the potential methods for calculating performance. In addition, five options for technical assistance allocation scenarios were presented. The scenarios are from 2010-2016.

The Commissioners and staff continued to discuss the following items:

- allocation of funds for the districts,
- the five funding options,
- the purpose of technical assistance funding
- the availability of BMP funding from state, federal and other sources that the Legislature intended to go to the Cost Share Program, and
- the Commission and Committee needs to acknowledge the money going on the ground on the State funding side is decreasing and the money on the Federal funding side is increasing.

Deputy Director Williams stated the work is on the Federal side and most likely will increase going forward, however, it is difficult to say with a new Administration on the National level.

Commissioner Knox stated the trends should be posted at the Area Meetings this fall and at the Annual Meeting to show the BMP and technical assistance dollars, per Area.

Commissioner West stated it appears we want to account for what is on the ground and the work that is being done to get it on the ground regardless of where the money is coming from.

This sounds like the best option and with state cost share funding decreasing over time that leaves us with Option 1 or Option 2.

Chairman Langdon asked the Committee what are their preferences. The Committee was split between Options 1 and 3 but Option 3 being most popular and one thing the Committee is trying to accomplish is promoting cooperation within the offices among the districts to get the conservation on the ground and work cooperatively and use all our resources more efficiently. Ms. Henshaw added Option 3 is likely to be more politically palatable. Deputy Director Williams offered concurrence of support for Option 3.

Chairman Langdon asked if the Commission needs to take a vote and Ms. Henshaw stated the Committee only needs a consensus. The Commission will act once the Commission approves the rules at a future meeting. Chairman Langdon asked if the Commission is on the path towards Option 3. Commissioner West stated Options 3 and 4 should both be looked at, and based on the numbers, see which they prefer. Ms. Henshaw stated the Committee will do more quality assurance/quality control on the other funds incorporated in the calculation, and will send out a separate survey to districts to gather full information regarding other funds.

Chairman Langdon called a recess at 12:27 p.m. The meeting reconvened at 12:35 p.m.

Ms. Henshaw discussed retaining Job Approval Authority (JAA) requirements for technical employees which was discussed and approved by the Commission in 2010. The recommendation in 2010 was two BMPs within two years of effective date of the rule or of hire. One of the BMPs needed to be a design practice, i.e., an engineering BMP per NRCS or an item the Commission grants JAA through AgWRAP or CCAP. A list of the eligible design practices was provided. The Committee is requesting a change in the time frame. The original data in 2010 was for two BMPs within two years. The Committee is suggesting two BMPs within three years. There is less NRCS staff to help with the review process locally and after the Committee talked to new hires, they felt they could meet this requirement in three years. Another suggestion that the Committee added was the ability of the district board to request a one-year extension for their employees in meeting the JAA requirement, if there are extenuating circumstances.

Commissioner Yarborough stated this does not go far enough. Hurricane Matthew just hit the state. What kind of percentage of JAA does a district technician across the state have just for simple culvert design; less than 40%. There should be some kind of requirement, but it is for emergencies and if the districts were prepared for culvert designs as well as pond assessments, those districts could have put the \$12M that was allocated on the ground. Even if they cannot sign off on it, if they could do the evaluations. This could have been done very quickly, if those districts had those capacities.

The Committee's concern is for the new employee that have not been involved with Soil and Water Conservation, and it may take a year to understand the acronyms before they can work towards obtaining JAA.

Commissioner Yarborough stated there are employees that do not have JAA that have been working for years and we are saying it is okay to get two or three years and you worked ten years and do not have it now. There should be some minimum for an emergency.

Chairman Langdon called a recess at 12:45 p.m. for lunch. The meeting reconvened at 1:30 p.m.

Chairman Langdon asked for more comments on JAA. Deputy Director Williams stated the Conservation Action Team (CAT) will provide recommendations related to training, but this action can be independent of the Commission's rules. Chairman Langdon asked if the Commission is in consent at this point.

The last item Ms. Henshaw discussed was the draft schedule for reviewing the draft rules. The Committee will provide feedback received today and do the rule markups and come back to present in May. Per Ms. Henshaw, whenever the Commission approves the start of the rule making process for text revisions that is when the time starts.

Chairman Langdon asked if the Commissioners are prepared to act upon the markups in May or July? Commissioners Collier, Hogan, Hughes, West, and Knox are prepared to start the rule making process for text revisions in May as well as Mr. Kilpatrick and Mr. Willis.

Ms. Henshaw will be prepared to bring back the markups and appreciates the Commission's time.

Chairman Langdon stated it has been enlightening and a pleasure and appreciates the Committee's contribution to this process and staying in touch with the Commission and the staff.

Commissioner West applauded the Committee and they should be proud of the package brought back to the Commission to act on.

Public Comments:

Adjournment: Meeting adjourned at 1:37 p.m.



David B. Williams, Deputy Director
Division of Soil & Water Conservation, Raleigh, N.C.



Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 17, 2017.

DIVISION REPORT WILL BE PROVIDED AT THE MEETING

NCDA&CS Division of Soil & Water Conservation
Disaster Recovery Program of 2016
April, 2017 Progress Report

This progress report will focus on the NCDA&CS Division of Soil & Water Conservation (Division) Disaster Recovery Program and the \$12.2M that has been allocated in state appropriations for stream debris removal, non-field farm road repairs and supplemental funding for the Agricultural Water Resources Assistance Program (AgWRAP) to support disaster-related farm pond and dam repairs.

Approved Practices:

1. The Stream Debris Removal practice addresses blocked streams with applications prioritized in the following order: woody vegetation removal, instream sediment removal, streambank stabilization (vegetative cover) with or without sediment removal, and streambank stabilization (vegetative cover) with culvert replacement. The application for this practice requires a local sponsor that may or may not be a local Soil and Water Conservation District such as a municipality or local drainage district.
2. The Non-Field Farm Road practice addresses damaged farm roads that limits access to areas like farm fields and/or livestock facilities. This practice utilizes the Division's existing Agriculture Cost Share Program (ACSP) eligibility requirements, match requirements and contracting infrastructure. This practice requires the applicant to also apply for the federal ECP funds to ensure the applicant retains his or her eligibility to secure federal funding as required by SL 2016-124, and helps to prevent state recovery program funding for field farm roads already covered under the ECP. Applicants must apply through the local Soil and Water Conservation District as required by the ACSP.
3. The Pond Repair practice addresses damaged farm ponds, and utilizes the Division's existing AgWRAP farm pond eligibility requirements, match requirements and contracting infrastructure. This practice requires the applicant to also apply for federal USDA Farm Services Agency Emergency Conservation Program (ECP) financial assistance. This second application requirement is to ensure the applicant retains his or her eligibility to secure federal funding as required by SL 2016-124 as potential match for the state recovery program. Applicants must apply through the local Soil and Water Conservation District as required by the AgWRAP.

Note: Coordination of the Division's State Disaster Program of 2016 with the federal ECP is a very complex process due to the needed coordination and communication between the Division, the local Soil and Water Conservation Districts, local and state Farm Services Agency offices, applicants and approved third-party technical service providers. All practices must meet the USDA Natural Resources Conservation Services (NRCS) technical standards as required by the federal ECP and state AgWRAP and ACSP programs. In addition, local sponsors must ensure the practice meets all regulatory requirements including permits and scheduling (e.g. stream work and migratory fish seasons).

Application Progress Summary:

Using an online application process, the Division hosted two application periods with the deadlines of February 3, 2017 and March 10, 2017. The Division continues to receive applications however a third batching period has not been initiated due to uncertainty of future funding availability.

Table 1 – Applications information from Batch 1 and Batch 2

Activity	Totals	# applications	# Counties
Stream Debris	\$ 29,722,933	105	31 (41 sponsors)
Pond Repair	\$ 2,981,117	66	14
Road Repair	\$ 1,285,307	156	17
Totals	\$33,989,357		

Stream Debris Removal contract update: \$8.81 million has been allocated to 37 local sponsors in 29 counties with 14 contracts fully executed, 15 contracts have been sent to sponsors for signature, the remaining 8 contracts are pending additional information from the local sponsor and will be processed in May. See Table 2 for the stream debris contract status report. The Division has approved payments totaling \$156,101 to the Chowan and Pasquotank Soil & Water Conservation Districts.

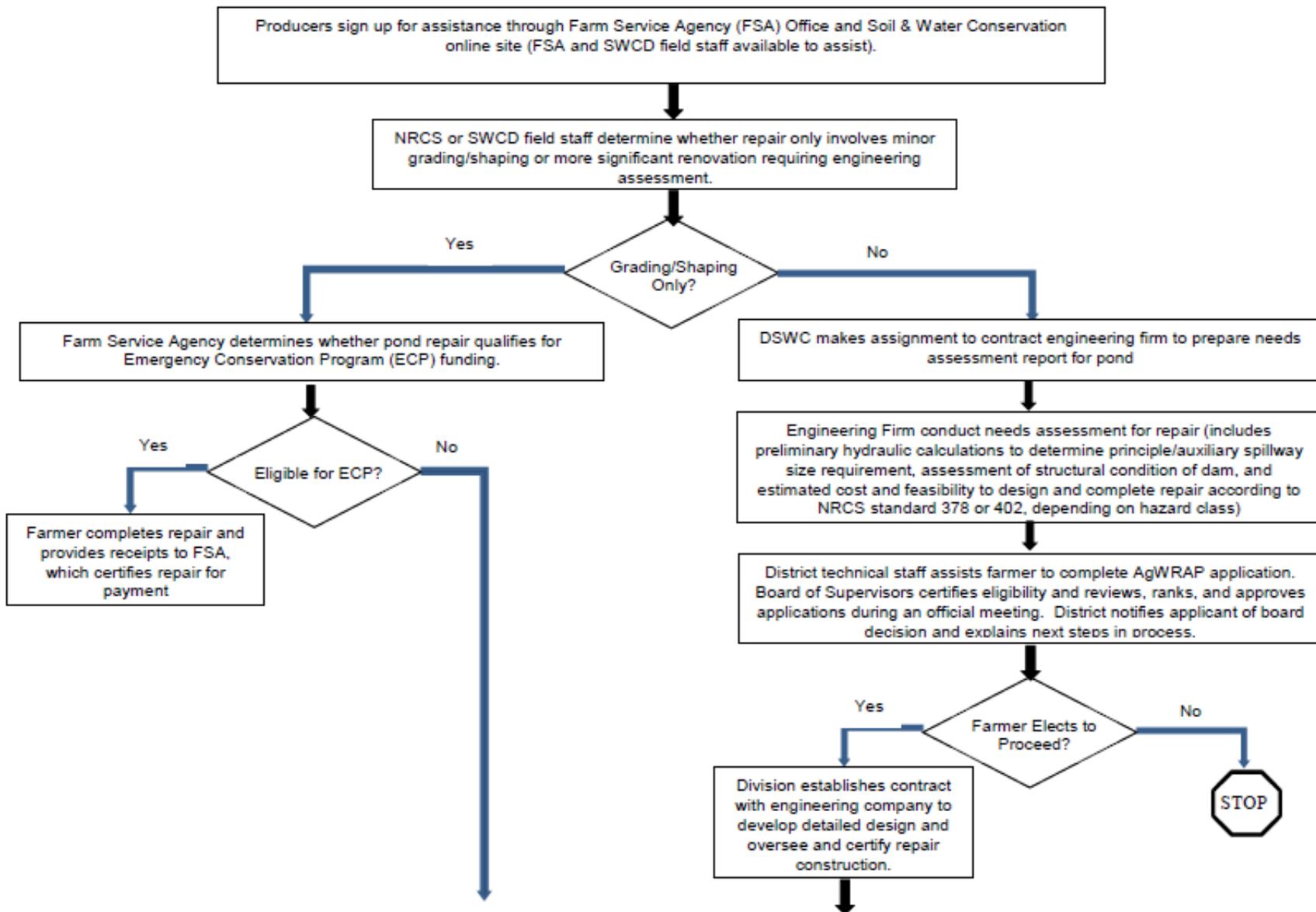
Non-field Farm Road Repairs: As required by the ACSP program guidelines, the NC Soil and Water Conservation Commission allocated \$880,000 to 17 local Soil and Water Conservation Districts for road repair projects on March 15, 2017. The local Conservation Districts with assistance from the Division and NRCS, will conduct site visits, develop cost share contracts with the applicants, and provide technical assistance. To date 13 cost share contracts for road repair have been submitted. The Division is coordinating with the Farm Service Agency on these contracts. Several other contracts are under development.

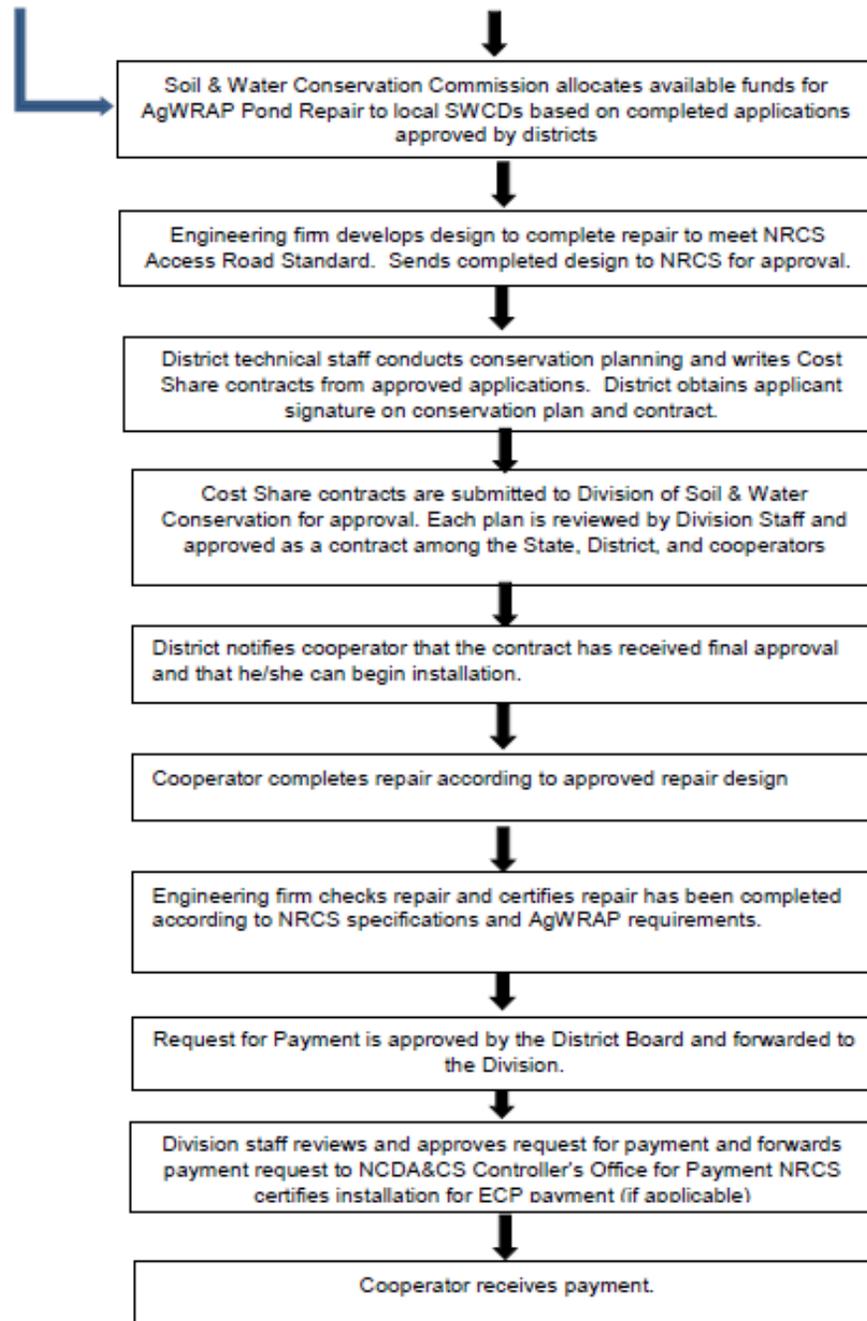
Pond Repairs: Five projects have been referred to Resource Institute for initial evaluations and potential outsourcing of engineering and repair work. On March 27, the Division received the estimated cost to repair the five ponds to be \$619,585 plus \$85,500 for engineering and permitting. Costs will be shared among USDA-Farm Service Agency, AgWRAP, and applicant. The owner of the two smaller ponds that were referred to Resource Institute has indicated a preference to do the repair without cost share assistance despite not knowing what ECP will fund at this time. The Department has finalized a contract with Resource Institute to complete the engineering evaluations for the next batch of priority ponds and to begin developing detailed designs for the 3 ponds that Resource Institute has already completed initial assessments. (See attached flow chart for AgWRAP pond repair process at the end of this report.)

Table 2 – Stream Debris Contract Awards to date

Stream Debris Removal Recommended Contract Awards									
Applicant	Phase 1 Allocation	Phase 2 Allocation	Total Allocation	Contract No.	Revised Application Rec'd	Contract Packet to NCDA	Packet emailed to App.	Signed Packet to NCDA	Fully executed contract to Applicant
Beaufort Soil & Water Conservation District		\$ 224,997	\$ 224,997		Y	4/28/2017	5/3/2017		
Bertie, Hertford, Northampton Drainage District #1	\$ 55,000		\$ 55,000	17-175-4014	NA	3/17/2017	3/22/2017		
Bladen Soil & Water Conservation District	\$ 53,000	\$ 189,935	\$ 242,935	17-175-4003	NA	3/13/2017	3/15/2017		
Camden Soil & Water Conservation District	\$ 30,500	\$ 7,056	\$ 37,556	17-175-4004	NA	3/10/2017	3/15/2017	4/19/2017	4/24/2017
Carteret Soil & Water Conservation District		\$ 242,295	\$ 242,295						
Chicod Creek Drainage District		\$ 120,429	\$ 120,429		NA				
Chowan Soil & Water Conservation District	\$ 57,614		\$ 57,614	17-175-4002	NA	3/10/2017	3/10/2017	3/15/2017	3/16/2017
City of Goldsboro		\$ 105,355	\$ 105,355		NA	4/27/2017	5/3/2017		
Coharie Intra-Tribal Council	\$ 256,198		\$ 256,198	17-175-4032	Y	3/30/2017	3/31/2017		
Columbus Soil & Water Conservation District	\$ 734,226	\$ 353,877	\$ 1,088,103	17-175-4008	Y	3/15/2017	3/17/2017	4/2/2017	4/8/2017
Craven Soil & Water Conservation District	\$ 674,245		\$ 674,245	17-175-4009	Y	3/15/2017	3/17/2017	4/6/2017	4/10/2017
Cumberland Soil & Water Conservation District		\$ 5,000	\$ 5,000		NA				
Currituck Soil & Water Conservation District	\$ 114,200	\$ 28,100	\$ 142,300	17-175-4005	NA	3/10/2017	3/15/2017	3/23/2017	3/30/2017
Dare Soil and Water Conservation District	\$ 117,500	\$ 83,696	\$ 201,196	17-175-4010	NA	3/15/2017	3/17/2017	5/8/2017	
Duplin Soil & Water Conservation District	\$ 649,348	\$ 600,078	\$ 1,249,426	17-175-4019	Y	3/20/2017	3/22/2017	4/27/2017	5/3/2017
Friends of Sampson County Waterways	\$ 362,378		\$ 362,378	17-175-4036	Y	4/10/2017	4/11/2017		
Gates Soil and Water Conservation District	\$ 33,320	\$ 21,400	\$ 54,720	17-175-4011	NA	3/16/2017	3/17/2017		
Grindle Creek Drainage District		\$ 27,400	\$ 27,400		NA				
Greene Soil & Water Conservation District		\$ 432,480	\$ 432,480	17-175-4039	Y	4/25/2017	4/27/2017		
Hyde Soil & Water Conservation	\$ 84,579	\$ 23,185	\$ 107,764	17-175-4015	NA	3/17/2017	3/20/2017		
Johnson Mill Tale Drainage District		\$ 6,672	\$ 6,672						
Jones County	\$ 331,568		\$ 331,568	17-175-4018	Y	3/17/2017	3/20/2017	5/4/2017	
Joyce Creek Watershed District	\$ 20,000		\$ 20,000	17-175-4034	NA	4/7/2017	4/10/2017	5/1/2017	5/4/2017
Lee Soil & Water Conservation District	\$ 69,010		\$ 69,010		NA				
Lenoir Soil and Water Conservation District	\$ 382,680	\$ 63,105	\$ 445,785	17-175-4013	Y	3/17/2017	3/20/2017		
Martin Soil & Water Conservation District	\$ 124,500	\$ 139,680	\$ 264,180	17-175-4017	NA	3/17/2017	3/20/2017	4/10/2017	4/12/2017
Moccasin Creek Service District Board	\$ 200,000		\$ 200,000	17-175-4020	Y	3/23/2017	3/28/2017	4/26/2017	5/3/2017
New Hanover Soil & Water Conservation District	\$ 152,000		\$ 152,000	17-175-4023	Y	3/23/2017	3/28/2017		
Pamlico Soil & Water Conservation District	\$ 381,618		\$ 381,618	17-175-4027	Y	3/27/2017	3/28/2017	4/17/2017	5/8/2017
Pasquotank Soil and Water Conservation District	\$ 181,202	\$ 33,260	\$ 214,462	17-175-4007	Y	3/13/2017	3/17/2017	3/23/2017	3/30/2017
Perquimans Soil & Water Conservation District	\$ 56,761		\$ 56,761	17-175-4006	NA	3/13/2017	3/17/2017	3/27/2017	3/31/2017
Robeson County Drainage District	\$ 202,400		\$ 202,400	17-175-4031	Y	3/29/2017	3/30/2017	4/27/2017	5/3/2017
Swift Creek Drainage District		\$ 8,650	\$ 8,650		NA				
Town of Kitty Hawk	\$ 190,050		\$ 190,050	17-175-4029	Y	3/29/2017	3/31/2017	4/17/2017	4/21/2017
Tyrrell Soil & Water Conservation District		\$ 179,040	\$ 179,040		Y	4/26/2017	5/3/2017		
Wayne County Water District - Bear Creek Watershed		\$ 184,622	\$ 184,622						
Wayne Soil & Water Conservation District		\$ 223,961	\$ 223,961	17-175-4038	Y	4/25/2016	4/27/2017		
	\$ 5,513,897	\$ 3,304,273	\$ 8,818,170			29	29	16	14

Agricultural Pond Repair and Renovation NC Agricultural Water Resources Assistance Program Funding and Approval Process







Association report to the Commission

May 17, 2017

2018 Annual Meeting – Research Triangle Park

The venue has been selected for the 2018 Annual meeting which will be held January 7-9 at the Sheraton Imperial. We have been here many times before and they have always been an excellent host and provide a great venue for our meeting.



March 20-21 NACD Fly-In

A delegation from NC traveled to Washington, DC as part of the Annual NACD Fly-In to advocate for conservation. Topics discussed were increased technical assistance funding for NRCS, improvement to the SAM.gov registrations for federal contracts, concerns of 319 funding cuts, and support of conservation programs that directly affect Conservation Districts. Those attending from NC were President Chris Hogan, North Carolina's Association NACD board member Franklin Williams and wife Joanne, NACD alternate board member John Finch, Association Secretary Nancy Carter, Division Deputy Director David Williams and Association Executive Director Bryan Evans.

2018 Association Raffle

The Association will be changing its raffle for this year. The Gator Raffle has served the Association and NCCDEA well, but a change is needed. This year we will hold a gun raffle. 3 guns will be offered and only 1200 tickets will be sold. This will mean that only 12 tickets need to be sold per District. Tickets will be \$20 each or 6 for \$100. Ticket sells are projected to start in June and run through the 2018 Annual meeting.

Envirothon

North Carolina had another successful Envirothon which was hosted on April 28-29 at Cedarrock Park in Burlington. Fifty-one high school and forty-eight middle school teams competed and hundreds of volunteers made this a great event. The first-place high school team was the High Rock Mighty Oaks from Davidson County and the winning middle school team was the When Butter Flies team from Chatham County.

In way of Envirothon, North Carolina is preparing to host the North American Envirothon in the summer of 2019. I have appointed an Ad-Hoc Fundraising Committee to address the financial needs of this event. That committee consists of Frank Meares and Bill Murray from the Coastal region, Wayne Collier and Steve Bennett of the Piedmont region, and James Ferguson and Lynn Sprague of the Mountain region to spearhead this effort. We need to raise at least \$150k and we currently have over \$25k in cash and pledges in-hand. We will be asking each District to consider a \$1000 commitment to this effort.

Poster, Essay and Speech Contests

The poster, essay and speech educational programs of the Association have been held. Winners are posted on the Association website.

Farm Family

Applications have been submitted and regional judging coordination is taking place at this time. State judging will be scheduled for mid-June.

Resource Conservation Workshop (RCW)

The RCW will be held June 25-30, 2017 on the campus of NC State University.

Natural Resources Conservation Service

North Carolina - The Update



Notes from the State

Conservationist, *Timothy Beard*

I want to thank all of our employees, partners and customers for their dedication to conserving North Carolina's valuable natural resources and continued commitment to NRCS. This is an exciting year for NRCS. As you may already know, USDA has a new Secretary, Sonny Perdue, and we are celebrating our 82nd anniversary as an agency, and we will continue to enhance our delivery of conservation programs in North Carolina. As we continue to make steps forward in transitioning into our new leadership and grow our cooperative conservation partnership in North Carolina, we will be taking proactive steps to keep you informed through our website and through partnership outreach. As always, if you have any questions, please feel free to contact me or any member of our NC-NRCS Leadership Team.



Dr. Hugh Hammond Bennett (left) and Mr. Roach Stewart of Duke Power Company attend a picnic for tenant farmers of the Duke Power Company near Mooresville, N.C.

National News

Our New Secretary

Sonny Perdue was sworn in as the 31st U.S. Secretary of Agriculture by fellow Georgian and Associate Justice of the U.S. Supreme Court Clarence Thomas, in a brief ceremony today at the Supreme Court building. The U.S. Senate confirmed Secretary Perdue by a vote of 87-to-11 on Monday evening.

"As secretary, I will champion the concerns of farmers, ranchers, foresters, and producers, and will work tirelessly to solve the issues facing our farm families," Perdue said. "I am proud to have been given this opportunity and look forward to rolling up my sleeves and getting to work as we continue to move the USDA and our nation forward."

Upon nominating Secretary Perdue in January, President Donald J. Trump said, "Sonny Perdue is going to accomplish great things as Secretary of Agriculture. From growing up on a farm to being governor of a big agriculture state, he has spent his whole life understanding and solving the challenges our farmers face, and he is going to deliver big results for all Americans who earn their living off the land."



USDA is an equal opportunity provider, employer, and lender.

NRCS 82nd Anniversary

As Dr. Hugh Hammond Bennett testified in Congress on April 27, 1935, to establish a permanent agency to help farms heal the soil, the room darkened. The senators walked over to the window and watched as that dust storm from the Great Plains hit the nation's capital. The bill passed without a single dissenting vote and the Soil Conservation Service was established in the U.S. Department of Agriculture. Dr. Bennett was asked to lead the agency. Today, NRCS continues to help farmers and ranchers improve their operations. We use proven conservation practices to increase production and boost their bottom lines, while at the same time protecting our air, soil and water for future generations. This work is helping our nation's producers prepare for global challenges ahead like a growing population, smaller agricultural land base and increases in severe droughts and flooding.

Join us, throughout the year, as we celebrate the legacy of Dr. Hugh Hammond Bennett, our Agency and the many accomplishments that our agency, employees, partners and landowners have achieved in North Carolina.

"Land must be nurtured; not plundered and wasted." –
 Hugh Hammond Bennett.

North Carolina
Natural
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News from the State

Soil Event

For more than 40 years, USDA Natural Resources Conservation Service (NRCS) and its partners have been studying, identifying and mapping soils across the different landscapes of North Carolina. With the completion of the Caswell County Soil Survey, all 100 counties in North Carolina now have maps and associated soils information available to the public. On May 25, 2017, NRCS and partners will be host to a celebration to salute the efforts of the many dedicated soil scientists and others responsible for this significant achievement. The event will be held from 10:30 am - 2:00 pm, at Heirloom Gardens located at 2943 Hodges Dairy Road, Yanceyville, NC 27379. For more information, please contact NRCS State Soil Conservationist, Kent Clary at Kent.Clary@nc.usda.gov.

Readiness and Environmental Protection Integration Program (REPI)

The REPI Program is pleased to announce the Eastern North Carolina Sentinel Landscape Partnership as the recipient of the 2017 REPI Challenge award. The Partnership is a joint effort between the Army; Marine Corps; Air Force; other Federal agencies (including NRCS); state and local governments; and nonprofit organizations that are coordinating to protect rural and natural lands important to the Nation's defense mission around a number of military installations in North Carolina. This project demonstrates strong stakeholder engagement and outlines a plan to promote compatible land uses that enable military training and operations while effectively helping private farmers and foresters maintain their livelihoods, local wildlife habitat, and other natural resources. The total award of \$9.2 million in REPI funds will leverage \$10.1 million in partner contributions to protect more than 17,600 acres in the eastern portion of the state.

Certified Conservation Planner Update

NRCS Ecological Sciences created an online-survey to evaluate and determine the state training gaps and resources needs for NRCS and partnership employees who are seeking to become certified conservation planners (CCP) in North Carolina. Surveys were to be completed by May 9, 2017. Results will provide a benchmark for NC NRCS to assign proper conservation planner roles in AgLearn, identify technical training needs and a geographical scope, and begin to prioritize and deliver in person training across the state. A report on the data collected and a final analysis will be shared with field staff and partners in the coming months.

The goal is to have training plans in place for fiscal years 2018 and 2019 that support the new National Conservation Planning Policy which was announced through National Bulletin 180-17-02. For more information on CCP in North Carolina, please contact State Conservation Planning Specialist Jeremy Roston at Jeremy.Roston@nc.usda.gov.

Programs - Timelines

General Environmental Quality Incentives Program (EQIP)

- Obligation Deadline—May 19, 2017

EQIP: Working Lands for Wildlife, National Water Quality Initiative, Organic, and Wildlife 5%

- Ranking Deadline—May 26, 2017
 - Quality Assurance Deadline—June 16, 2017
 - Obligation Deadline—August 4, 2017

Conservation Stewardship Program – General

- Ranking Deadline—May 26, 2017
 - Quality Assurance Deadline—June 16, 2017
 - Obligation Deadline—September 8, 2017

Conservation Stewardship Program — Renewal

- Application Reception Deadline—May 5, 2017
 - Quality Assurance Deadline—September 29, 2017
 - Field Verification—November 3, 2017
 - Obligation Deadline—December 1, 2017

Easements

For fiscal year 2017, in the Agricultural Conservation Easement Program—Agricultural Land Easement (ACEP-ALE), NRCS received nine applications, totaling to 808 acres, during our initial application reception period. NRCS received two additional applications, totaling 80 acres, during our second application reception period. For fiscal year 2017, in the ACEP-Wetland Reserve Easement, we received five applications totaling more than 2677 acres. For more information on ACEP, please contact Julie Elmore at Julie.Elmore@nc.usda.gov.

Contacts:
 State Conservationist—Timothy Beard
 (Tel) 919.873.2100
 State Public Affairs—Stuart Lee
 (Tel) 919.873.2107
 (Email) Stuart.Lee@nc.usda.gov



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RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Durham Soil and Water Conservation District of Durham 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 2017 and ending December 2018 to fill the expired or un-expired term of Katie Locklier.

Name of nominee: David Harris
 Address of nominee, City, State, Zip: 609 Saddle Ridge Ave Durham, NC 27704
 Email address of nominee: harrisdl2003@yahoo.com
 Home phone: 919-477-2408
 Mobile phone: 919-906-2023
 Business phone: n/a
 Occupation: Retired Engineer, Nortel Networks
 Age: 68
 Education: NC Central University 1980-84, Math Major; Durham Technical Institute 1971, Associates Degree
 Positions of leadership NOW held by nominee: Chair of NC Peace Action; Deacon of New Red Mountain Baptist Church
 Former occupations or positions of leadership contributing to nominee's qualifications: Software Engineer & Consultant
Nortel Network; Communications Specialist for General Telephone & Electric
 Other pertinent information: _____

Dates of previous attendance at UNC School of Government training, if applicable: 2014
 Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"
 Has the nominee been contacted to determine their willingness to serve? Check for "Yes"
 Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"
 Is the nominee willing to attend and participate in local district meetings? Check for "Yes"
 Is the nominee willing to attend and participate in Area meetings? Check for "Yes"
 Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

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

X Talimage Layton
 SWCD Chair (or Vice Chair if Chair is being nominated)
 Printed name: TALIMAGE LAYTON

5/1/2017
 Date

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

X David Harris
 Individual recommended for appointment
 Printed name: David Harris

5/2/2017 5-2-17
 Date

Katie Locklier
2714 Sarah Ave
Durham, NC, 27707
270-705-4051
Katielocklier@gmail.com

April 28th, 2017

Durham County Soil & Water Conservation District
720 Foster St.
Durham, NC, 27701

To whom it may concern:

Please accept this letter as formal notification that I am leaving my position as Supervisor for the Durham County Soil and Water District effective on May 2nd, 2017.

Thank you for the opportunities you have provided me during my time with the District. It has been an absolute joy to serve the citizens of Durham County with the fine folks on the District staff and board. I have the utmost confidence that this organization will continue to do incredible work within the city and county of Durham long into the future, and I am incredibly sad to go. If I can be of any assistance during this transition, please let me know. I will most certainly come by to visit the next time I am in town.

Sincerely,

A handwritten signature in cursive script that reads "Katie Locklier". The signature is written in black ink and is positioned below the word "Sincerely,".

Katie Locklier



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 8.

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Edgecombe Soil and Water Conservation District of Edgecombe 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 5/10/2017 and ending Dec 2020 to fill the expired or un-expired term of Joe Suggs.

Name of nominee: Harold Thompson
 Address of nominee, City, State, Zip: 3333 Speights Chapel Rd., Whitakers NC 27891-9010
 Email address of nominee: harold@airag.com
 Home phone: 252-437-0240
 Mobile phone: 252-904-4771
 Business phone: _____
 Occupation: Commercial Herbicide Applicator/ Farmer
 Age: 54
 Education: NC State
 Positions of leadership NOW held by nominee: Pres. Tarboro Edgecombe airport Authority, NCDA pesticide committee
 Former occupations or positions of leadership contributing to nominee's qualifications: _____
 Other pertinent information: _____

Dates of previous attendance at UNC School of Government training, if applicable: N/A
 Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"
 Has the nominee been contacted to determine their willingness to serve? Check for "Yes"
 Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"
 Is the nominee willing to attend and participate in local district meetings? Check for "Yes"
 Is the nominee willing to attend and participate in Area meetings? Check for "Yes"
 Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

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

X Margaret S. Knight
 SWCD Chair (or Vice Chair if Chair is being nominated)
 Printed name: Margaret Knight

5/10/2017
 Date

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

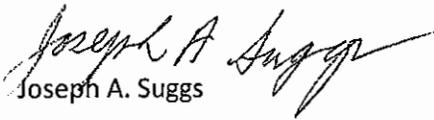
X Harold Thompson
 Individual recommended for appointment
 Printed name: Harold Thompson

5-10-2017
 Date

To Whom It May Concern,

I Joseph A. Suggs, do hereby resign my position as Supervisor with the Edgecombe Soil and Water Conservation District, effective immediately.

Thank You,


Joseph A. Suggs



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RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Gaston Soil and Water Conservation District of Gaston 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 12/20/2016 and ending 12/20/2017 to fill the expired or un-expired term of Roger Hurst MAY 17 Dec 20

Name of nominee: Kevin Mauney
Address of nominee, City, State, Zip: 927 Alexis Lucia Rd. Alexis 28006 (P.O. Box 88)
Email address of nominee: krackridge@bellsouth.net
Home phone: 704-263-4662
Mobile phone: 704-813-1212
Business phone: _____
Occupation: Horticulture
Age: 54
Education: High School Graduate
Positions of leadership NOW held by nominee: _____
Former occupations or positions of leadership contributing to nominee's qualifications: Farmer
Other pertinent information: _____

Dates of previous attendance at UNC School of Government training, if applicable: _____
Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"
Has the nominee been contacted to determine their willingness to serve? Check for "Yes"
Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"
Is the nominee willing to attend and participate in local district meetings? Check for "Yes"
Is the nominee willing to attend and participate in Area meetings? Check for "Yes"
Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

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

X [Signature]
SWCD Chair (or Vice Chair if Chair is being nominated)
Printed name: Robert G. Cloninger, III 03/23/2017
Date

I hereby certify that the above information is true and accurate.
X [Signature]
Individual recommended for appointment
Printed name: Kevin G. Mauney 3.23.17
Date



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RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Jones County Soil and Water Conservation District of Jones 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 2017 and ending December 2020 to fill the expired or un-expired term of Michael Shepherd.

Name of nominee: Nicholas Norris
 Address of nominee, City, State, Zip: 2545 Oak Grove Rd., Trenton NC 28585
 Email address of nominee: nicholas.norris@hotmail.com or nicholas.norris@duke-energy
 Home phone: N/A
 Mobile phone: 252-637-0872
 Business phone: _____
 Occupation: Supervisor for Duke Energy/Farmer
 Age: 37
 Education: _____
 Positions of leadership NOW held by nominee: Supervisor for Duke Energy 13yrs.
 Former occupations or positions of leadership contributing to nominee's qualifications: _____
 Other pertinent information: _____

Dates of previous attendance at UNC School of Government training, if applicable: _____
 Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"
 Has the nominee been contacted to determine their willingness to serve? Check for "Yes"
 Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"
 Is the nominee willing to attend and participate in local district meetings? Check for "Yes"
 Is the nominee willing to attend and participate in Area meetings? Check for "Yes"
 Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

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X Sam Davis 5-16-17
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: Sam Davis, Chairman

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

X Nicholas Norris 5-16-17
 Individual recommended for appointment Date
 Printed name: Nicholas Norris



110-A South Market Street
Trenton, NC 28585
252-448-2341

Michael Shepherd
463 Roy Mallard Lane
Trenton, NC 28585

Sam Davis
Chairman
Jones County SWCD
Board of Supervisors
110-A South Market St.
Trenton, NC 28585

March 20, 2017

Dear Sam,

It is with regret that I am writing to inform you of my decision to resign my position on the Board of the Jones County SWCD, effective immediately.

My other commitments have become too great for me to be able to fulfill the requirements of my position on the Board, and I feel it is best for me to make room for someone with the time and energy to devote to the job.

If I can be of any assistance during the time it will take to fill the position, please don't hesitate to ask.

Best Regards,

A handwritten signature in black ink that reads "Michael Shepherd". The signature is written in a cursive style with a large, sweeping initial "M".

Michael Shepherd





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RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Rockingham Soil and Water Conservation District of Rockingham 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 Dec. 5, 2016 and ending Dec. 1, 2020 to fill the expired or un-expired term of Brian Pender Grogan MAY 2017 8.

Name of nominee: Kevin Dixon
 Address of nominee, City, State, Zip: 441 Russell-L Road Reidsville, NC 27320
 Email address of nominee: farmlivin@yahoo.com
 Home phone: 336-613-1707
 Mobile phone: 336-613-1707
 Business phone: _____
 Occupation: Farm
 Age: 41
 Education: HS, Ass. Degree
 Positions of leadership NOW held by nominee: _____
 Former occupations or positions of leadership contributing to nominee's qualifications: NCSU Tobacco Short Course, NCTTF Ag Leadership Program
 Other pertinent information: _____

Dates of previous attendance at UNC School of Government training, if applicable: 12-2016
 Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"
 Has the nominee been contacted to determine their willingness to serve? Check for "Yes"
 Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"
 Is the nominee willing to attend and participate in local district meetings? Check for "Yes"
 Is the nominee willing to attend and participate in Area meetings? Check for "Yes"
 Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

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

x Kate Campbell
 SWCD Chair (or Vice Chair if Chair is being nominated) Date 4-17-17
 Printed name: KATE CAMPBELL

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

x Kevin D. Dixon
 Individual recommended for appointment Date 4-17-17
 Printed name: Kevin D. Dixon

April 17, 2017

Brian Pender Grogan
3432 Vance Street Ext.
Reidsville, NC 27320

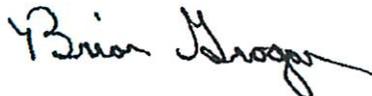
Rockingham Soil and Water Conservation District
371 NC Hwy 65
Reidsville NC 27320

Fellow Supervisors,

It is with great regret that I submit my resignation as Supervisor for the Rockingham County Soil and Water Conservation District, effective April 17, 2017.

I am grateful for having had the opportunity to serve on the board of this exceptional organization for the past 5 years, and I offer my best wishes for its continued success. It has been a great honor serving the citizens of Rockingham County. I appreciate all the support I received from citizens and fellow District Supervisors. Should there ever be an opportunity that I can be of assistance in the future, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink that reads "Brian Grogan". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Brian Grogan



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RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Union Soil and Water Conservation District of Union 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 2018 to fill the expired or un-expired term of Kelvin Baucom.

Name of nominee: Adam Moore
 Address of nominee, City, State, Zip: 1024 Old Pageland Monroe Rd, Monroe, NC, 28112
 Email address of nominee: bigchickimman@yahoo.com
 Home phone: N/A
 Mobile phone: 704-361-2435
 Business phone: N/A
 Occupation: Monroe Firefighter(Engineer)
 Age: 36
 Education: NCSU Ag Institute (AAS Animal Science, AAS Ag Business, AAS Swine Production, AAS Poultry Production)
 Positions of leadership NOW held by nominee: N/A
 Former occupations or positions of leadership contributing to nominee's qualifications: Cattle Farmer
 Other pertinent information: Cattle Farmer

Dates of previous attendance at UNC School of Government training, if applicable: N/A
 Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"
 Has the nominee been contacted to determine their willingness to serve? Check for "Yes"
 Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"
 Is the nominee willing to attend and participate in local district meetings? Check for "Yes"
 Is the nominee willing to attend and participate in Area meetings? Check for "Yes"
 Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

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

X Kelvin L Baucom 4/18/17
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: Kelvin Baucom

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

X Adam Moore 5/2/17
 Individual recommended for appointment Date
 Printed name: Adam Moore

Kelvin Baucom
7011 Unionville-Brief Road
Monroe, NC 28110
(704) 753-4389
kelvinbaucom@yahoo.com

April 18th, 2017

Union County Soil and Water Conservation District
Board of Supervisors
3230-B Presson Road
Monroe, NC 28112

Dear Union SWCD Board of Supervisors,

I have thoroughly enjoyed serving on the Union County Soil and Water Conservation District Board of Supervisors the last nineteen years. It has been my pleasure not only to serve our county and District, but also to get to know all of the past and present supervisors that I have served with.

Please let this letter serve notice that I, Kelvin Baucom, am resigning my position as Chairman and voting member on the Board, effective immediately.

Sincerely,

A handwritten signature in cursive script that reads "Kelvin L. Baucom". The signature is written in black ink and is positioned above the typed name.

Kelvin Baucom



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RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Washington County Soil and Water Conservation District of Washington County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing March, 2017 and ending December, 2020 to fill the expired or un-expired term of Vernon Cahoon, Jr. MAY 8

Name of nominee: Justin Allen
 Address of nominee, City, State, Zip: 1334 A Canal Road, Pantego, NC 27860
 Email address of nominee: _____
 Home phone: 252-935-5089
 Mobile phone: 252-945-5227
 Business phone: _____
 Occupation: Farmer
 Age: 27
 Education: PCA High School + Attended BCC Community College
 Positions of leadership NOW held by nominee: Washington Co. Farm Bureau Board
 Former occupations or positions of leadership contributing to nominee's qualifications: North Carolina State Soybean Board
 Other pertinent information: _____

Dates of previous attendance at UNC School of Government training, if applicable: _____
 Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"
 Has the nominee been contacted to determine their willingness to serve? Check for "Yes"
 Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"
 Is the nominee willing to attend and participate in local district meetings? Check for "Yes"
 Is the nominee willing to attend and participate in Area meetings? Check for "Yes"
 Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

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

X Genda D Rhodes
 SWCD Chair (or Vice Chair if Chair is being nominated) Date 3-10-17
 Printed name: Genda D Rhodes

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

X Justin T Allen
 Individual recommended for appointment Date 3-14-17
 Printed name: Justin T. Allen

NC Cost Share Programs Supervisor Contracts
Soil and Water Conservation Commission

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Bertie	08-2017-509	John Griffin	Critical area planting	\$2,243	
Bertie	08-2017-510	John Griffin	Critical area planting	\$2,142	
Lee	53-2017-009	Michael L. Gaster	Livestock Mortality Management System	\$1,757	Composter
Mitchell	61-2017-804	Doug Harrell	Agricultural water supply and reuse pond	\$25,000	
Surry	86-2017-202	Chad Chilton	Water Supply Well	\$4,500	AgWRAP
Transylvania	88-2017-007	Joffrey Merrill	Stream protection system	\$11,804	

Total Number of Supervisor Contracts: 6

Total **\$47,446**

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Bertie Soil and Water Conservation District, I have applied for, or stand to benefit* from, a 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: FRR

Best management practice: Critical Area Planting

Contract number: 08-2017-509

Contract amount: \$2243

Score on priority ranking sheet: 7

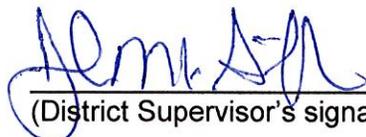
Cost Share Rate : % If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 9th out of 14

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: Griffin Farming Partnership, John Griffin



(District Supervisor's signature)

5-1-17

Date

Approved by:



(District Chairperson's signature)

5-1-17

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 Bertie 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: FRR

Best management practice: Critical Area Planting

Contract number: 08-2017-510 Contract amount: \$2142

Score on priority ranking sheet: 7

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 10th out of 14

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: Griffin Farming Partnership, John Griffin


(District Supervisor's signature)

5-1-17
Date

Approved by:


(District Chairperson's signature)

5-1-17
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.

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 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: NCACSP

Best management practice: Forced Air Composter

Contract number: 53-2017-009 Contract amount: \$ 1757

Score on priority ranking sheet: 185

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: Michael L. Gaster

Michael L. Gaster
(District Supervisor's signature)

5-10-17
Date

Approved by: Tony Ragan

Tony Ragan
(District Chairperson's signature)

5-10-17
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.

NCDA&CS
DSWC

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: AgWrap

Best management practice: Ag. Water Supply and Reuse Pond

Contract number: 61-2017-804

Contract amount: \$25000.00

Score on priority ranking sheet: 160

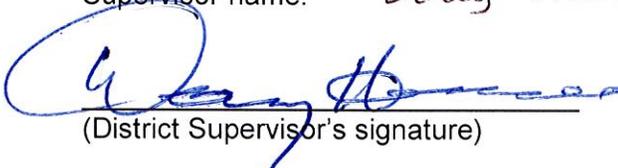
Cost Share Rate : 75 % If different than 75%, please list % percent:
Reason:

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

Were any higher or equally ranked contracts denied? No

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

Supervisor name: Doug Harrell



(District Supervisor's signature)

3/02/17

Date

Approved by:



(District Chairperson's signature)

3/02/17

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.

NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

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

As a Soil and Water District Supervisor, for the Surry 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: Well

Contract number: 86-2017-202

Contract amount: \$4500.00

Score on priority ranking sheet: 85

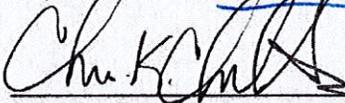
Cost Share Rate : 75 % If different than 75%, please list % percent:
Reason:

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

Were any higher or equally ranked contracts denied? At this time we are funding all AGWRAP request with the supplemental money

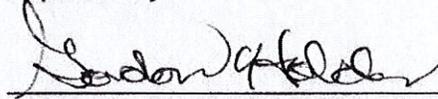
If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Chad Milton


(District Supervisor's signature)

4-6-17
Date

Approved by:


(District Chairperson's signature)

4-11-17
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 Transylvania 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: **Stream Protection System**

Contract number: **88-2017-007**

Contract amount: **\$11,804**

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): **5th out of 13. (Wrote 7th however) GP**

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: **Joffrey Merrill**

Joffrey B. Merrill
(District Supervisor's signature)

3-16-17
Date

Approved by: **Dick Bragg**

Dick Bragg
(District Chairperson's signature)

3/16/17
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.



Steve Troxler
Commissioner

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

Vernon Cox
Director

SWCC Job Approval Authority Recommendations

May 17, 2017

The following individuals have requested to obtain Commission Job Approval Authority for the respective categories:

1. Pond Site Assessment
W. Allen Hayes, Jr. – Division of Soil and Water Conservation Division

The above individual has successfully completed the requirements and has acquired confirmation of demonstrated technical proficiency from a Division Engineer, therefore the division recommends that the job approval authority request be approved.

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

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

An Equal Opportunity Employer

LOCATION
Archdale Building
512 N. Salisbury Street, Suite 417
Raleigh, NC 27604

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

Subchapter 59C covers the Small Watershed Program. The Commission determined Rule 02 NCAC 59C.0303, Approvals to Exercise the Power of Eminent Domain, to be necessary with substantive public interest. The Commission initiated rulemaking to readopt rule .0303 with no changes and the proposed rule was published in the North Carolina Register on September 1, 2016. The 60-day comment period closed on October 31, 2016, with no comments received.

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

Pasted below is the existing text of rule .0303. **The Division is recommending the Commission approve final readoption of rule .0303 with no changes.** Other than rule .0303 all rules in subchapter 59C do not need to be readopted, since the Commission determined each of those rules to be necessary without substantive public interest, and the Rules Review Commission has concurred with that determination.

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

A county and a watershed district may apply to the commission for approvals to exercise the power of eminent domain. Before the commission will approve an applicant's request to condemn land for a proper purpose, that applicant shall provide the commission the following information at least 30 days prior to a commission hearing:

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

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

1 **02 NCAC 59D .0102 DEFINITIONS FOR SUBCHAPTER 59D**

2 In addition to the definitions found in G.S. ~~143-215.74106-850~~ through G.S. 106-852, the following terms used in this
3 Subchapter shall have the following meanings:

- 4 (1) ~~“Agricultural Nonpoint Source (NPS) Pollution”~~ means pollution originating from a diffuse source
5 as a result of agricultural activities related to crop production, production and management of
6 poultry and livestock, land application of waste materials, and management of forestland incidental
7 to agricultural production.
- 8 (2) ~~“Agricultural purposes”~~ means ~~agricultural activities related to crop production, production and~~
9 ~~management of poultry and livestock, land application of waste materials, and management of~~
10 ~~forestland incidental to agricultural production.~~
- 11 ~~(2)(3)~~ ~~“Allocation”~~ means the annual share of the state's appropriation ~~for each program~~ to participating
12 districts.
- 13 ~~(3)(4)~~ ~~“Applicant”~~ means a person(s) who applies for best management practice cost sharing monies from
14 the district. An applicant may also be referred to as a ~~“cooperator”~~. All entities, with which the
15 applicant is associated, including those in other counties, shall be considered the same applicant.
- 16 ~~(4)(5)~~ ~~“Average Costs”~~ means the calculated cost, determined by averaging actual costs and current cost
17 estimates necessary for best management practice implementation. Actual costs include labor,
18 supplies, and other direct costs required for physical installation of a practice.
- 19 ~~(5)(6)~~ ~~“Best Management Practice (BMP)”~~ means a structural or nonstructural management based practice
20 used singularly or in combination to ~~reduce nonpoint source inputs to receiving waters. address~~
21 ~~natural resource needs.~~
- 22 ~~(a)~~ For the Agriculture Cost Share Program and the Community Conservation Assistance
23 Program, BMPs shall reduce nonpoint source inputs to receiving waters.
- 24 ~~(b)~~ For the Agricultural Water Resources Assistance Program, BMPs shall increase the
25 storage, availability, and use efficiency of water for agricultural purposes.
- 26 ~~(6)(7)~~ ~~“Commission”~~ means the Soil and Water Conservation Commission.
- 27 (8) ~~“Conservation Plan of Operation (CPO)”~~ means a written plan ~~scheduling documenting~~ the
28 applicant's decisions concerning land use, and both cost shared and non-cost shared BMPs to be
29 installed and maintained on the ~~operating management~~ unit.
- 30 ~~(7)(98)~~ ~~“Cost Share Agreement”~~ means an annual or long term agreement between the applicant, ~~and the~~
31 district, ~~and Division which that defines specifies~~ the BMPs to be cost shared, rate and amount of
32 payment, minimum practice life, and ~~deadline~~ date of BMP installation. The agreement shall state
33 that the recipient shall maintain and repair the practice(s) for the specified minimum life of the
34 practice. ~~The Cost Share Agreement shall have a maximum contract life of three years for BMP~~
35 ~~installation. The district shall perform an annual status review during the installation period.~~
- 36 ~~(8)(910)~~ ~~“Cost Share Incentive (CSI)”~~ means a predetermined fixed payment paid to an applicant for
37 implementing a BMP in lieu of cost share.

Commented [A1]: Added for clarity as Commission appears throughout the rules.

Commented [A2]: Text removed because it is specified in the Cost Share Contract, and the Commission allows extensions to this time period.

38 ~~(9)~~(10) "Cost Share Rate" means a cost share percentage paid to an applicant for implementing BMPs.

39 (12) "Department" means the North Carolina Department of Agriculture and Consumer Services.

40
41 (13) "Design practice" means an engineering practice as defined by the Natural Resources Conservation
42 Service or Soil and Water Conservation Commission in their Program Detailed Implementation
43 Plan(s).

44
45 ~~(40)~~(12) "Detailed Implementation Plan" means the plan approved by the ~~commission~~ Commission that
46 specifies the guidelines for each program for the current fiscal program, year including BMPs that
47 will be eligible for cost sharing and the minimum life expectancy of those practices, year including:

48 (a) annual program goals;

49 (b) district and statewide allocations;

50 (c) BMPs that will be eligible for cost sharing; and

51 (d) the minimum life expectancy of those practices.

52 ~~(12)~~(13) "District Allocation Pool" means the annual share of the state's appropriation for each program to
53 be allocated to participating districts.

Commented [A3]: Revised definition of the plan included in the approved CCAP rule.

54 ~~(44)~~(14) "District BMP" means a BMP ~~designated requested~~ by a district and approved by the Division for
55 evaluation purposes. ~~to reduce the delivery of agricultural NPS pollution or to increase storage,~~
56 ~~availability, and efficiency of water for agricultural purposes and that~~ which is reviewed and
57 approved by the Division to be technically adequate prior to funding.

Commented [A4]: Added per CCAP rule revision to describe new allocation methodology.

58 ~~(42)~~(15) "Division" means the Division of Soil and Water Conservation.

59 ~~(16)~~—"Encumbered Funds" means monies from a district's allocation which ~~that~~ have been ~~committed to~~
60 an applicant after initial ~~obligated to an approval~~ approved of the cost share agreement.

61 ~~(13)~~(16) "Full Time Equivalent (FTE)" means 2,080 hours per annum, ~~that~~ which equals one full time
62 technical position.

63 ~~(44)~~(17) "In-kind Contribution" means a contribution by the applicant towards the implementation of BMPs.
64 In-kind contributions shall be approved by the district and Division and can include ~~but not be~~
65 ~~limited to~~ labor, fuel, machinery use, and supplies and materials necessary for implementing the
66 approved BMPs.

67 (18) "Job Approval Authority" means the authority granted to individuals who are qualified to plan,
68 design, and verify installation or implementation of specific practices per practice standards
69 approved by the Natural Resources Conservation Service or the Commission. This authority is
70 either recognized or granted by the Natural Resources Conservation Service or the Commission.

71 ~~(45)~~(19) "Landowner" means any natural person or other legal entity, including a governmental agency, who
72 holds either an estate of freehold (such as a fee simple absolute or a life estate) or an estate for years
73 or from year to year in land, but ~~does~~ shall not include an estate at will or by sufferance in land.
74 Furthermore, a governmental or quasi-governmental agency such as a drainage district or a soil and

75 water conservation district, or any such agency, by whatever name called, exercising similar powers
 76 for similar purposes, can be a landowner for the purposes of ~~these Rules~~ the rules of this subchapter
 77 if the governmental agency holds an easement in land.

78 ~~(19)20~~ “Nonpoint Source (NPS) Pollution” means pollution originating from a diffuse source.

79 ~~(16)(21) Program~~ “Fiscal Year” means the period from July 1 through June 30 for which funds are allocated
 80 to districts.

81 ~~(17)(22)~~ “Proper Maintenance” means that a practice(s) is being maintained such that the practice(s) is
 82 successfully performing the function for which it was originally implemented.

83 ~~(18)(23)~~ “Regional Allocation Pool” means the annual share of the state’s appropriation for each program
 84 allocated for applications ranked in the Division’s three regions as specified in the annual Detailed
 85 Implementation Plan.

86 ~~(24)~~ “Soil Loss Tolerance (t)” means the maximum allowable annual soil erosion rate to maintain the
 87 soil resource base, depending on soil type.

88 ~~(24)~~ “Statewide Allocation Pool” means the annual share of the state’s appropriation for each program
 89 allocated for applications ranked at the state level as specified in the annual Detailed Implementation
 90 Plan.

91 ~~(19)(25)~~ “Strategic Plan” means the annual plan for the N.C. Agriculture Cost Share Program for Nonpoint
 92 Source Pollution Control Soil and Water Conservation Commission Cost Share Programs to be
 93 developed by each district. The plan identifies pollution treatment needs natural resource needs and
 94 the level of cost sharing and technical assistance monies required to address those annual needs in
 95 the respective district.

96 ~~(20)(26)~~ “Technical Representative” of the district means a person designated by the district to act on their
 97 its behalf who participates in the planning, design, implementation and inspection of BMPs. These
 98 practices shall be technically reviewed by the Division. The district chairman shall certify that the
 99 technical representative has properly planned, designed and inspected the BMPs.

100 ~~(21)(27)~~ “Unencumbered Funds” means the portion of the allocation to each district which that has not been
 101 committed for cost sharing.

102
 103 *History Note: Authority G.S. 106-840; 106-850; 139-3;*
 104 *Eff. May 1, 1987;*
 105 *Temporary Amendment Eff. September 23, 1996;*
 106 *Recodified from 15A NCAC 6E .0002 Eff. December 20, 1996;*
 107 *Amended Eff. April 1, 1997;*
 108 *Temporary Amendment Expired June 13, 1997;*
 109 *Amended Eff. March 1, 2008; July 1, 2004;*
 110 *Transferred from 15A NCAC 06E .0102 Eff. May 1, 2012.*
 111

02 NCAC 59D .0103 **AGRICULTURE COST SHARE PROGRAM FINANCIAL ASSISTANCE**

ALLOCATION GUIDELINES AND PROCEDURES

(a) The Commission shall allocate ~~the~~ cost share funds to ~~the~~ districts ~~in the designated program areas for cost share payments and cost share incentive payments.~~ ~~In order to~~ receive fund allocations, each district designated eligible by the Commission shall submit an annual strategy plan to the Commission ~~at the beginning of each fiscal year by June 1 of each year.~~ ~~Funds may be allocated to each district for any or all of the following purposes: cost share payments, cost share incentive payments, technical assistance, or administrative assistance. Use of funds for technical and administrative assistance must follow the guidelines set forth in Rule .0106 of this Subchapter.~~

Commented [A1]: Clarified title – to specify that this rule is program specific, guiding the allocation of financial assistance funds for this program.

(b) Funds shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that sufficient funds are available to justify a reallocation. District ~~allocations shall be~~ ~~shall be allocated monies~~ based on the identified level of agriculture-related nonpoint source pollution problems, the respective district's BMP installation goals as demonstrated in the district annual strategy plan, and the district's record of performance to affect BMP installation by cooperating farmers. The allocation method used for disbursement of funds is based on the relative position of each respective district for those parameters approved by the Commission pursuant to Paragraph (g) of this Rule. Each district is assigned points for each parameter, and the points are totaled and proportioned to the total dollars available under the current program year funding according to the following formula:

Commented [A2]: Text removed. Content is covered in each allocation rule, including technical assistance.

(1)	Sum of Parameter Points	=	Total Points	
(2)	Percentage Total		Total	Dollars Available
	Points Each	x	Dollars Available	= to
	District		Each District	

(3) ~~The minimum district allocation shall be ed to a particular district shall be twenty thousand dollars (\$20,000) per program years specified in the Detailed Implementation Plan., unless the district requests less than twenty thousand dollars (\$20,000).~~

Commented [A3]: Removed minimum required allocation. This amount can be set annually in the Detailed Implementation Plan.

(4) If a district requests less than the dollars available to that district in Subparagraph (b)(2) of this Rule, then the excess funds beyond those requested by the district shall be allocated to the districts who did not receive their full requested allocation using the same methodology described in Subparagraph (b)(2) of this Rule.

(c) ~~In the initial allocation 95 percent of the total annual appropriation - program funding shall be allocated to the district accounts administered by the Division in the initial allocation. The Division shall retain five percent of the total funding annual appropriation as a in a contingency fund to be used to respond to an emergency or natural disaster. If the contingency funds are not needed to respond to an emergency, then they contingency fund shall be allocated at available for allocation after March 1, the March meeting of the Commission.~~

Commented [A4]: Clarified text to describe process.

(d) The Commission may recall funds allocated to a district ~~during a fiscal year~~ that have not been encumbered to an agreement at any time if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(e) At any time a district may submit a revised strategy plan ~~and to apply to the Commission for request additional funds.~~ ~~funds from the Commission.~~

37 (f) CPO's that encumber funds under the current year must be submitted to the Division by 5:00 p.m. on ~~the first~~
 38 ~~Wednesday in June, June 30+*~~.

39 (g) ~~Districts~~ For the Agriculture Cost Share Program, districts shall be allocated funds based on their respective data for
 40 each of the following parameters:

41 (1) Percentage of total acres of agricultural land in North Carolina that are in the respective district
 42 (including cropland, hayland, pasture land, and orchards/vineyards) as reported in the most recent
 43 edition of the North Carolina Agricultural Statistics Census of Agriculture. The actual percentage shall
 44 be normalized to a 1-100 scale. (20%)

45 (2) Percentage of total number of animal units in North Carolina that are in the respective district as
 46 reported in the most recent edition of the North Carolina Agricultural Statistics Census of Agriculture
 47 and converted to animal units using the conversion factors approved by the USDA-Natural Resources
 48 Conservation Service. The actual percentage shall be normalized to a 1-100 scale. (20%)

49 (3) Relative rank of the percentage of the county outside of municipal boundaries as defined by North
 50 Carolina Department of Transportation draining to waters number of miles of stream identified as less
 51 than fully supporting due to agricultural nonpoint source pollution impaired or impacted on the most
 52 recent as reported in the state's 303(d) list, 305(b) report, and basin plan produced by the North
 53 Carolina Division of Water Resources. (20%)

54 (4) Relative rank of the percentage of the county draining to waters classified as Primary Nursery Areas,
 55 Outstanding Resource Waters, High Quality Waters, Trout waters on the current schedule of Water
 56 Quality Standards and Classifications, Shellfishing growing areas (open) as determined by the Division
 57 of Marine Fisheries, and Drinking Water Assessment Areas as determined determined by the Division
 58 of Water Resources, and Critical Water Supply on the current schedule of Water Quality Standards
 59 and Classifications. (10%)

60 (5) The percentage of cost share funds allocated to a district that are encumbered to contracts in the best
 61 three of the most recent four completed program years as reported on the NC Agriculture Cost Share
 62 Program Database. (10%)

63 (6) Percentage of program funds encumbered to contracts allocated to a district that are actually expended
 64 for installed BMPs in the best highest three of the most recent four-year period for which the allowed
 65 time for implementing contracted BMPs has expired as reported on the NC Agriculture Cost Share
 66 Program Database. (4020%)

67 (7) Relative rank of the number of acres of highly erodible average erosion rate for agricultural land in the
 68 county as reported in by the National Resources Inventory United States Department of Agriculture
 69 Farm Service Agency, unless the State Conservationist of the Natural Resources Conservation Service
 70 specifies that another information source would be more current and accurate. (10%)

Commented [A5]: Added program title for clarification.

Commented [A6]: Revised data source to best reflect the most reported acres and crops.

Commented [A7]: Revised data sources and methodology to prioritize water quality problems related to agriculture.

Commented [A8]: Revised data sources to prioritize special watersheds.

Commented [A9]: Remove parameter, combine with (6) below.

Commented [A10]: Combined performance parameter that prioritizes funds spent for conservation.

Commented [A11]: Revised to reflect current methodology. Still allows for revisions based on recommendation of NRCS.

73 (8) The Commission may consider data source changes to the Subparagraphs in this Paragraph, if the
74 agency responsible for maintaining the data specifies that another information source would be more
75 current and accurate.
76

Commented [A12]: Allows revisions to data sources by the agencies producing the data without requiring a rule change.

77 *History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8;*
78 *Eff. May 1, 1987;*
79 *Recodified from 15A NCAC 06E .0003 Eff. December 20, 1996;*
80 *Amended Eff. April 1, 1997;*
81 *Temporary Amendment Eff. May 1, 2001;*
82 *Amended Eff. September 1, 2005; August 1, 2002;*
83 *Transferred from 15A NCAC 06E .0103 Eff. May 1, 2012.*
84

DRAFT

02 NCAC 59H .0103 COMMUNITY CONSERVATION ASSISTANCE PROGRAM ALLOCATION
 GUIDELINES AND PROCEDURES

(a) The Commission shall consider the total amount of funding available for allocation, relative needs of the program for BMP implementation, local technical assistance, and education to determine the proportion of available funds to be allocated for each eligible purpose. This determination shall be done prior to allocating funds to statewide, regional, and district allocation pools and the Division. Funds may be allocated for any or all-of the following purposes:

- (1) cost share and cost share incentive payments;
- (2) technical and administrative assistance; and
- (3) statewide or local education and outreach activities.

The percentage of funding available for each purpose and each allocation pool shall be specified in the annual Detailed Implementation Plan based upon the recommendation of the Division and the needs expressed by the districts.

(b) District Allocations: The Commission shall allocate cost share funds from the district allocation pool to the districts. To receive fund allocations, each district shall submit a ~~strategy~~strategic plan to the Commission at the beginning of each program year.

(c) Funds for cost share and cost share incentive payments shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that funds are available in the district allocation pool to justify a reallocation. Districts shall be allocated monies based on the identified level of nonpoint source pollution problems and the respective district's BMP installation goals as demonstrated in the district annual ~~strategy~~strategic plan. The allocation method used for disbursement of funds shall be based upon the score of each respective district for those parameters approved by the Commission pursuant to Subparagraph (7) of this Paragraph. The points each district scores on each parameter shall be totaled and proportioned to the total dollars available for district allocation under the current program year funding according to the following formula:

(1)	Sum of Parameter Points	=	Total Points
(2)	Percentage Total	x	Total Dollars
	Points Each District		Available
			= Dollars Available to Each District

(3) 95 percent of the program funding designated for district allocations shall be allocated to the district accounts in the initial allocation. The Division shall retain five percent of the total funding in a contingency fund to respond to an emergency or natural disaster.

(4) The Commission may recall funds allocated to a district that have not been encumbered to an agreement if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(5) At any time a district may submit a revised ~~strategic~~ plan and apply to the Commission for additional funds.

(6) ~~CPOs-Conservation plans~~ that encumber funds under the current year must be submitted to the Division by 5:00 p.m. on the first Wednesday in June.

- 38 (7) Districts shall be allocated funds based on their respective data for each of the following
39 parameters:
- 40 (A) Relative rank of the percentage of the county draining to waters identified as impaired or
41 impacted on the most recent Integrated Report produced by the North Carolina Division
42 of Water Resources. This report is incorporated with subsequent amendments and
43 editions, and may be accessed at no charge at
44 <http://ncdenr.maps.arcgis.com/apps/webappviewer/index.html> (20 percent).
- 45 (B) Relative rank of the percentage of the county draining to waters classified as Outstanding
46 Resource Waters, High Quality Waters and Trout Waters or on the current schedule of
47 Water Quality Standards and Classifications, and shellfish growing areas (open) as
48 determined by the Division of Marine Fisheries. The classifications are incorporated
49 with subsequent amendments and editions, and may be accessed at no charge at
50 <http://ncdenr.maps.arcgis.com/apps/webappviewer/index.html>. The shellfish harvesting
51 areas may be accessed at <http://portal.ncdenr.org/web/mf/shellfish-closure-maps>. (20
52 percent)
- 53 (C) The percentage of each county covered by Phase I and Phase II requirements. (20
54 percent)
- 55 (D) Relative rank of population density for the county. (20 percent)
- 56 (E) Relative rank of the percentage of a county's land area that is located within drinking
57 water assessment areas, as delineated by the Public Water Supply Section of the Division
58 of Water Resources. The Public Water Supply assessment areas are incorporated with
59 subsequent amendments and editions, and may be accessed at no charge at
60 [http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-
61 protection-program/mapping-applications](http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-protection-program/mapping-applications). (20 percent)
- 62 (F) The Commission may consider additional factors, such as data sources changes to the
63 Subparagraphs in this Paragraph, as recommended by the Division of Soil and Water
64 Conservation when making its allocations.
- 65 (d) Statewide and Regional Allocations: The Commission shall allocate cost share funds from the statewide and
66 regional allocation pools. To receive fund allocations, each district designated eligible by the Commission shall
67 submit applications to respective pools when solicited by the Division. The Division shall rank each application and
68 recommend to the Commission for its approval an amount to allocate to each district corresponding to the highest
69 ranking applications.
- 70 (e) The funds available for technical and administrative assistance shall be allocated by the Commission based upon
71 the needs as expressed by the district and needs to accelerate the installation of BMPs in the respective district.
72 Each district may use these monies to fund new positions or to accelerate present technical assistance. Districts
73 must provide an itemized budget to the Division in order to qualify for technical assistance funds. N.C. Community
74 Conservation Assistance Program technical assistance funds may be used for technical assistance with the district

75 matching at least 50 percent of the total. Each district allocated funds for technical assistance shall demonstrate to
 76 the Commission in the itemized budget that matching funds are available prior to any expenditure of funds. The
 77 allocation method used for disbursement of funds shall be based on the score of each respective district for those
 78 parameters approved by the Commission pursuant to Subparagraph (4) of this Paragraph. The points each district
 79 scores for each parameter shall be totaled and proportioned to the total dollars available under the current program
 80 year funding according to the following formula:

81	(1)	Sum of Parameter Points	=	Total Points
82	(2)	Percentage Total	x	Total Dollars
83		Points Each District	=	Dollars Available
				to Each District

84 (3) If a district requests less than the dollars available to that district in Subparagraph (2) of this
 85 Paragraph, then the excess funds shall be allocated to the districts who did not receive their full
 86 requested allocation using the same methodology described in Subparagraph (2) of this Paragraph.

- 87 (4) Priority for funding shall be based upon the following parameters:
- 88 (A) Whether the position is presently funded by Community Conservation Assistance
 89 Program technical assistance funds. (25 percent)
 - 90 (B) The proportion of Community Conservation Assistance Program funds for cost share and
 91 cost share incentive allocated to districts served by this technical assistance request
 92 (normalized to 1 to 100 scale by multiplying each district's score by a factor such that the
 93 product of the highest score for this parameter is 100). (50 percent)
 - 94 (C) The amount of additional funds leveraged by grants and other funds committed to
 95 districts served by this technical assistance request (normalized to 1 to 100 scale by
 96 multiplying each district's score by a factor such that the product of the highest score for
 97 this parameter is 100). (25 percent)

98 (5) Subject to availability of funds and local match, the Commission shall provide support for
 99 technical assistance for every district.

100 (6) District technicians may be jointly funded by more than one district to accelerate the program in
 101 each participating district. Each district shall be eligible for cost sharing in the program. Requests
 102 for funding (salary, FICA, insurance, etc.) of a shared position must be presented to the Division
 103 by all participating districts and the Division shall cost share to the billing district at a 50-50 rate
 104 based on the portion of the FTE provided each respective district. A shared position shall be
 105 officially housed in one specific district and cost share for support items (office rent, telephone,
 106 etc.) shall be paid to one district only.

107 (7) Funds, if available, shall be allocated to each participating district to provide for administrative
 108 costs under this program. These funds shall be used for clerical assistance and other related
 109 program administrative costs and shall be matched with in-kind funds of an equal amount from the
 110 district.

113 (f) The funds available for the education and outreach purpose shall be allocated by the Commission based upon the
 114 needs as expressed by the district and needs to accelerate the installation of BMPs in that respective district.
 115 Districts and the Division may use these funds for holding workshops for potential applicants and for developing,
 116 duplicating, and distributing outreach materials or signs. Districts shall provide an itemized budget to the Division in
 117 order to qualify for education and outreach funds. Education and outreach funds shall be allocated to each district in
 118 accordance with the following formula:

119 (1) Each district shall receive the lesser of one thousand dollars (\$1,000) or the result of the following
 120 equation:

$$\frac{\text{Total Education and Outreach Dollars Available by Each District}}{\text{Total Education and Outreach Dollars Requested by All Districts}} \times \text{Total Education and Outreach Dollars Available to Each District} = \text{Education and Outreach Dollars Available to Each District}$$

121 (2) If more Education and Outreach funds are available for allocation than are requested by districts or
 122 the Division, then the excess funds shall be added to the funds to be allocated for cost share and
 123 cost share incentive payments.

124
 125 *History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;*
 126 *Eff. January 1, 2008;*
 127 *Transferred from 15A NCAC 06I .0103 Eff. May 1, 2012;*
 128 *Amended Eff. November 1, 2016.*

129

1 **02 NCAC 59D .0105 AGRICULTURAL WATER RESOURCES ASSISTANCE PROGRAM**

2 **FINANCIAL ASSISTANCE ALLOCATION GUIDELINES AND PROCEDURES**

3 (a) The Commission shall consider the total amount of funding available for allocation and the relative needs of the
 4 program for BMP implementation to determine the proportion of available funds to be allocated to statewide, regional,
 5 and district allocation pools and the Division. The percentage of funding available for each purpose and each allocation
 6 pool shall be specified in the annual Detailed Implementation Plan based upon the recommendation of the Division and
 7 the needs expressed by the districts.

8 (b) District Allocations: The Commission shall allocate cost share funds from the district allocation pool to the districts.
 9 To receive fund allocations, each district shall submit a strategic plan to the Commission at the beginning of each
 10 program year.

11 (c) Funds for cost share and cost share incentive payments shall be allocated to the districts at the beginning of the fiscal
 12 year and whenever the Commission determines that funds are available in the district allocation pool to justify a
 13 reallocation. Districts shall be allocated monies based on the identified level of agricultural water use needs and the
 14 respective district's BMP installation goals as demonstrated in the district annual strategic plan. The allocation method
 15 used for disbursement of funds shall be based on the relative position of each respective district for those parameters
 16 approved by the Commission pursuant to Paragraph (h) of this Rule. The points each district scores on each parameter
 17 shall be totaled and proportioned to the total dollars available for district allocation under the current program year
 18 funding according to the following formula:

19	(1)	Sum of Parameter Points	=	Total Points	
20	(2)	Percentage Total		Total	Dollars Available
21		Points Each	x	Dollars	= to
22		District		Available	Each District

23 (3) The minimum district allocation shall be specified in the Detailed Implementation Plan.

24 (4) If a district requests less than the dollars available to that district in Subparagraph (b)(2) of this Rule,
 25 then the excess funds beyond those requested by the district shall be allocated to the districts who did
 26 not receive their full requested allocation using the same methodology described in Subparagraph
 27 (b)(2) of this Rule.

28 (d) In the initial allocation 95 percent of the annual appropriation shall be allocated to district accounts administered by
 29 the Division. The Division shall retain five percent of the annual appropriation as a contingency to be used to respond to
 30 an emergency or natural disaster. If the contingency funds are not needed to respond to an emergency, then they shall be
 31 available for allocation after March 1.

32 (e) The Commission may recall funds allocated to a district that have not been encumbered to an agreement at any time if
 33 it determines the recalled funds are needed to respond to an emergency or natural disaster.

34 (f) At any time a district may submit a revised strategic plan to request additional funds from the Commission.

35 (g) Conservation plans that encumber funds under the current year must be submitted to the Division by 5:00 p.m. on
 36 June 30th.

37 (h) For the Agricultural Water Resources Assistance Program, Districts shall be allocated funds based on their respective
38 data for each of the following parameters:

- 39 (1) Relative rank of the number of farms (total operations) that are in the respective district as reported in
40 the Census of Agriculture (20%)
- 41 (2) Relative rank of the total acres of land in farms that are in the respective district as reported in the
42 Census of Agriculture (20%)
- 43 (3) Relative rank of the Market Value of Sales that are in the respective district as reported in the Census
44 of Agriculture (15%)
- 45 (4) Relative rank of the amount of agricultural water use in the respective district as reported in the North
46 Carolina Agricultural Water (25%). Data from the most recent three surveys will be average to
47 determine each district's rank.
- 48 (5) Relative rank of population density as reported by the state demographer (20%)
- 49 (6) The Commission may consider additional factors, such as data sources changes to the Subparagraphs
50 in this Paragraph, as recommended by the Division of Soil and Water Conservation when making its
51 allocations.

52 (i) Statewide and Regional Allocations: The Commission shall allocate cost share funds from the statewide and regional
53 allocation pools. To receive fund allocations, each district designated eligible by the Commission shall submit
54 applications to respective pools when solicited by the Division. The Division shall rank each application and recommend
55 to the Commission for its approval an amount to allocate to each district corresponding to the highest ranking
56 applications.

1 **02 NCAC 59D .0104,0106 BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE**
 2 **PAYMENTS**

3 (a) ~~BMP's eligible for cost sharing will shall~~ be restricted to those BMP's listed in the Detailed Implementation Plan
 4 approved by the ~~Ce~~commission for the current ~~program~~ fiscal year. ~~(add reference except for for District BMPs)~~. BMP's
 5 shall meet the following criteria to be listed in the Detailed Implementation Plan:

- 6 (1) ~~a~~All eligible BMP's ~~must shall~~ be designed to ~~reduce the input of~~meet the purpose of the program
 7 ~~agricultural nonpoint source pollution into the water courses of the state or as shall be otherwise~~
 8 ~~authorized by statute;~~
 9 (2) ~~i~~Information establishing the average cost of the specified BMP ~~must shall~~ be used, if available.
 10 District BMP's may use actual costs as indicated by receipts, if average costs are not available; ~~and-~~
 11 (3) ~~e~~Eligible BMP's shall have adequate technical specifications as set forth in Paragraph (b) of this
 12 Rule.

13 (b) ~~BMP definitions and specifications shall be determined by the Commission using the process outlined in 02 NCAC~~
 14 ~~59D 0103-0105 are set forth periodically in the USDA Natural Resources Conservation Service Technical Guide,~~
 15 ~~Section IV, Raleigh, North Carolina or by the Division for district BMP's. For an application BMP to qualify for~~
 16 ~~cost sharing, all cost shared BMPs shall meet or exceed the specifications in effect at the time the contract is approved.~~
 17 ~~appropriate for the current program year shall be met or exceeded in order for an applicant to qualify for cost sharing.~~
 18 Provisions for exceeding BMP design specifications by an applicant may be considered at the time of application with
 19 the district. The applicant shall assume responsibility for all costs associated with exceeding BMP design
 20 specifications.

21 ~~(c) The Division has authority to approve District BMPs for evaluation purposes. The BMP shall be requested by a~~
 22 ~~district and meet the program purpose. The Division shall determine it to be technically adequate prior to funding.~~

23 ~~(ed) The minimum required maintenance period ~~life expectancy~~ of the BMP's shall be listed in the Detailed~~
 24 ~~Implementation Plan or be . Practices designated by a district shall meet the life expectancy requirement established~~
 25 ~~by the ~~division~~ Division for that district-District BMPs.~~

26
 27 *History Note: Authority G.S. 106-850; 139-8;*
 28 *Eff. May 1, 1987;*
 29 *Recodified from 15A NCAC 6E .0004 Eff. December 20, 1996;*
 30 *Amended Eff. January 1, 1998;*
 31 *Transferred from 15A NCAC 06E .0104 Eff. May 1, 2012.*
 32

Commented [A1]: Clarified language and included district BMPs.

Commented [A2]: Broadened scope to be reflective of all programs.

Commented [A3]: Broadened scope to be reflective of all programs. Clarified design expectations per date contracted.

Commented [A4]: Added language specific to district BMPs (previously in definitions rule).

Commented [A5]: Replaced life expectancy with required maintenance period to reflect contract language.

1 **02 NCAC 59D ~~0105~~ 0107 COST SHARE AND INCENTIVE PAYMENTS**

2 ~~(a) Cost share and incentive payments may be made through Cost Share Agreements between the district, division~~
3 ~~and the applicant.~~

Commented [A1]: Includes the division in agreement per contracting process.

4 ~~(b) For all practices except those eligible for Cost Share Incentives (CSI), the State of North Carolina shall provide~~
5 ~~a percentage of the average cost for BMP installation not to exceed the maximum cost share percentages shown in~~
6 ~~subdivisions (6), (8), and (9) of G.S. 143-215.74106-850(b), and the applicant shall contribute provide the remainder~~
7 ~~of the cost. In-kind contributions by the applicant shall be included in the applicants' cost share contribution. In-kind~~
8 ~~contributions shall be specified in the agreement for cost sharing and shall be approved by the district and division.~~

Commented [A2]: Clarified text and addressed RRC preliminary comments.

9 ~~(c) CSI payments shall be limited to a maximum of three years per farm entity.~~

Commented [A3]: Broadens to be reflective of all program participants.

10 ~~(d) Average installation costs for each comparative area or region of the state and the amount of cost share incentive~~
11 ~~payments shall be updated and revised at least triennially by the Division for approval by the Commission.~~

12 ~~(e) The total annual cost share payments to an applicant shall not exceed the maximum funding authorized in~~
13 ~~subdivisions (6) and (9) of G.S. 143-215.74106-850(b).~~

Commented [A4]: Updated reference citation.

14 ~~(f) Cost share payments to implement BMPs under this program may be combined with other funding programs, as~~
15 ~~long as the combined cost share rate does not exceed the amount and percentages set forth in Paragraphs (b) and (e)~~
16 ~~of this Rule. For special funding programs where the applicant relinquishes all production capability on his or her~~
17 ~~agricultural land for at least 10 years, combined funding may equal up to 100 percent. Agriculture Cost Share Program~~
18 ~~funding shall not exceed the maximum cost share percentages shown in subdivisions (6), (8), and (9) of G.S. 143-~~
19 ~~215.74(b).~~

Commented [A5]: Recommended for deletion as partnering limited funding sources is encouraged. Additional clarification language, if needed, could be included in the DIP.

20 ~~(g) Use of cost share payments shall be restricted to land located within the county approved for funding by the~~
21 ~~Commission. However, in the situation where an applicant's farm land is not located solely within a county, the entire~~
22 ~~farm parcel, if contiguous, shall be eligible for cost share payments.~~

Commented [A6]: Broadened to include all programs.

23 ~~(h) Agriculture Cost Share Program and Agricultural Water Resources Assistance Program Cost share contracts used~~
24 ~~on or for local, state or federal government land must, shall be approved by the Commission in order to avoid~~
25 ~~potential conflicts of interest and to ensure that such contracts are consistent with the purposes of this program.~~

26 ~~(i) The district Board of Supervisors may approve Cost Share Agreements with cost share percentages or amounts~~
27 ~~less than the maximum allowable in subdivisions (6), (8), and (9) of G.S. 143-215.74106-850(b) if:~~

28 ~~(1) The Commission allocates insufficient cost share BMP funding to the district to enable it to award~~
29 ~~funding to all applicants; or~~

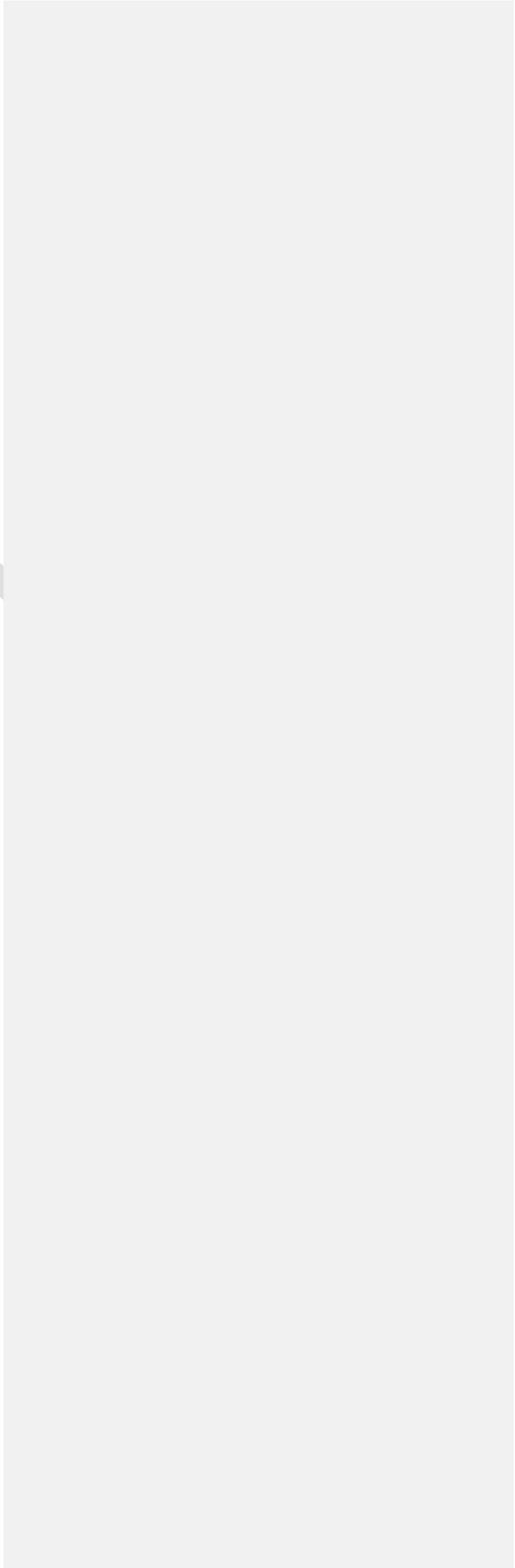
30 ~~(2) The district establishes other criteria in its annual strategy strategic plan for cost sharing percentages~~
31 ~~or amounts less than those allowable in subdivisions (6), (8), and (9) of G.S. 143-215.74106-850(b).~~

32 ~~(j) For purposes of determining eligible payments under practice-specific caps described in the detailed~~
33 ~~implementation plan, the district board shall consider all entities with which the applicant is associated, including~~
34 ~~those in other counties, as the same applicant.~~

35
36 *History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8;*
37 *Eff. May 1, 1987;*

38 *Temporary Amendment Eff. September 23, 1996;*
39 *Recodified form 15A NCAC 06E .0005 Eff. December 20, 1996;*
40 *Temporary Amendment Expired June 13, 1997;*
41 *Amended Eff. March 1, 2008; July 1, 2004; April 1, 1999; January 1, 1998;*
42 *Transferred from 15A NCAC 06E .0105 Eff. May 1, 2012.*
43

DRAFT



1 ~~02 NCAC 59D .0108D .0106.0108~~ TECHNICAL ASSISTANCE FUNDS

Commented [A1]: Incorporated revisions per recommendation of April Commission Worksession

2
3 (a) The funds available for technical assistance shall be allocated by the ~~C~~ommission based on the recommendation of
4 the division, ~~and~~ the needs as expressed by the district, and ~~the~~ needs to accelerate the installation of BMP's in the
5 respective district. ~~Each district may use these monies to fund new positions or to accelerate present technical assistance~~
6 ~~positions. Districts must provide an itemized budget to the division in order to qualify for technical assistance funds.~~
7 ~~The district must provide at least 50% of the total Matching funds for district technical assistance, shall be approved~~
8 ~~by the commission prior to any expenditure of funds. Budget revisions submitted by the districts may be approved by the~~
9 ~~NPS Section based on Paragraph (b) of this Rule. N. C. Agriculture Cost Share technical assistance funds may be used~~
10 ~~for each FTE technical position with the district matching at least 50 percent of the total. Priorities for funding positions~~
11 ~~shall be assigned based as follows:~~

12 (1) ~~Subject to availability of funds and local match, provide support for one FTE technical position for every~~
13 ~~district.~~

14 (2) ~~Subject to availability of funds and local match, provide support for one additional FTE technical position if the~~
15 ~~position is needed to further support program implementation. Priority for funding positions beyond one FTE per district~~
16 ~~shall be based on the following parameters:~~

17 (A) ~~Whether the position is presently funded by program technical assistance funds.~~

18 (B) ~~The number of program dollars encumbered to contracts in the highest three of the previous four completed~~
19 ~~program years, and~~

20 (C) ~~The number of program dollars actually expended for installed BMPs in the highest three years of the most~~
21 ~~recent four year period for which the allowed time for implementing contracted BMPs has expired as reported on the NC~~
22 ~~Agriculture Cost Share Database.~~

23 (3) ~~Subject to availability of funds and local match, provide support for additional FTE technical position if the~~
24 ~~position is needed to further accelerate treatment of identified critical nonpoint source pollution problem(s).~~

25 (b) ~~The Commission will allocate technical assistance funds as described in their Detailed Implementation Plan,~~
26 ~~factoring in district implementation of conservation practices for which district employees provided technical assistance~~
27 ~~from all funding sources. Technical assistance funds may be used for salary, benefits, social security, field equipment~~
28 ~~and supplies, office rent, office equipment and supplies, postage, telephone service, travel, and mileage and any other~~
29 ~~expense of the district in implementing Soil and Water Conservation Commission Cost Share Programs.~~

30 ~~A maximum of two thousand five hundred dollars (\$2,500) per year for each FTE technical position is allowed for~~
31 ~~mileage charges.~~

32 (c) ~~Technical assistance funds may not be used to fund technical assistance positions which do not meet the following~~
33 ~~minimum requirements:~~

34 (1) ~~associated degree in engineering, agriculture, forestry or related field; or~~

35 (2) ~~high school diploma with two years experience in the fields listed in Rule .0106(c)(1), of this~~
36 ~~Subchapter.~~

37 ~~(dc) -Technical assistance funds may be used for salary, benefits, social security, field equipment and supplies, office~~
 38 ~~rent, office equipment and supplies, postage, telephone service, travel, mileage and any other expense of the district in~~
 39 ~~implementing Soil and Water Conservation Commission Cost Share Programs.~~

40 ~~Cost shared positions must be used to accelerate the program activities in the district. A district technician cost shared~~
 41 ~~with program funds may work on other activities as delegated by the field office supervisor but the total hours charged to~~
 42 ~~the program by field office personnel must equal or exceed those hours funded through the program. Also, these hours~~
 43 ~~must be in addition to those hours normally spent in BMP planning and installation by district personnel.~~

44 ~~(e) District technicians may be jointly funded by more than one district to accelerate the program in each participating~~
 45 ~~district. Each district must be eligible for cost sharing in the program. Requests for funding (salary, FICA, insurance,~~
 46 ~~etc.) of a shared position must be presented to the division by all concerned districts and the division shall cost share to~~
 47 ~~the billing district at a 50-50 rate based on the portion of the FTE provided each respective district. A shared position~~
 48 ~~must be officially housed in one specific district and cost share for support items (office rent, telephone, etc.) shall be~~
 49 ~~paid to one district only.~~

50 ~~(f) Funds, if available, shall be allocated to each participating district to provide for administrative costs under this~~
 51 ~~program. These funds shall be used for clerical assistance and other related program administrative costs and shall be~~
 52 ~~matched with in-kind funds of an equal amount from the district.~~

53 ~~Each district requesting technical assistance funding with the required 50% local match shall receive a minimum~~
 54 ~~allocation of \$20,000 each year.~~ (d) ~~Each district requesting technical assistance funding with the required 50% local~~
 55 ~~match shall receive a minimum allocation of \$20,000 each year.~~

56
 57 ~~(ed) If a district is not spending more on financial assistance funds on Commission Cost Share Programs than they~~
 58 ~~receive for technical assistance, the district must appeal to the Commission to receive technical assistance funding.~~

59 ~~(fe) All technical district employee(s) shall obtain Job Approval Authority for a minimum of two best management~~
 60 ~~practices from the Commission or the USDA Natural Resources Conservation Service within three years of being hired or~~
 61 ~~the effective date of this rule, whichever is later.~~

62 ~~(1) At least one of the best management practices for which the employee has obtained Job Approval~~
 63 ~~Authority must be a design practice. Design practice means an engineering practice as defined by the~~
 64 ~~Natural Resources Conservation Service or Soil and Water Conservation Commission in their Program~~
 65 ~~Detailed Implementation Plan(s).~~

66 ~~(2) The District Board of Supervisors may request a one-year extension for their employees in the meeting~~
 67 ~~the Job Approval Authority requirement for extenuating circumstances.~~

68 *History Note:* Authority G.S. 106-840; 106-850; 139-4; 139-8;

69 Eff. May 1, 1987;

70 Amended Eff. July 1, 1992;

71 Recodified from 15A NCAC 6E .0006 Eff. December 20, 1996;

72 Amended Eff. August 1, 2005; November 1, 1997;

73 Transferred from 15A NCAC 06E .0106 Eff. May 1, 2012.

1 **02 NCAC 59D-.01070109 COST SHARE AGREEMENT**

2
3 (a) ~~The landowner shall be required to sign the agreement for all practices other than agronomic practices and land application of animal wastes that affect change to the property. An applicant who is not the landowner may submit a long term written lease or other legal document, indicating control over the land in lieu of the landowner's signature, provided the control runs the life of the practice as listed in the respective Program Year's Detailed Implementation Plan. The~~
4
5
6
7 ~~Signature on the agreement constitutes responsibility for BMP maintenance and continuation.~~

Commented [A1]: Clarified text to require landowner signatures for BMPs that affect change to the property. The new text describes how Division staff is reviewing contracts.

8 ~~(b) As a condition for receiving cost share or cost share incentive payments for implementing BMP's, the applicant shall agree to continue and maintain those practices for the minimum life as set forth in the Detailed Implementation Plan, effective the date the BMP's are implemented.~~

Commented [A2]: Removed per RRC recommendation.

11 ~~(c) As a condition for receiving cost share payments, the applicant shall agree to submit a soil test sample for analysis and follow the fertilizer application recommendations as close as reasonably and practically possible. Soil testing shall be required a minimum of every two years on all cropland affected by cost share payments. Failure to soil test shall not constitute noncompliance with the cost share agreement.~~

Commented [A3]: Removed per RRC recommendation. This requirement is still retained in program policy and the cost share agreement.

15 ~~(d) As a condition for receiving cost share payments for waste management systems, the applicant shall agree to have the waste material analyzed once every year to determine its nutrient content. If the waste is land applied, the applicant shall agree to soil test the area of application and to apply the waste as close as reasonably and practically possible to recommended rates. When waste is land applied, waste analysis and soil testing shall be conducted annually.~~

Commented [A4]: Removed per RRC recommendation. This requirement is still retained in program policy and the cost share agreement.

19 (e) The technical representative of the district shall determine if the practice(s) implemented have been installed according to ~~specifications practice standards~~ as defined for the respective program year in the USDA-Natural Resources Conservation Service Technical Guide, ~~Section IV, Raleigh,~~ for North Carolina, according to other ~~specifications standards~~ approved by the Commission pursuant to 02 NCAC 59G .0103, or according to ~~specifications standards~~ approved by the Division for district BMP's based on ~~the criteria established in 02 NCAC 59G .0103-0105(c).~~

Commented [A5]: Revised per NRCS current terminology.

24 (f) The district shall be responsible for making an annual spot check of five percent of all the cost share agreements to ensure proper maintenance. ~~The Commission may specify the additional spot check requirements for specific BMPs in the Detailed Implementation Plan.~~

Commented [A6]: Broadens to include all programs and capture the text proposed for deletion below.

27 ~~Waste management systems shall be included as part of the annual five percent check except for systems on farms without certified waste management plans. In those cases, the districts shall conduct annual status reviews for five years following implementation.~~

Commented [A7]: Proposed for deletion. New sentence above still allows this provision to be included in the DIP.

30 (g) If the technical representative of the district determines that a BMP for which program funds were received has been destroyed or has not been properly maintained, the applicant will be notified that the BMP must be repaired or re-implemented within 30 working days. For vegetative practices, applicants ~~are shall be~~ given one calendar year to re-establish the vegetation. ~~The district/Division may grant a prescribed extension period if it determines compliance can~~
33 ~~not/cannot~~ be met due to circumstances beyond the applicants control.

Commented [A8]: Clarifies role and authority per Commission non-compliance policy.

35 (g) If the practices are not repaired or reimplemented within the specified time, the applicant shall be required to repay to the Division a prorated refund for cost share BMP's as shown in Table 1 and 100 percent of the cost share incentive payments received.

Table 1
PRORATED REFUND SCHEDULE FOR NONCOMPLIANCE
OF COST SHARE PAYMENTS

Percent Age of Practice Life	Percent Refund
0	100
10	95
20	89
30	82
40	74
50	65
60	55
70	44
80	31
90	17
100	0

~~(h) In the event that a contract has been found to be noncompliant and the An applicant, who has been found in noncompliance and who does not agree to repair or reimplement correct the non-compliance, the Division may invoke procedures to achieve resolution to the noncompliance, including any and all remedies available to it under the law, the cost shared practices, and a District may jointly request the commission to informally mediate the case. To invoke this method of mediation, both parties must stipulate that the commission mediation is binding.~~

~~(i) An applicant shall have 180 days to make repayment to the Division following the final appeals process.~~

~~(j) The inability to properly maintain cost shared practices or the destruction of such practices through no fault of the applicant shall not be considered as noncompliance with the cost share agreement.~~

(k) When land under cost share agreement changes owners, the new landowner shall be strongly encouraged by the district to accept the remaining maintenance obligation. If the new landowner does not accept the maintenance requirements in writing, then the original applicant shall be required to refund 100 percent of all CSI payments and a prorated portion of cost share payments in accordance with Table 1 in Paragraph (g) of this Rule.

History Note: Authority G.S. 106-850; 139-4; 139-8;

Eff. May 1, 1987;

Amended Eff. July 1, 1992;

Recodified from 15A NCAC 6E .0007 Eff. December 20, 1996;

Amended Eff. June 1, 2008; April 1, 1999; November 1, 1997;

Transferred from 15A NCAC 06E .0107 Eff. May 1, 2012.

Commented [A9]: Revised text, consistent with text in revised CREP rule.

Commented [A10]: Removed. These provisions are included in the non-compliance policy.

1 **02 NCAC 59D-.01070109 COST SHARE AGREEMENT**

2
3 (a) ~~The landowner shall be required to sign the agreement for all practices other than agronomic practices and land application of animal wastes that affect change to the property. An applicant who is not the landowner may submit a long term written lease or other legal document, indicating control over the land in lieu of the landowner's signature, provided the control runs the life of the practice as listed in the respective Program Year's Detailed Implementation Plan. The~~
4
5
6
7 ~~Signature on the agreement constitutes responsibility for BMP maintenance and continuation.~~

Commented [A1]: Clarified text to require landowner signatures for BMPs that affect change to the property. The new text describes how Division staff is reviewing contracts.

8 ~~(b) As a condition for receiving cost share or cost share incentive payments for implementing BMP's, the applicant shall agree to continue and maintain those practices for the minimum life as set forth in the Detailed Implementation Plan, effective the date the BMP's are implemented.~~

Commented [A2]: Removed per RRC recommendation.

11 ~~(c) As a condition for receiving cost share payments, the applicant shall agree to submit a soil test sample for analysis and follow the fertilizer application recommendations as close as reasonably and practically possible. Soil testing shall be required a minimum of every two years on all cropland affected by cost share payments. Failure to soil test shall not constitute noncompliance with the cost share agreement.~~

Commented [A3]: Removed per RRC recommendation. This requirement is still retained in program policy and the cost share agreement.

15 ~~(d) As a condition for receiving cost share payments for waste management systems, the applicant shall agree to have the waste material analyzed once every year to determine its nutrient content. If the waste is land applied, the applicant shall agree to soil test the area of application and to apply the waste as close as reasonably and practically possible to recommended rates. When waste is land applied, waste analysis and soil testing shall be conducted annually.~~

Commented [A4]: Removed per RRC recommendation. This requirement is still retained in program policy and the cost share agreement.

19 (e) The technical representative of the district shall determine if the practice(s) implemented have been installed according to ~~specifications practice standards~~ as defined for the respective program year in the USDA-Natural Resources Conservation Service Technical Guide, ~~Section IV, Raleigh,~~ for North Carolina, according to ~~specifications standards~~ approved by the Commission pursuant to 02 NCAC 59G .0103, or according to ~~specifications standards~~ approved by the Division for district BMP's based on ~~the criteria established in 02 NCAC 59G .0103-0105(c).~~

Commented [A5]: Revised per NRCS current terminology.

24 (f) The district shall be responsible for making an annual spot check of five percent of all the cost share agreements to ensure proper maintenance. ~~The Commission may specify the additional spot check requirements for specific BMPs in the Detailed Implementation Plan.~~

Commented [A6]: Broadens to include all programs and capture the text proposed for deletion below.

27 ~~Waste management systems shall be included as part of the annual five percent check except for systems on farms without certified waste management plans. In those cases, the districts shall conduct annual status reviews for five years following implementation.~~

Commented [A7]: Proposed for deletion. New sentence above still allows this provision to be included in the DIP.

30 (g) If the technical representative of the district determines that a BMP for which program funds were received has been destroyed or has not been properly maintained, the applicant will be notified that the BMP must be repaired or re-implemented within 30 working days. For vegetative practices, applicants ~~are shall be~~ given one calendar year to re-establish the vegetation. ~~The district/Division may grant a prescribed extension period if it determines compliance can~~
33 ~~not/cannot~~ be met due to circumstances beyond the applicants control.

Commented [A8]: Clarifies role and authority per Commission non-compliance policy.

35 (g) If the practices are not repaired or reimplemented within the specified time, the applicant shall be required to repay to the Division a prorated refund for cost share BMP's as shown in Table 1 and 100 percent of the cost share incentive payments received.

Table 1
PRORATED REFUND SCHEDULE FOR NONCOMPLIANCE
OF COST SHARE PAYMENTS

Percent Age of Practice Life	Percent Refund
0	100
10	95
20	89
30	82
40	74
50	65
60	55
70	44
80	31
90	17
100	0

~~(h) In the event that a contract has been found to be noncompliant and the An applicant, who has been found in noncompliance and who does not agree to repair or reimplement correct the non-compliance, the Division may invoke procedures to achieve resolution to the noncompliance, including any and all remedies available to it under the law, the cost shared practices, and a District may jointly request the commission to informally mediate the case. To invoke this method of mediation, both parties must stipulate that the commission mediation is binding.~~

~~(i) An applicant shall have 180 days to make repayment to the Division following the final appeals process.~~

~~(j) The inability to properly maintain cost shared practices or the destruction of such practices through no fault of the applicant shall not be considered as noncompliance with the cost share agreement.~~

(k) When land under cost share agreement changes owners, the new landowner shall be strongly encouraged by the district to accept the remaining maintenance obligation. If the new landowner does not accept the maintenance requirements in writing, then the original applicant shall be required to refund 100 percent of all CSI payments and a prorated portion of cost share payments in accordance with Table 1 in Paragraph (g) of this Rule.

History Note: Authority G.S. 106-850; 139-4; 139-8;

Eff. May 1, 1987;

Amended Eff. July 1, 1992;

Recodified from 15A NCAC 6E .0007 Eff. December 20, 1996;

Amended Eff. June 1, 2008; April 1, 1999; November 1, 1997;

Transferred from 15A NCAC 06E .0107 Eff. May 1, 2012.

Commented [A9]: Revised text, consistent with text in revised CREP rule.

Commented [A10]: Removed. These provisions are included in the non-compliance policy.

1 **SUBCHAPTER 59D - SOIL AND WATER CONSERVATION COMMISSION COST SHARE PROGRAMS**

2
3 **SECTION .0100 - SOIL AND WATER CONSERVATION COMMISSION COST SHARE PROGRAMS**

4
5 **02 NCAC 59D .0101 PURPOSE**

6 This Subchapter describes the operating procedures for the Division under the guidance of the Commission
7 implementing the Agriculture Cost Share Program for Nonpoint Source Pollution Control, the Community Conservation
8 Assistance Program for Nonpoint Source Pollution Control, and the Agricultural Water Resources Assistance Program.
9 Procedures and guidelines for participating Districts are also described. The purpose for the voluntary programs are as
10 follows:

- 11 (1) Agriculture Cost Share Program for Nonpoint Source Pollution Control is to reduce the delivery of
12 agricultural nonpoint source pollution into the waters of the state.
- 13 (2) Community Conservation Assistance Program is to reduce the delivery of nonpoint source pollution
14 into the waters of the state.
- 15 (3) Agricultural Water Resources Assistance Program is to assist farmers and landowners to:
- 16 (a) identify opportunities to increase water use efficiency, availability and storage;
- 17 (b) implement best management practices to conserve and protect water resources;
- 18 (c) increase water use efficiency or
- 19 (d) increase water storage and availability for agricultural purposes.

20
21
22 *History Note: Authority G.S. 106-840; 106-850;139-4;*
23 *Eff. May 1, 1987;*
24 *Recodified from 15A NCAC 6E .0001 Eff. December 20, 1996;*
25 *Transferred from 15A NCAC 06E .0101 Eff. May 1, 2012.*

26

1 **02 NCAC 59D .0102 DEFINITIONS**

2 In addition to the definitions found in G.S. 106-850 through G.S. 106-852, the following terms used in this Subchapter
3 shall have the following meanings:

- 4 (1) “Agricultural Nonpoint Source (NPS) Pollution” means pollution originating from a diffuse source
5 as a result of agricultural activities related to crop production, production and management of
6 poultry and livestock, land application of waste materials, and management of forestland incidental
7 to agricultural production.
- 8 (2) “Agricultural purposes” means agricultural activities related to crop production, production and
9 management of poultry and livestock, land application of waste materials, and management of
10 forestland incidental to agricultural production.
- 11 (3) “Allocation” means the annual share of the state's appropriation for each program to participating
12 districts.
- 13 (4) “Applicant” means a person(s) who applies for best management practice cost sharing monies from
14 the district. An applicant may also be referred to as a “cooperator”. All entities with which the
15 applicant is associated, including those in other counties, shall be considered the same applicant.
- 16 (5) “Average Costs” means the calculated cost, determined by averaging actual costs and current cost
17 estimates necessary for best management practice implementation. Actual costs include labor,
18 supplies, and other direct costs required for physical installation of a practice.
- 19 (6) “Best Management Practice (BMP)” means a structural or nonstructural management based practice
20 used singularly or in combination to address natural resource needs.
- 21 (a) For the Agriculture Cost Share Program and the Community Conservation Assistance
22 Program, BMPs shall reduce nonpoint source inputs to receiving waters.
- 23 (b) For the Agricultural Water Resources Assistance Program, BMPs shall increase the
24 storage, availability, and use efficiency of water for agricultural purposes.
- 25 (7) “Commission” means the Soil and Water Conservation Commission.
- 26 (8) “Conservation Plan” means a written plan documenting the applicant's decisions concerning land
27 use, and both cost shared and non-cost shared BMPs to be installed and maintained on the
28 management unit.
- 29 (9) “Cost Share Agreement” means an annual or long term agreement between the applicant, district,
30 and Division that specifies the BMPs to be cost shared, rate and amount of payment, minimum
31 practice life, and deadline date of BMP installation. The agreement shall state that the recipient
32 shall maintain and repair the practice(s) for the specified minimum life of the practice.
- 33 (10) “Cost Share Incentive (CSI)” means a predetermined fixed payment paid to an applicant for
34 implementing a BMP in lieu of cost share.
- 35 (11) “Cost Share Rate” means a cost share percentage paid to an applicant for implementing BMPs.
- 36 (12) “Department” means the North Carolina Department of Agriculture and Consumer Services. (13)
37 “Design practice” means an engineering practice as defined by the Natural Resources Conservation

- 38 Service or Soil and Water Conservation Commission in their Program Detailed Implementation
39 Plan(s).
- 40 (12) “Detailed Implementation Plan” means the plan approved by the Commission that specifies the
41 guidelines for each program for the current fiscal year including:
42 (a) annual program goals;
43 (b) district and statewide allocations;
44 (c) BMPs that will be eligible for cost sharing; and
45 (d) the minimum life expectancy of those practices.
- 46 (13) “District Allocation Pool” means the annual share of the state’s appropriation for each program to
47 be allocated to participating districts.
- 48 (14) “District BMP” means a BMP requested by a district and approved by the Division for evaluation
49 purposes.
- 50 (15) “Division” means the Division of Soil and Water Conservation.
- 51 (16) “Encumbered Funds” means monies from a district’s allocation that have been obligated to an
52 approved cost share agreement.
- 53 (17) “In-kind Contribution” means a contribution by the applicant towards the implementation of BMPs.
54 In-kind contributions shall be approved by the district and Division and can include labor, fuel,
55 machinery use, and supplies and materials necessary for implementing the approved BMPs.
- 56 (18) “Job Approval Authority” means the authority granted to individuals who are qualified to plan,
57 design, and verify installation or implementation of specific practices per practice standards
58 approved by the Natural Resources Conservation Service or the Commission. This authority is
59 either recognized or granted by the Natural Resources Conservation Service or the Commission.
- 60 (19) “Landowner” means any natural person or other legal entity, including a governmental agency, who
61 holds either an estate of freehold (such as a fee simple absolute or a life estate) or an estate for years
62 or from year to year in land, but shall not include an estate at will or by sufferance in land.
63 Furthermore, a governmental or quasi-governmental agency such as a drainage district or a soil and
64 water conservation district, or any such agency, by whatever name called, exercising similar powers
65 for similar purposes, can be a landowner for the purposes of the rules of this subchapter if the
66 governmental agency holds an easement in land.
- 67 (20) “Nonpoint Source (NPS) Pollution” means pollution originating from a diffuse source.
- 68 (21) “Fiscal Year” means the period from July 1 through June 30 for which funds are allocated to
69 districts.
- 70 (22) “Proper Maintenance” means that a practice(s) is being maintained such that the practice(s) is
71 performing the function for which it was originally implemented.
- 72 (23) “Regional Allocation Pool” means the annual share of the state’s appropriation for each program
73 allocated for applications ranked in the Division’s three regions as specified in the annual Detailed
74 Implementation Plan.

- 75 (24) Statewide Allocation Pool” means the annual share of the state’s appropriation for each program
76 allocated for applications ranked at the state level as specified in the annual Detailed Implementation
77 Plan.
- 78 (25) “Strategic Plan” means the annual plan for the N.C. Soil and Water Conservation Commission Cost
79 Share Programs to be developed by each district. The plan identifies natural resource needs and the
80 level of cost sharing and technical assistance monies required to address those annual needs in the
81 respective district.
- 82 (26) “Technical representative” of the district means a person designated by the district to act on its
83 behalf who participates in the planning, design, implementation and inspection of BMPs.
- 84 (27) “Unencumbered funds” means the portion of the allocation to each district that has not been
85 committed for cost sharing.

86

87 *History Note: Authority G.S. 106-840; 106-850; 139-3;*
88 *Eff. May 1, 1987;*
89 *Temporary Amendment Eff. September 23, 1996;*
90 *Recodified from 15A NCAC 6E .0002 Eff. December 20, 1996;*
91 *Amended Eff. April 1, 1997;*
92 *Temporary Amendment Expired June 13, 1997;*
93 *Amended Eff. March 1, 2008; July 1, 2004;*
94 *Transferred from 15A NCAC 06E .0102 Eff. May 1, 2012.*
95

1 **02 NCAC 59D .0103** **AGRICULTURE COST SHARE PROGRAM FINANCIAL ASSISTANCE**

2 **ALLOCATION GUIDELINES AND PROCEDURES**

3 (a) The Commission shall allocate cost share funds to districts for cost share payments and cost share incentive
4 payments. In order to receive fund allocations, each district designated eligible by the Commission shall submit an
5 annual strategy plan to the Commission by June 1 of each year. (b) Funds shall be allocated to the districts at the
6 beginning of the fiscal year and whenever the Commission determines that sufficient funds are available to justify a
7 reallocation. District allocations shall be based on the identified level of agriculture-related nonpoint source pollution
8 problems, the respective district's BMP installation goals as demonstrated in the district annual strategy plan, and the
9 district's record of performance to affect BMP installation by cooperating farmers. The allocation method used for
10 disbursement of funds is based on the relative position of each respective district for those parameters approved by the
11 Commission pursuant to Paragraph (g) of this Rule. Each district is assigned points for each parameter, and the points
12 are totaled and proportioned to the total dollars available under the current program year funding according to the
13 following formula:

14	(1)	Sum of Parameter Points	=	Total Points	
15	(2)	Percentage Total		Total	Dollars Available
16		Points Each	x	Dollars	= to
17		District		Available	Each District

18 (3) The minimum district allocation shall be specified in the Detailed Implementation Plan.

19 (4) If a district requests less than the dollars available to that district in Subparagraph (b)(2) of this Rule,
20 then the excess funds beyond those requested by the district shall be allocated to the districts who did
21 not receive their full requested allocation using the same methodology described in Subparagraph
22 (b)(2) of this Rule.

23 (c) In the initial allocation 95 percent of the annual appropriation shall be allocated to district accounts administered by
24 the Division. The Division shall retain five percent of the annual appropriation as a contingency to be used to respond to
25 an emergency or natural disaster. If the contingency funds are not needed to respond to an emergency, then they shall be
26 available for allocation after March 1.

27 (d) The Commission may recall funds allocated to a district that have not been encumbered to an agreement at any time
28 if it determines the recalled funds are needed to respond to an emergency or natural disaster.

29 (e) At any time a district may submit a revised strategy plan to request additional funds from the Commission.

30 (f) CPO's that encumber funds under the current year must be submitted to the Division by 5:00 p.m. on June 30.

31 (g) For the Agriculture Cost Share Program, districts shall be allocated funds based on their respective data for each of
32 the following parameters:

33 (1) Percentage of total acres of agricultural land in North Carolina that are in the respective district
34 (including cropland, hayland, pasture land, and orchards/vineyards) as reported in the most recent
35 edition of the North Carolina Census of Agriculture. The actual percentage shall be normalized to a 1-
36 100 scale. (20%)

- 37 (2) Percentage of total number of animal units in North Carolina that are in the respective district as
38 reported in the most recent edition of the North Carolina Census of Agriculture and converted to
39 animal units using the conversion factors approved by the USDA-Natural Resources Conservation
40 Service. The actual percentage shall be normalized to a 1-100 scale. (20%)
- 41 (3) Relative rank of the percentage of the county outside of municipal boundaries as defined by North
42 Carolina Department of Transportation draining to waters identified as less impaired or impacted on
43 the most recent 305(b) report produced by the North Carolina Division of Water Resources. (20%)
- 44 (4) Relative rank of the percentage of the county draining to waters classified as Primary Nursery Areas,
45 Outstanding Resource Waters, High Quality Waters, Trout waters on the current schedule of Water
46 Quality Standards and Classifications, Shellfishing growing areas (open) as determined by the Division
47 of Marine Fisheries, and Drinking Water Assessment Areas as determined by the Division of Water
48 Resources. (10%)
- 49 (6) Percentage of program funds allocated to a district that are expended for installed BMPs in the highest
50 three of the most recent four-year period for which the allowed time for implementing contracted
51 BMPs has expired as reported on the NC Agriculture Cost Share Program Database. (20%)
- 52 (7) Relative rank of the number of acres of highly erodible land in the county as reported by the United
53 States Department of Agriculture Farm Service Agency, unless the State Conservationist of the Natural
54 Resources Conservation Service specifies that another information source would be more current and
55 accurate. (10%)
- 56 (8) The Commission may consider data source changes to the Subparagraphs in this Paragraph, if the
57 agency responsible for maintaining the data specifies that another information source would be more
58 current and accurate.

59

60 *History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8;*
61 *Eff. May 1, 1987;*
62 *Recodified from 15A NCAC 06E .0003 Eff. December 20, 1996;*
63 *Amended Eff. April 1, 1997;*
64 *Temporary Amendment Eff. May 1, 2001;*
65 *Amended Eff. September 1, 2005; August 1, 2002;*
66 *Transferred from 15A NCAC 06E .0103 Eff. May 1, 2012.*

67

**02 NCAC 59H .0103 COMMUNITY CONSERVATION ASSISTANCE PROGRAM ALLOCATION
GUIDELINES AND PROCEDURES**

(a) The Commission shall consider the total amount of funding available for allocation, relative needs of the program for BMP implementation, local technical assistance, and education to determine the proportion of available funds to be allocated for each eligible purpose. This determination shall be done prior to allocating funds to statewide, regional, and district allocation pools and the Division. Funds may be allocated for any or allof the following purposes:

- (1) cost share and cost share incentive payments;
- (2) technical and administrative assistance; and
- (3) statewide or local education and outreach activities.

The percentage of funding available for each purpose and each allocation pool shall be specified in the annual Detailed Implementation Plan based upon the recommendation of the Division and the needs expressed by the districts.

(b) District Allocations: The Commission shall allocate cost share funds from the district allocation pool to the districts. To receive fund allocations, each district shall submit a strategic plan to the Commission at the beginning of each program year.

(c) Funds for cost share and cost share incentive payments shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that funds are available in the district allocation pool to justify a reallocation. Districts shall be allocated monies based on the identified level of nonpoint source pollution problems and the respective district's BMP installation goals as demonstrated in the district annual strategic plan. The allocation method used for disbursement of funds shall be based upon the score of each respective district for those parameters approved by the Commission pursuant to Subparagraph (7) of this Paragraph. The points each district scores on each parameter shall be totaled and proportioned to the total dollars available for district allocation under the current program year funding according to the following formula:

(1)	Sum of Parameter Points		=	Total Points
(2)	Percentage Total	x		Total Dollars
	Points Each District			= Dollars Available
				to Each District

(3) 95 percent of the program funding designated for district allocations shall be allocated to the district accounts in the initial allocation. The Division shall retain five percent of the total funding in a contingency fund to respond to an emergency or natural disaster.

(4) The Commission may recall funds allocated to a district that have not been encumbered to an agreement if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(5) At any time a district may submit a revised strategic plan and apply to the Commission for additional funds.

(6) Conservation plans that encumber funds under the current year must be submitted to the Division by 5:00 p.m. on the first Wednesday in June.

- 38 (7) Districts shall be allocated funds based on their respective data for each of the following
39 parameters:
- 40 (A) Relative rank of the percentage of the county draining to waters identified as impaired or
41 impacted on the most recent Integrated Report produced by the North Carolina Division
42 of Water Resources. This report is incorporated with subsequent amendments and
43 editions, and may be accessed at no charge at
44 <http://ncdenr.maps.arcgis.com/apps/webappviewer/index.html> (20 percent).
- 45 (B) Relative rank of the percentage of the county draining to waters classified as Outstanding
46 Resource Waters, High Quality Waters and Trout Waters or on the current schedule of
47 Water Quality Standards and Classifications, and shellfish growing areas (open) as
48 determined by the Division of Marine Fisheries. The classifications are incorporated
49 with subsequent amendments and editions, and may be accessed at no charge at
50 <http://ncdenr.maps.arcgis.com/apps/webappviewer/index.html>. The shellfish harvesting
51 areas may be accessed at <http://portal.ncdenr.org/web/mf/shellfish-closure-maps>. (20
52 percent)
- 53 (C) The percentage of each county covered by Phase I and Phase II requirements. (20
54 percent)
- 55 (D) Relative rank of population density for the county. (20 percent)
- 56 (E) Relative rank of the percentage of a county's land area that is located within drinking
57 water assessment areas, as delineated by the Public Water Supply Section of the Division
58 of Water Resources. The Public Water Supply assessment areas are incorporated with
59 subsequent amendments and editions, and may be accessed at no charge at
60 [http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-
61 protection-program/mapping-applications](http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-protection-program/mapping-applications). (20 percent)
- 62 (F) The Commission may consider additional factors, such as data sources changes to the
63 Subparagraphs in this Paragraph, as recommended by the Division of Soil and Water
64 Conservation when making its allocations.
- 65 (d) Statewide and Regional Allocations: The Commission shall allocate cost share funds from the statewide and
66 regional allocation pools. To receive fund allocations, each district designated eligible by the Commission shall
67 submit applications to respective pools when solicited by the Division. The Division shall rank each application and
68 recommend to the Commission for its approval an amount to allocate to each district corresponding to the highest
69 ranking applications.
- 70 (e) The funds available for technical and administrative assistance shall be allocated by the Commission based upon
71 the needs as expressed by the district and needs to accelerate the installation of BMPs in the respective district.
72 Each district may use these monies to fund new positions or to accelerate present technical assistance. Districts
73 must provide an itemized budget to the Division in order to qualify for technical assistance funds. N.C. Community
74 Conservation Assistance Program technical assistance funds may be used for technical assistance with the district

75 matching at least 50 percent of the total. Each district allocated funds for technical assistance shall demonstrate to
 76 the Commission in the itemized budget that matching funds are available prior to any expenditure of funds. The
 77 allocation method used for disbursement of funds shall be based on the score of each respective district for those
 78 parameters approved by the Commission pursuant to Subparagraph (4) of this Paragraph. The points each district
 79 scores for each parameter shall be totaled and proportioned to the total dollars available under the current program
 80 year funding according to the following formula:

81	(1)	Sum of Parameter Points	=	Total Points
82	(2)	Percentage Total	x	Total Dollars
83		Points Each District	=	Dollars Available
				to Each District

84 (3) If a district requests less than the dollars available to that district in Subparagraph (2) of this
 85 Paragraph, then the excess funds shall be allocated to the districts who did not receive their full
 86 requested allocation using the same methodology described in Subparagraph (2) of this Paragraph.

- 87 (4) Priority for funding shall be based upon the following parameters:
- 88 (A) Whether the position is presently funded by Community Conservation Assistance
 89 Program technical assistance funds. (25 percent)
 - 90 (B) The proportion of Community Conservation Assistance Program funds for cost share and
 91 cost share incentive allocated to districts served by this technical assistance request
 92 (normalized to 1 to 100 scale by multiplying each district's score by a factor such that the
 93 product of the highest score for this parameter is 100). (50 percent)
 - 94 (C) The amount of additional funds leveraged by grants and other funds committed to
 95 districts served by this technical assistance request (normalized to 1 to 100 scale by
 96 multiplying each district's score by a factor such that the product of the highest score for
 97 this parameter is 100). (25 percent)

98 (5) Subject to availability of funds and local match, the Commission shall provide support for
 99 technical assistance for every district.

100 (6) District technicians may be jointly funded by more than one district to accelerate the program in
 101 each participating district. Each district shall be eligible for cost sharing in the program. Requests
 102 for funding (salary, FICA, insurance, etc.) of a shared position must be presented to the Division
 103 by all participating districts and the Division shall cost share to the billing district at a 50-50 rate
 104 based on the portion of the FTE provided each respective district. A shared position shall be
 105 officially housed in one specific district and cost share for support items (office rent, telephone,
 106 etc.) shall be paid to one district only.

107 (7) Funds, if available, shall be allocated to each participating district to provide for administrative
 108 costs under this program. These funds shall be used for clerical assistance and other related
 109 program administrative costs and shall be matched with in-kind funds of an equal amount from the
 110 district.

113 (f) The funds available for the education and outreach purpose shall be allocated by the Commission based upon the
 114 needs as expressed by the district and needs to accelerate the installation of BMPs in that respective district.
 115 Districts and the Division may use these funds for holding workshops for potential applicants and for developing,
 116 duplicating, and distributing outreach materials or signs. Districts shall provide an itemized budget to the Division in
 117 order to qualify for education and outreach funds. Education and outreach funds shall be allocated to each district in
 118 accordance with the following formula:

119 (1) Each district shall receive the lesser of one thousand dollars (\$1,000) or the result of the following
 120 equation:

$$\frac{\text{Total Education and Outreach Dollars Available by Each District}}{\text{Total Education and Outreach Dollars Requested by All Districts}} \times \text{Total Education and Outreach Dollars Available to Each District} = \text{Education and Outreach Dollars Available to Each District}$$

121 (2) If more Education and Outreach funds are available for allocation than are requested by districts or
 122 the Division, then the excess funds shall be added to the funds to be allocated for cost share and
 123 cost share incentive payments.

124
 125 *History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;*
 126 *Eff. January 1, 2008;*
 127 *Transferred from 15A NCAC 06I .0103 Eff. May 1, 2012;*
 128 *Amended Eff. November 1, 2016.*

129

02 NCAC 59D .0105 AGRICULTURAL WATER RESOURCES ASSISTANCE PROGRAM

FINANCIAL ASSISTANCE ALLOCATION GUIDELINES AND PROCEDURES

(a) The Commission shall consider the total amount of funding available for allocation and the relative needs of the program for BMP implementation to determine the proportion of available funds to be allocated to statewide, regional, and district allocation pools and the Division. The percentage of funding available for each purpose and each allocation pool shall be specified in the annual Detailed Implementation Plan based upon the recommendation of the Division and the needs expressed by the districts.

(b) District Allocations: The Commission shall allocate cost share funds from the district allocation pool to the districts. To receive fund allocations, each district shall submit a strategic plan to the Commission at the beginning of each program year.

(c) Funds for cost share and cost share incentive payments shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that funds are available in the district allocation pool to justify a reallocation. Districts shall be allocated monies based on the identified level of agricultural water use needs and the respective district's BMP installation goals as demonstrated in the district annual strategic plan. The allocation method used for disbursement of funds shall be based on the relative position of each respective district for those parameters approved by the Commission pursuant to Paragraph (h) of this Rule. The points each district scores on each parameter shall be totaled and proportioned to the total dollars available for district allocation under the current program year funding according to the following formula:

(1)	Sum of Parameter Points	=	Total Points	
(2)	Percentage Total		Total	Dollars Available
	Points Each	x	Dollars	= to
	District		Available	Each District

(3) The minimum district allocation shall be specified in the Detailed Implementation Plan.

(4) If a district requests less than the dollars available to that district in Subparagraph (b)(2) of this Rule, then the excess funds beyond those requested by the district shall be allocated to the districts who did not receive their full requested allocation using the same methodology described in Subparagraph (b)(2) of this Rule.

(d) In the initial allocation 95 percent of the annual appropriation shall be allocated to district accounts administered by the Division. The Division shall retain five percent of the annual appropriation as a contingency to be used to respond to an emergency or natural disaster. If the contingency funds are not needed to respond to an emergency, then they shall be available for allocation after March 1.

(e) The Commission may recall funds allocated to a district that have not been encumbered to an agreement at any time if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(f) At any time a district may submit a revised strategic plan to request additional funds from the Commission.

(g) Conservation plans that encumber funds under the current year must be submitted to the Division by 5:00 p.m. on June 30th.

37 (h) For the Agricultural Water Resources Assistance Program, Districts shall be allocated funds based on their respective
38 data for each of the following parameters:

- 39 (1) Relative rank of the number of farms (total operations) that are in the respective district as reported in
40 the Census of Agriculture (20%)
- 41 (2) Relative rank of the total acres of land in farms that are in the respective district as reported in the
42 Census of Agriculture (20%)
- 43 (3) Relative rank of the Market Value of Sales that are in the respective district as reported in the Census
44 of Agriculture (15%)
- 45 (4) Relative rank of the amount of agricultural water use in the respective district as reported in the North
46 Carolina Agricultural Water (25%). Data from the most recent three surveys will be average to
47 determine each district's rank.
- 48 (5) Relative rank of population density as reported by the state demographer (20%)
- 49 (6) The Commission may consider additional factors, such as data sources changes to the Subparagraphs
50 in this Paragraph, as recommended by the Division of Soil and Water Conservation when making its
51 allocations.

52 (i) Statewide and Regional Allocations: The Commission shall allocate cost share funds from the statewide and regional
53 allocation pools. To receive fund allocations, each district designated eligible by the Commission shall submit
54 applications to respective pools when solicited by the Division. The Division shall rank each application and recommend
55 to the Commission for its approval an amount to allocate to each district corresponding to the highest ranking
56 applications.

1 **02 NCAC 59D .0106 BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE PAYMENTS**

2
3 (a) BMPs eligible for cost sharing shall be restricted to those BMPs listed in the Detailed Implementation Plan
4 approved by the Commission for the current fiscal year, except for District BMPs. BMPs shall meet the following
5 criteria to be listed in the Detailed Implementation Plan:

- 6 (1) all eligible BMPs shall be designed to meet the purpose of the program or shall be authorized by
7 statute;
- 8 (2) information establishing the average cost of the specified BMP shall be used, if available. District
9 BMPs may use actual costs as indicated by receipts, if average costs are not available; and
- 10 (3) eligible BMPs shall have adequate technical specifications as set forth in Paragraph (b) of this Rule.

11 (b) BMP definitions and specifications shall be determined by the Commission using the process outlined in 02 NCAC
12 59D 0103-0105 or by the Division for district BMPs. For an application to qualify for cost sharing, all cost shared
13 BMPs shall meet or exceed the specifications in effect at the time the contract is approved. Provisions for exceeding
14 BMP design specifications by an applicant may be considered at the time of application with the district. The applicant
15 shall assume responsibility for all costs associated with exceeding BMP design specifications.

16 (c) The Division has authority to approve District BMPs for evaluation purposes. The BMP shall be requested by a
17 district and meet the program purpose. The Division shall determine it to be technically adequate prior to funding.

18 (d) The minimum required maintenance period of the BMPs shall be listed in the Detailed Implementation Plan or be
19 established by the Division for District BMPs.

20
21 *History Note: Authority G.S. 106-850; 139-8;*
22 *Eff. May 1, 1987;*
23 *Recodified from 15A NCAC 6E .0004 Eff. December 20, 1996;*
24 *Amended Eff. January 1, 1998;*
25 *Transferred from 15A NCAC 06E .0104 Eff. May 1, 2012.*
26

1 **02 NCAC 59D -.0107 COST SHARE AND INCENTIVE PAYMENTS**

2 (a) Cost share and incentive payments may be made through Cost Share Agreements between the district, division
3 and the applicant.

4 (b) For all practices except those eligible for Cost Share Incentives (CSI), the State of North Carolina shall provide a
5 percentage of the average cost for BMP installation not to exceed the maximum cost share percentages shown in
6 subdivisions (6), (8), and (9) of G.S. 106-850(b), and the applicant shall provide the remainder of the cost. In-kind
7 contributions by the applicant shall be included in the applicants' cost share contribution. In-kind contributions shall
8 be approved by the district and division.

9 (c) CSI payments shall be limited to a maximum of three years per entity.

10 (d) Average installation costs for each comparative area or region of the state and the amount of cost share incentive
11 payments shall be updated and revised at least triennially by the Division for approval by the Commission.

12 (e) The total annual cost share payments to an applicant shall not exceed the maximum funding authorized in
13 subdivisions (6) and (9) of G.S. 106-850(b).

14 (f) (g) Use of cost share payments shall be restricted to land located within the county approved for funding by the
15 Commission. However, in the situation where an applicant's land is not located solely within a county, the entire
16 parcel, if contiguous, shall be eligible for cost share payments.

17 (h) Agriculture Cost Share Program and Agricultural Water Resources Assistance Program cost share contracts used
18 on or for local, state or federal government land shall be approved by the Commission to avoid potential conflicts of
19 interest and to ensure that such contracts are consistent with the purposes of this program.

20 (i) The district Board of Supervisors may approve Cost Share Agreements with cost share percentages or amounts
21 less than the maximum allowable in subdivisions (6), (8), and (9) of G.S. 106-850(b) if:

22 (1) the Commission allocates insufficient cost share BMP funding to the district to enable it to award
23 funding to all applicants; or

24 (2) the district establishes other criteria in its annual strategic plan for cost sharing percentages or
25 amounts less than those allowable in subdivisions (6), (8), and (9) of G.S. 106-850(b).

26 (j) For purposes of determining eligible payments under practice-specific caps described in the detailed
27 implementation plan, the district board shall consider all entities with which the applicant is associated, including
28 those in other counties, as the same applicant.

29

30 *History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8;*

31 *Eff. May 1, 1987;*

32 *Temporary Amendment Eff. September 23, 1996;*

33 *Recodified form 15A NCAC 06E .0005 Eff. December 20, 1996;*

34 *Temporary Amendment Expired June 13, 1997;*

35 *Amended Eff. March 1, 2008; July 1, 2004; April 1, 1999; January 1, 1998;*

36 *Transferred from 15A NCAC 06E .0105 Eff. May 1, 2012.*

37

1 **02 NCAC 59D .0108 TECHNICAL ASSISTANCE FUNDS**

2
3 (a) The funds available for technical assistance shall be allocated by the Commission based on the recommendation of
4 the division, the needs as expressed by the district, and the needs to accelerate the installation of BMPs in the respective
5 district. The district must provide at least 50% of the total matching funds for technical assistance.

6 (b) The Commission will allocate technical assistance funds as described in their Detailed Implementation Plan,
7 factoring in district implementation of conservation practices for which district employees provided technical assistance
8 from all funding sources.

9 (c) Technical assistance funds may be used for salary, benefits, social security, field equipment and supplies, office rent,
10 office equipment and supplies, postage, telephone service, travel, mileage and any other expense of the district in
11 implementing Soil and Water Conservation Commission Cost Share Programs.

12 (d) Each district requesting technical assistance funding with the required 50% local match shall receive a minimum
13 allocation of \$20,000 each year.

14 (e) If a district is not spending more on financial assistance funds on Commission Cost Share Programs than they receive
15 for technical assistance, the district must appeal to the Commission to receive technical assistance funding.

16 (f) All technical district employee(s) shall obtain Job Approval Authority for a minimum of two best management
17 practices from the Commission or the USDA Natural Resources Conservation Service within three years of being hired or
18 the effective date of this rule, whichever is later.

19 (1) At least one of the best management practices for which the employee has obtained Job Approval
20 Authority must be a design practice. Design practice means an engineering practice as defined by the
21 Natural Resources Conservation Service or Soil and Water Conservation Commission in their Program
22 Detailed Implementation Plan(s).

23 (2) The District Board of Supervisors may request a one-year extension for their employees in meeting the
24 Job Approval Authority requirement for extenuating circumstances.

25
26 *History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8;*
27 *Eff. May 1, 1987;*
28 *Amended Eff. July 1, 1992;*
29 *Recodified from 15A NCAC 6E .0006 Eff. December 20, 1996;*
30 *Amended Eff. August 1, 2005; November 1, 1997;*
31 *Transferred from 15A NCAC 06E .0106 Eff. May 1, 2012.*

1 **02 NCAC 59D0109 COST SHARE AGREEMENT**

2
 3 (a) The landowner shall be required to sign the agreement for all practices that affect change to the property. The
 4 signature on the agreement constitutes responsibility for BMP maintenance and continuation.

5 (b) The technical representative of the district shall determine if the practice(s) implemented have been installed
 6 according to practice standards as defined for the respective program year in the USDA-Natural Resources Conservation
 7 Service Technical Guide for North Carolina, according to other standards approved by the Commission pursuant to 02
 8 NCAC 59G .0103-0105, or according to standards approved by the Division for district BMPs based on the criteria
 9 established in 02 NCAC 59G .0103-0105(c).

10 (c) The district shall be responsible for making an annual spot check of five percent of all the cost share agreements to
 11 ensure proper maintenance. The Commission may specify the additional spot check requirements for specific BMPs in
 12 the Detailed Implementation Plan.

13 (d) If the technical representative of the district determines that a BMP for which program funds were received has been
 14 destroyed or has not been properly maintained, the applicant will be notified that the BMP must be repaired or re-
 15 implemented within 30 working days. For vegetative practices, applicants shall be given one calendar year to re-establish
 16 the vegetation. The Division may grant a prescribed extension period if it determines compliance cannot be met due to
 17 circumstances beyond the applicants control.

18 (e) If the practices are not repaired or reimplemented within the specified time, the applicant shall be required to repay to
 19 the Division a prorated refund for cost share BMPs as shown in Table 1 and 100 percent of the cost share incentive
 20 payments received.

21 Table 1

22 **PRORATED REFUND SCHEDULE FOR NONCOMPLIANCE**
 23 **OF COST SHARE PAYMENTS**

24	25 Percent Age of Practice Life	25 Percent Refund
26	0	100
27	10	95
28	20	89
29	30	82
30	40	74
31	50	65
32	60	55
33	70	44
34	80	31
35	90	17
36	100	0

37 (f) In the event that a contract has been found to be noncompliant and the applicant, does not agree to correct the non-
38 compliance, the Division may invoke procedures to achieve resolution to the noncompliance, including any and all
39 remedies available to it under the law.

40 (g) When land under cost share agreement changes owners, the new landowner shall be strongly encouraged by the
41 district to accept the remaining maintenance obligation. If the new landowner does not accept the maintenance
42 requirements in writing, then the original applicant shall be required to refund 100 percent of all CSI payments and a
43 prorated portion of cost share payments in accordance with Table 1 in Paragraph (e) of this Rule.

44

45 *History Note: Authority G.S. 106-850; 139-4; 139-8;*

46 *Eff. May 1, 1987;*

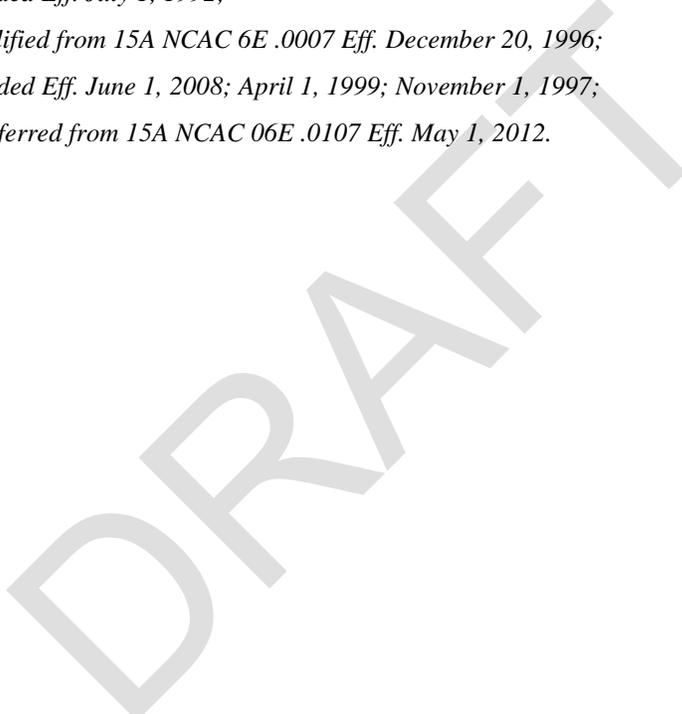
47 *Amended Eff. July 1, 1992;*

48 *Recodified from 15A NCAC 6E .0007 Eff. December 20, 1996;*

49 *Amended Eff. June 1, 2008; April 1, 1999; November 1, 1997;*

50 *Transferred from 15A NCAC 06E .0107 Eff. May 1, 2012.*

51



1 **02 NCAC 59D.0110 DISTRICT PROGRAM OPERATION**

2
3 (a) As a component of the annual Strategic Plan, the district shall prioritize resource concerns per the program purpose.
4 The district shall target technical and financial assistance to facilitate BMP implementation on the identified critical
5 areas.

6 (b) The district shall give priority to implementing systems of BMPs that provide the most cost effective conservation
7 practice for addressing priority resource concerns.

8 (c) All applicants shall apply to the district in order to receive cost share payments.

9 (d) The district shall review each application and the feasibility of each application. The district shall review and
10 approve the evaluation and assign priority for cost sharing. All applicants shall be informed of cost share application
11 approval or denial.

12 (e) Upon approval of the application by the district, the applicant, district and the Division shall enter into a cost share
13 agreement. The cost share agreement shall list the practices to be cost shared with state funds. The agreement shall also
14 include the average cost of the recommended practice(s), cost incentive payment of the practice(s), and the expected
15 implementation date of the practice(s). The District shall develop a conservation plan that shall become a part of the cost
16 share agreement. The Division shall review and approve contracts that meet program requirements.

17 (f) Upon completion of practice(s) implementation, the technical representative of the district shall notify the district
18 board of compliance with design specifications.

19 (g) Upon notification, the district shall review the agreement and request for payment. Upon approval, the district shall
20 certify the practices in the agreement and notify the Division to make payment to the applicant. The District Board of
21 Supervisors shall certify that the individual signing the conservation plan and request for payment has proper job
22 approval authority for the respective practice(s) before signing requests for payment for completed BMPs.

23 (h) The district shall be responsible for and approve all BMP inspections as set forth in Rule .0109(e) of this Section to
24 insure proper maintenance and continuation under the cost share agreement.

25 (i) The district shall keep records dealing with the program per their district's document retention schedule.
26

27 *History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8;*
28 *Eff. May 1, 1987;*
29 *Recodified from 15A NCAC 6E .0008 Eff. December 20, 1996;*
30 *Amended Eff. March 1, 2008; November 1, 1997;*
31 *Transferred from 15A NCAC 06E .0108 Eff. May 1, 2012.*
32

SUBCHAPTER 59D - SOIL AND WATER CONSERVATION COMMISSION COST SHARE PROGRAMS

Staff is preparing revisions for the Cost Share Program Rules and requesting Rule Review Commission staff review prior to requesting Commission approval. The rules will be presented in the following structure and will be distributed for review at the May meeting. Approval will be requested at the July Commission meeting. The rules will be prepared in two formats, a track changes and a clean copy version. Please refer to the enclosed draft 02 NCAC 59D .0101 Purpose rule as an example of the other rules that will be distributed.

Commented [A1]: Title change to be inclusive of all Commission Cost Share Programs.

02 NCAC 59D .0101 PURPOSE

02 NCAC 59D .0102 DEFINITIONS

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

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

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

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

02 NCAC 59D .0107 COST SHARE AND INCENTIVE PAYMENTS

02 NCAC 59D .0108 TECHNICAL ASSISTANCE FUNDS

02 NCAC 59D .0109 COST SHARE AGREEMENT

02 NCAC 59D .0110 DISTRICT PROGRAM OPERATION

1 **SUBCHAPTER 59D - SOIL AND WATER CONSERVATION COMMISSION COST SHARE PROGRAMS**

2
3 **SECTION .0100 - SOIL AND WATER CONSERVATION COMMISSION COST SHARE PROGRAMS**

4
5 **02 NCAC 59D .0101 PURPOSE**

6 This Subchapter describes the operating procedures for the Division under the guidance of the Commission
7 implementing the Agriculture Cost Share Program for Nonpoint Source Pollution Control, the Community Conservation
8 Assistance Program for Nonpoint Source Pollution Control, and the Agricultural Water Resources Assistance Program.
9 Procedures and guidelines for participating Districts are also described. The purpose for the voluntary programs are as
10 follows:

- 11 (1) Agriculture Cost Share Program for Nonpoint Source Pollution Control is to reduce the delivery of
12 agricultural nonpoint source pollution into the waters of the state.
- 13 (2) Community Conservation Assistance Program is to reduce the delivery of nonpoint source pollution
14 into the waters of the state.
- 15 (3) Agricultural Water Resources Assistance Program is to assist farmers and landowners to:
- 16 (a) identify opportunities to increase water use efficiency, availability and storage;
- 17 (b) implement best management practices to conserve and protect water resources;
- 18 (c) increase water use efficiency or
- 19 (d) increase water storage and availability for agricultural purposes.

20
21
22 *History Note: Authority G.S. 106-840; 106-850;139-4;*
23 *Eff. May 1, 1987;*
24 *Recodified from 15A NCAC 6E .0001 Eff. December 20, 1996;*
25 *Transferred from 15A NCAC 06E .0101 Eff. May 1, 2012.*

26

Henderson County Soil & Water Conservation District
 61 Triple Springs Road
 Hendersonville, NC 28792
 (828) 697-4949 (828) 693-5832 (fax)
<http://hendersoncountync.org/soil>



May 1, 2017

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

Dear Mr. John Langdon,

We appreciate the work that has been provided by the NC Ag Cost Share Committee. We know that it is a difficult task to bring together the best interest of the Division of Soil & Water and the 96 Conservation Districts. In response to the Cost Share Informational sessions, we would like to share our concerns for consideration. As it is currently written, the Henderson County Soil & Water Conservation District stands against the new proposed rule change.

We believe that Technical Assistance Cost Share funding should be a top priority for the Division. Currently one of the top priorities is engineering. While we appreciate and need the help of our engineers, without district employees there would be no opportunity for landowner assistance and therefore no need for engineering assistance.

We appreciate that the majority of districts have met their 50% match in funding by their counties. In many cases, the county has provided a greater than 50% match for many years. Cutting funding for counties that have held up their end of the contract for years will be an additional financial burden on them and will be difficult to absorb. We would also suggest the option of bringing all districts with a Division funded FTE up to the current cap of \$25,500 and all Division partial funded positions up to their associated caps before moving on with incentive based payments.

We agree that Districts that are performing well and advancing the goals of the Division of Soil & Water should be weighted and compensated at a higher rate. Districts that are putting practices on the ground and helping farmers in their communities should be supported. We do have concerns with the weighting of NRCS contracts. Now that NRCS ranks applications within teams, and not just counties, we support the use of team averages in the calculations. Also, we feel the need to address the fact that agriculture greatly differs in our vast state. Lower workload incentive payment contracts in one end of the state should not be equally compared with complex, high workload, agrochemical handling, stream restorations or livestock exclusion contracts in another end of the state.

Furthermore, we believe that change in allocations every three years based on performance will be a budgeting nightmare. Districts will have a very



difficult time working with their counties to explain why suddenly their cost share payment is much less than the previous years. Conversely, a suddenly high increase in funds will most likely not actually make it back to the District but instead be put into that county's general fund. Hardly an incentive for a District that went above and beyond in the previous three years to increase their rank.

We ask that the Committee and Commission take the time to address our concerns. The Henderson County Soil & Water District is not just concerned for Henderson County, but also for Western North Carolina and our great state as a whole. Thank you for your time and consideration in this matter.

Sincerely,

Andrew C. Brannon

Henderson County Soil & Water Conservation District



NC Ag Costshare Committee
Division of Soil and Water Conservation
Attn: Julie Henshaw
1614 mail room
Raleigh NC 27604

Dear Ms. Henshaw,

In regards to the Ag costshare technical assistance allocation options for calculations we feel the following amendments need to be made to the rubric for allocating money.

- In addressing the NRCS portion of the rubric we feel an average of all contracts funded for the team need to be considered instead of just the NRCS money spent in the county. With NRCS Soil Conservationist spread thin now over multiple counties not every Soil and Water district has access to NRCS as before. In our case there has been a strong NRCS presence for years and now that they are covering more counties most of the contracts are for the new counties they cover. We feel that if the NRCS team covers five counties then the total EQIP spent by the team should be divided by five for the calculation.
- In addressing the NRCS portion again. We feel that number should come from contracts funded and not an average of ranked contracts. In our area even small pasture projects run \$40-\$60k. An average of \$6000 per ranked contract would not come close to the amount spent in our area. A \$250,000 stream project should not have the same weight as a \$12,000 pasture project. We feel that by giving credit on ranked applications would be easily manipulated by districts to gain points for extra reimbursement.
- In addressing the HEL portion of the rubric we feel this should count more heavily in the ranking, impaired waters should count less. Being from a county in the headwaters we do not share the same amount of impaired waterways that counties east of Raleigh, Greensboro, or Charlotte do. The number of HEL acres would be a better representation of runoff, gully erosion, or sediment in the stream.

Thanks for your consideration.

A handwritten signature in black ink that reads "Shannon Buckley". The signature is fluid and cursive.

Shannon Buckley
Rutherford Soil and Water Chairmen

Rutherford Soil & Water Conservation District
500 West Street, Suite 2 Spindale, NC 28160
Ph: 828- 287- 4220 extension 3



ATTACHMENT 10
SAMPSON COUNTY SOIL AND WATER
80 COUNTY COMPLEX RD, SUITE 110
CLINTON, NC 28328-4727

910-592-7963 ext3

Mr. Langdon
NC Soil & Water Conservation Commission
1614 Mail Service Center
Raleigh, NC 27699

Re: Technical Assistance Rules Revision

Dear Mr. Langdon:

Technical assistance dollars were originally intended to assist soil and water districts with "getting conservation on the ground." We have reviewed the proposed changes to the technical assistance rule and on behalf of the Sampson Soil & Water Conservation District Board of Supervisors we support the idea of a performance based system. We feel that this will benefit farmers across the state as well as improve water quality as a result.

Sincerely,

A handwritten signature in black ink that reads "L. Craig Thornton". The signature is written in a cursive style with a large, prominent "L" and "T".

L. Craig Thornton
Chairman, Sampson Soil and Water Conservation District



Surry Soil & Water Conservation District

220 Cooper Street - PO Box 218
Dobson NC 27017
Phone 336-386-8751 ext 3 Fax 336-386-9828

Gordon Holder-Chairman
Glenn Pruitt - Vice-Chairman
Chad Chilton - Secretary/Treasurer
Dr. Earl Sheppard
David Branch

Mr. John Langdon
1614 Mail Service Center
Raleigh, NC 27699

Subject: Technical Assistance Rules Revision

Dear Mr. Langdon:

On behalf of the Surry Soil & Water Supervisors we feel that the current distribution of state technical dollars are not being distributed equally to the Soil and Water Districts. Technical Assistance Dollars was originally intended to assist soil and water districts with "getting conservation on the ground". The system in use is outdated in the fact that it provides financial resources to districts that are not providing adequate technical assistance to the landowners in their respective counties.

We have reviewed the proposed changes to the technical assistance rule and we feel that the proposed formula provided by the Cost Share Committee will both promote additional conservation to be installed on the ground as well as bring traditionally underserved districts up the level of technical assistance funding that they need in order to survive. This proposed system encourages districts to perform at higher levels and assist with conservation workload. We feel that this will benefit farmers across the state as well as improve water quality as a result.

Our District fully agrees with including NRCS workload as part of the formula to calculate technical assistance funding to soil and water districts. NRCS and soil and water districts have long been partners in getting conservation on the ground and we feel that including NRCS workload in this formula will provide initiative for soil and water staff to assist farmers when the need arises. All employees and programs should be working together to serve the citizens of their respective county to protect water quality.

Sincerely,

Gordon Holder
Chairman, Surry Soil and Water Conservation District



Wilkes Soil & Water Conservation District
416 Executive Drive, Suite A • Wilkesboro, NC 28697 • (336) 838-3622 Ext. 3

April 13, 2017

CLAUDE SHEW, JR.
CHAIR

GWEN MINTON
VICE CHAIR

W. TED CARTER
SEC. - TREASURER

DR. BILL H. DAVIS, JR.
MEMBER

ZACH MYERS
MEMBER

John Langdon, Chairman
NC Soil & Water Conservation Commission
1614 Mail Service Center
Raleigh, NC 27699

Dear Mr. Langdon:

The purpose of this letter is to express our support for the Cost Share Program Allocation and Guidelines Rule Suggestions that were discussed during the stakeholder meetings held in February and March of this year. We believe the proposed change more accurately distributes funds where they will be best utilized in the protection of our natural resources.

The Wilkes Soil and Water Conservation District is committed to our farm community and the citizens we serve. In this more environmentally sensitive age, we must maximize every dollar we receive as others are competing for the same funds. We believe, the proposed rules changes will allow for a greater amount of conservation to be applied to the land and that it will provide underserved districts a sustainable level of support. We feel the proposal will also provide resources to districts who have the capacity to fully utilize them, ensuring that our programs continue to receive continued funding so vital for all of our existence.

Soil & Water Conservations Districts along with our local partner, USDA-NRCS collectively accounts for a considerable amount of conservation that is applied to our working lands. It is because of this cooperative relationship that our citizens receive the maximum benefit. Therefore, it stands to reason that all sources of funds, local, state, and federal, utilized by the local district workgroup be considered when determining allocations.

Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Claude Shew, Jr.".

Claude Shew, Jr.
Chairman

Cc: Julie Henshaw

Yadkin Soil and Water Conservation District
2051 Agricultural Way
Yadkinville, NC 27055
336-518-3929

Mr. John Langdon
1614 Mail Service Center
Raleigh, NC 27699

RE: Technical Assistance Rules Revision

Dear Mr. Langdon:

We feel that the current distribution of state technical dollars is inequitable to the Soil and Water Districts that it is intended to assist. Technical Assistance Dollars was originally intended to assist soil and water districts with "getting conservation on the ground". The current system is outdated in the fact that it provides financial resources to districts that are not providing adequate technical assistance.

We have reviewed the proposed changes to the technical assistance rule and we feel that the proposed formula provided by the Cost Share Committee will both promote additional conservation to be installed on the ground as well as bring traditionally underserved districts up the level of technical assistance funding that they need in order to survive. This proposed system encourages districts to perform at higher levels and assist with conservation workload. We feel that this will benefit farmers across the state as well as improve water quality as a result.

We fully agree with including NRCS workload as part of the formula to calculate technical assistance funding to soil and water districts. NRCS and soil and water districts have long been partners in getting conservation on the ground and we feel that including NRCS workload in this formula will provide initiative for soil and water staff to assist farmers when the need arises. Program names should not keep a soil and water employee from assisting a farmer in the protection of water quality.

Sincerely,



Lenuel Chamberlain
Chairman, Yadkin Soil and Water Conservation District

**SUBCHAPTER 59H – COMMUNITY CONSERVATION ASSISTANCE PROGRAM FOR NONPOINT
SOURCE POLLUTION CONTROL**

SECTION .0100 – COMMUNITY CONSERVATION ASSISTANCE PROGRAM

02 NCAC 59H .0101 PURPOSE

History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;
Eff. December 1, 2007;
Transferred from 15A NCAC 06I .0101 Eff. May 1, 2012.

02 NCAC 59H .0102 DEFINITIONS FOR SUBCHAPTER 59H

History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;
Eff. December 1, 2007;
Transferred from 15A NCAC 06I .0102 Eff. May 1, 2012;
Amended Eff. November 1, 2016.

02 NCAC 59H .0103 ALLOCATION GUIDELINES AND PROCEDURES

History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;
Eff. January 1, 2008;
Transferred from 15A NCAC 06I .0103 Eff. May 1, 2012;
Amended Eff. November 1, 2016.

**02 NCAC 59H .0104 BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE
PAYMENTS**

History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;
Eff. December 1, 2007;
Transferred from 15A NCAC 06I .0104 Eff. May 1, 2012.

02 NCAC 59H .0105 COST SHARE AND INCENTIVE PAYMENTS

History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;
Eff. December 1, 2007;
Transferred from 15A NCAC 06I .0105 Eff. May 1, 2012.

02 NCAC 59H .0106 TECHNICAL ASSISTANCE FUNDS

History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;
Eff. December 1, 2007;
Transferred from 15A NCAC 06I .0106 Eff. May 1, 2012.

02 NCAC 59H .0107 COST SHARE AGREEMENT

History Note: Authority G.S. 106-860; 139-4; 139-8;
Eff. June 1, 2008;
Transferred from 15A NCAC 06I .0107 Eff. May 1, 2012.

02 NCAC 59H .0108 DISTRICT PROGRAM OPERATION

History Note: Authority G.S. 106-840;
Eff. March 1, 2008;
Transferred from 15A NCAC 06I .0108 Eff. May 1, 2012.

2015 AgWRAP Regional Contract Extension Request

Request for policy exception of the District Supervisor requirement to attend the first Commission meeting of the new fiscal year and request an extension for 2015 regionally approved Agricultural Water Resources Assistance Program (AgWRAP) contracts. Districts will need to follow the process to request a contract extension as described in the [Criteria for Extension of Previous Program Year Contracts Policy](#). The division is requesting that supervisors not need to appear in person to make the extension request based on the time delay inherent in the regional application process, and the engineering needs associated with regionally approved AgWRAP projects.