

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

**WORK SESSION**

NC State Fairgrounds  
Jim Graham Building – Gate 11  
Sales Arena Room  
1025 Blue Ridge Road  
Raleigh, NC 27607  
March 14, 2017  
**6:00 p.m.**

**BUSINESS SESSION**

NC State Fairgrounds  
Jim Graham Building – Gate 11  
Sales Arena Room  
1025 Blue Ridge Road  
Raleigh, NC 27607  
March 15, 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. January 8, 2017 Business Session Meeting Minutes

B. January 8, 2017 Work Session Meeting Minutes

C. February 21, 2017 Teleconference Meeting Minutes

4. Division Report

Ms. Pat Harris

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 Mr. Eric Pare
    - B. Supervisor Contracts Ms. Kelly Hedgepeth
  
  - 9. Animal Waste Management & Technical Specialist Rules Revisions Ms. Pat Harris
  
  - 10. Community Conservation Assistance Program Regional Application Recommendations Mr. Tom Hill
  
  - 11. Agricultural Water Resources Assistance Program Regional Application Recommendations Ms. Julie Henshaw
  
  - 12. District Issues
    - A. Clay SWCD post approval contract Ms. Kelly Hedgepeth
    - B. Pamlico SWCD contract payment Clay SWCD Chairman John Langdon
  
  - 13. District Supervisor Conditional Appointments & Basic Training Course Attendance Mr. Eric Pare
  
  - 14. New and Expanded Operations Mr. John Langdon
- IV. PUBLIC COMMENTS**
- V. ADJOURNMENT**

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

**WORK SESSION**

NC State Fairgrounds  
Jim Graham Building – Gate 11  
Sales Arena Room  
1025 Blue Ridge Road  
Raleigh, NC 27607  
March 14, 2017  
**6:00 p.m.**

**BUSINESS SESSION**

NC State Fairgrounds  
Jim Graham Building – Gate 11  
Sales Arena Room  
1025 Blue Ridge Road  
Raleigh, NC 27607  
March 15, 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 – Work Session Meeting**

Welcome Chairman John Langdon

**III. BUSINESS**

1. Approval of Work Session Agenda Chairman John Langdon
2. Animal Waste Management & Technical Specialist Rules Revisions (item 9) Ms. Pat Harris
3. Agricultural Water Resources Assistance Program Regional Application Recommendations (item 11) Ms. Julie Henshaw
4. Community Conservation Assistance Program Regional Application Recommendations (item 10) Mr. Tom Hill
5. District Supervisor Conditional Appointments & Basic Training Course Attendance (item 13) Mr. Eric Pare
6. Consent Agenda (item 8)
  - A. Supervisor Appointments Mr. Eric Pare
  - B. Supervisor Contracts Ms. Kelly Hedgepeth

**ATTACHMENT 1B**

- |  |                       |
|--|-----------------------|
| 7. District Issues (item 12)   | Ms. Kelly Hedgepeth   |
| A. Clay SWCD post approval contract                                  | Clay SWCD             |
| B. Pamlico SWCD contract payment                                     | Chairman John Langdon |
| 8. New and Expanded Operations (item 14)                             | Chairman John Langdon |
| 9. Disaster Recovery Program of 2016 (item 5)                        | Mr. David Williams    |
| 10. Approval of Meeting Minutes (item 3)                             | Chairman John Langdon |
| A. January 8, 2017 Business Session Meeting Minutes                  |                       |
| B. January 8, 2017 Work Session Meeting Minutes                      |                       |
| C. February 21, 2017 Teleconference Meeting Minutes                  |                       |
| 11. Division Report (item 4)   | Ms. Pat Harris        |
| 12. Association Report (item 6)                                      | Mr. Chris Hogan       |
| 13. NRCS Report (item 7)   | Mr. Tim Beard         |
| 14. Reading of Statements of Economic Interests Evaluations (item 2) | Mr. Phillip Reynolds  |

**IV. PUBLIC COMMENTS**

**V. ADJOURNMENT**



**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

<b>Commission Members</b>		
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
<b>Commission Counsel</b>		
	Sandra Weitzel	
Phillip Reynolds	Joe Hudyncia	
<b>Guests</b>		
	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 5<sup>th</sup> of 6<sup>th</sup> 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 32<sup>nd</sup> 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.

*Patricia K. Harris*

---

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

*Helen Wiklund*

---

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 SESSION MEETING MINUTES  
January 8, 2017**

Hilton Charlotte University Place Hotel  
University Rooms C, D, and E  
8629 JM Keynes Drive  
Charlotte, NC 28262

<b>Commission Members</b>		
John Langdon	Julie Henshaw	Dru Harrison
Wayne Collier	Natalie Woolard	Richard Smith
Chris Hogan	Helen Wiklund	Marybeth Watkins
Charles Hughes	Ralston James	John Finch
Ben Knox	Eric Galamb	Jeff Joyner
Manly West	Tom Hill	Tammy Deese
Bill Yarborough	Kristina Fischer	John Ottinger
<b>Commission Counsel</b>		
	Rob Baldwin	Barry Stevens
Phillip Reynolds via phone	Kelly Hedgepeth	James Mason
	Davis Ferguson	Kila Thompson
<b>Guests</b>		
	Eric Pare	Michelle Lovejoy
Pat Harris	Randy Cabe	Bryan Evans
David Williams	Michael Willis	Denny Norris
Tommy Houser	Hicks Pollard	Patty Dellinger
Louise Hart	Keith Larick	Sue Hayes
Tyler Ross	Ryan Huffman	Chester Lowder
Brandon Young	Jonathan Wallin	Tim Beard
Andrew Cox	Drew Brannon	Duane Vanhook
Jerry Raynor	Ricky Rhyne	Nancy Carter

Chairman John Langdon called the meeting to order at 3:01 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 Agenda:** Chairman Langdon asked for comments on the agenda. Commissioner Collier moved to approve the amended agenda and Commissioner Knox seconded the motion. Motion carried.

- 2. Reading of Statements of Economic Interest Evaluation:** Chairman Langdon recognized Director Harris. The Division received a letter from the NC State Ethics Commission for Commissioner Hughes dated December 9, 2016. By statute, portions of the letter must be read into the minutes and available upon request.

For the December 9, 2016 Evaluation of Statement of Economic Interest filed by Mr. Charles W. Hughes III for the Soil and Water Conservation Commission, the State Ethics Commission determined the following:

*Our office is in receipt of Mr. Charles W. Hughes III's 2015 and 2016 Statement of Economic Interest as an appointee to the Soil and Water Conservation Commission ("the Commission"). We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.*

*We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.*

*The State Government Ethics Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. §138A-31 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §138A-36(a) prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.*

*Mr. Hughes was nominated by the North Carolina Association of Soil and Water Conservation Districts to fill the role of the Coastal Regional Representative on the Commission. He is the owner of Charles Hughes Construction. In addition, he and his spouse own threshold amounts of interest in multiple real estate-related LLCs. As such, Mr. Hughes has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should issues regarding Charles Hughes Construction or any entity in which he has financial interest come before the Commission for official action.*

*Pursuant to N.C.G.S. 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. 138A-24(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the State Government Ethics Act.*

- 3. Approval of Meeting Minutes:** Chairman Langdon asked if there were any comments on the minutes.
- 3A. November 16, 2016, Business Session:** Commissioner West noted that the minutes had an error in the sequence of the motions regarding the approval of the agenda. He had shared with staff the correct sequence, and copies of the revised minutes were provided to the Commissioners. Commissioner West moved to approve the revised minutes, and Commissioner Hogan seconded the motion. Motion carried.
- 3B. November 15, 2016, Work Session:** Commissioner Collier moved to approve the minutes and Commissioner Hogan seconded the motion. Motion carried.
- 4. Division Report:** Chairman Langdon recognized Director Harris to present. A copy of the report is included as an official part of the minutes.

- U.S. and North Carolina are HPAI free
- Division vacancies: Eastern engineer position, Western survey position, CREP environmental specialist position
- Rules 59E and 59G; re-adopting the Animal Waste Management and Technical Specialist
- Classified Cost Share Rules out for review
- Conservation Action Team (CAT) and Cost Share Training Listening Sessions scheduled across the state in the 2017
- Conservation Action Team (CAT) web page is public
- Watershed damage caused by Hurricane Matthew estimates at \$27,357,568

Chairman Langdon paused to recognize the most-busiest supervisor of the year, Commissioner Knox, and thanked him for the good job he has done this year for putting the Annual Meeting together and appreciate his support.

**5. Association Report:** Chairman Langdon recognized Commissioner Knox, President of the NC Association of Soil and Water Conservation Districts, to present. Commissioner Knox thanked the Division staff and Bryan Evans for their help with the Annual Meeting.

- Standing Committee Chairs met on December 7
- Gator raffle tickets are available; money split between Association and DEA. A portion goes towards scholarships
- Association working with the Supervisor Training Committee
- NACD Meeting in Denver at the end of January
- Conservation Action Team (CAT) held Listening Sessions last month
- Association met with Commissioner Troxler and discussed current needs and introduced the Association's new Executive Director, Bryan Evans

A copy of the report is included as an official part of the minutes.

**6. NRCS Report:** Chairman Langdon recognized Mr. Tim Beard, State Conservationist, to present. Mr. Beard was late due to inclement weather and was last to present. A copy of the report is included as an official part of the minutes.

- NRCS continues to work under their CR (Continuing Resolution) until April
- The Agency had a self-imposed hiring freeze and it will be lifted effective January 9
- Greg Walker will host a break-out session on Conservation Stewardship Program (CSP) and discuss changes to the program
  - Conservation Stewardship Program (CSP) signup ends February 3
- Regional Conservation Partnership Program (RCPP) awarded 3 proposals in NC
- NRCS is trying to produce a better product, be a better partner, and provide better service to internal/external customers
- NRCS has eliminated and added some positions, i.e., new State Planning Specialist, new State Compliance Specialist (prior to now our Agronomist handled this), and a new State Resource Conservationist

Chairman Langdon thanked the Division, NRCS, FSA, other agencies in the state.

**7. Consent Agenda:** Chairman Langdon asked for a motion.

Commissioner West moved to approve the Consent Agenda, and Commissioner Hughes seconded the motion. Motion carried.

**7A. Supervisor Appointments:**

- Kevin Mauney, Gaston SWCD, filling the expired appointed term of Roger Hurst for 2016-2020
- Jonathan Schwartz, Mecklenburg SWCD, filling the expired appointed term of Jason Cathey for 2016-2020
- Carl Briley, Pitt SWCD, filling the unexpired elected term of Thurston James for 2014-2018 with an attached resignation letter from Mr. James

**7B. Supervisor Contracts:**

- Seven contracts; totaling \$67,238

**7C. Job Approval Authority:**

- Four district employees are seeking Job Approval Authority and have successfully completed the requirements
  - Mike Dupree, Durham SWCD, for Grassed Swale
  - Heather Dutra, Durham SWCD, for Backyard Rain Garden
  - Jessica Pope, Wake SWCD, for Critical Area Planting
  - Jason Byrd, Rockingham SWCD, for Pond Site Assessment and Water Needs Assessment

**7D. Technical Specialist Designation:**

- David Tucker, District Conservationist, for Nutrient Management
- Jeremy Roston, Resource Conservationist, for Waste Utilization/Nutrient Management and Wettable Acres

**8. Disaster Recovery Act of 2016:** Chairman Langdon recognized Director Harris who presented the report and recommendations, which is attached as an official part of the minutes. The attachment also includes descriptions of the Commission's action regarding each recommendation.

- Tropical Storm Hermine hit on September 1; Tropical Storm Julia hit on September 13
- Hurricane Matthew hit on October 8 which caused approximately \$1.5B in damages
- General Assembly called a special session in mid-December due to these storms
  - Legislature passed the Disaster Recovery Act of 2016 (Session Law 2016-124) to address Hurricane Matthew and Tropical Storms Hermine and Julia as well as the western wildfires

- President Obama declared a 49-county disaster area under the Stafford Act (P.L. 93-288)
- General Assembly appropriated \$12.2M to the Division of Soil and Water Conservation
- Eligibility and funding prioritization along with the selection process and considerations have been discussed for the following:
  - Stream repair and debris removal
  - Non-field farm road repair
  - Farm pond repair
- General program considerations were discussed at the Conservation Action Team's Listening Sessions and audience provided important feedback
- A list of Recommended Commission Actions for Implementation of the Disaster Recovery Act of 2016

Chairman Langdon commended the Division, the staff, other agencies, and districts for aligning ourselves in the state to make these applications for repairs for these damages and help the landowners so there is no more loss of soil and water resources at this hard time.

Mr. Reynolds suggested some clarifications for Recommendation #3 regarding delegation of authority. According to Mr. Reynolds, denials for post approvals can only be made at the Commission level. When delegating authority, it will be on a case-by-case basis for final determination. Commissioner West and Commissioner Yarborough stated these funds are specifically for disaster recovery.

Commissioner West suggested Recommendations #5 and #8 should be eliminated which allows for conversion to pond agricultural use without penalty, which is for getting farmers back up and running. Commissioner West stated we do not want to do anything to jeopardize not using the funds as they are properly meant to be used.

**9. FY2016 Commission Programs Annual Reports:** A copy of all the reports is attached as an official part of the minutes.

**9A. Agriculture Cost Share Program:** Chairman Langdon recognized Ms. Kelly Hedgepeth

- Commission allocated over \$5M for PY16 ACSP BMP Funding
- Over \$2M was appropriated for PY16 for Funding of Technical Assistance
- Highlighted the cumulative ACSP benefits and program accomplishments

**9B. Conservation Reserve Enhancement Program:** Ms. Hedgepeth introduced Mr. Eric Galamb

- Eligible CREP river basins are east of the Yadkin Pee Dee River Basin including the Yadkin
- Map indicates the locations of the projects and the red dots indicate the projects from this past year; the program is 16 years old
- As of September 2016, there are 266 permanent easements totaling 7,683 acres and 905 easements at a 30-year term totaling 18,982 acres
- Approximately 848 stream miles protected through long-term conservation easements

- Easement distribution; no significant change from last year
- Highlighted the total program enrollment at 33,635.1 acres, program effectiveness, marketing initiatives and the total Federal and State expenditures with every State dollar leverages \$2.14 Federal

**9C. Community Conservation Assistance Program:** Chairman Langdon recognized Mr. Tom Hill

- PY2016 for CCAP BMP Funding
  - \$2.22M requested; an increase of 36%
  - \$161,401 in canceled/expired contracts; a decrease of 20%
  - \$266,831 in total allocation; a decrease of 13%
- Map of contracts for FY2016
- Highlighted the Program Accomplishments and Cumulative Benefits
  - Numbers in red are BMPs installed in FY2016
  - Numbers in black; no installation in FY2016
- Program is 9 years old

**9D. Agricultural Water Resources Assistance Program:** Chairman Langdon recognized Ms. Julie Henshaw

- Commission adopted a Detailed Implementation Plan with four goals
- Highlighted AgWRAP for FY2016 BMP Funding
  - All 84 districts that requested funding received an allocation
  - Map of contracted practices
  - Highlighted the Cumulative Review for BMPs
  - Implement Job Approval Authority Process for BMPs
  - Conduct Training for Districts
- Summary of Current Goals for all Cost Share Programs

Chairman Langdon thanked Ms. Henshaw for her passion and taking care of these programs. Chairman Langdon stated the Commission is sensitive and will move towards a regional allocation process. Mr. Hill thanked the Advisory Committee for their hard work going through the allocation process and providing their recommendations to the Commission. Mr. Hill stated we received positive feedback. The limited funding and the competitive regional process is the way to go with that program. The Division is seeing some potential contracts coming in with the deadline being February 3 for funds to be allocated in March. Mr. Hill added, when grant funds were available, the Division applied and received those funds for projects that had significant impact. By receiving those additional grant funds, it has had significant impact and much success. Chairman Langdon stated the Commission is encouraged that in this new year, the economy appears to be building steam. It may not turn around as fast as possible, but sees it coming in a few years to be more satisfactory.

**10. Agricultural Water Resources Assistance Program:** This item was removed from the agenda and will be presented at the March Commission Meeting.

**11. District Issues:** Commissioner Collier stated the district supervisors are not here and offered a motion to move these issues to be presented at the March Commission Meeting, and Commissioner Hughes seconded. Motion carried.

**11A. Washington County Post Approval:**

**11B. Pitt County Post Approval:**

**Public Comments:** Commissioner West shared his thoughts by stating the following, “This meeting marks the end of my serving on the Commission as your President and Past President representative. I have served on this Commission for a total of 9 years. During that time, I have enjoyed the relationship and the friendships that I have developed and I hope that I have served you well. I like to think that I have had some impact on the direction of the Association and Soil and Water, but I know I did not do it alone, we did it as a team. Hopefully, we all had the best interest of the citizens and landowners of N.C. at heart. We did not always agree, but we came away from the meetings with a respect for each other and the opinions that we each had.

I have debated with myself for over a month with what I am about to say, because the irreversible damage of the Commission’s November meeting is already done, but I believe I must make the following comments. These comments are my opinion and may or may not be the opinion of anyone else on the Commission.

The Commission is charged with providing guidance and oversight to the local districts concerning the Ag Cost Share Programs and other issues. But that can create a problem. How does the Commission carry out its responsibility of oversight, when the local districts are considered to be autonomous?

That word autonomous was used a lot in the days and weeks before the November meeting. The dictionary describes autonomous as being self-governed, local-led, but the definition goes on to say to a “significant degree” and “under normal conditions.” Based on that definition, I believe the Commission cannot turn a blind eye when locally-led districts become disengaged, non-functional, or misled. It is not the job of the Commission to rubber-stamp everything that is presented to them from the districts, it is the Commission’s job to do what is in the best interest of all those concerned. The Commission must show support for the actions of those that are doing what they should and enact consequences for those that are doing what they shouldn’t!

At our November Commission meeting, this Commission did not exercise the powers given to it under G.S. 139, and it allowed outside influence to send what I believe was the wrong message to the districts, the Association, and the Division. The Commission is tasked with making decisions that are in the best interest of all. I have always tried to treat people like I would like to be treated. I don’t believe, we as a Commission did that and we failed miserably in the task of making a decision with integrity and that was in the best interest of all.

The Commission must send a message of support to those districts and supervisors that are doing a good job and a message that the Commission is watching and will step in when there is a need to take action. The Commission should be strong in their oversight of each district so none of them feel they are out there by themselves. The Commission must maintain an untarnished reputation of honesty and fairness or it will lose its effectiveness.

I believe we are living in a world of selfishness, where the good of all is not a priority. This selfishness leads to revenge and inappropriate actions and that is something Soil and Water has never stood for and not something we want to stand for. I feel there was an agenda and possibly there is still an agenda and dirty politics got involved. In November, the Commission got down in the mud and this Commission should be better than that! The Commission cannot allow personal or political agendas to cloud sound decisions. The Commission made a decision that I fear will have a significant impact on the districts and the Association and one that I believe they will regret.

Thank you, Mr. Chairman, for allowing me the opportunity to make my comments.”

Commissioner Yarborough responded by stating, he served on many boards and commissions and served on most of those that were politically appointed. Commissioner Yarborough does not understand what the difference was, if we were to assume, since 1938, the districts were to operate on a local level through their own systems. Why as a Commission would we accept that we could politically appoint anyone to that local district unless there was an opportunity for some kind of immorality or illegality. The very fact that we use politics when we need to is such a minor point. It was not politically motivated in Commissioner Yarborough’s opinion. As he stated, this is his last meeting, too. This Commission should not be allowed to make appointments, if we have that ability to appoint, we have lost this ability to be the board we are today. Commissioner Yarborough believes this firmly.

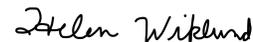
Chairman Langdon stated this is an exciting time and sad time. We are losing some very good talent, but we have new people coming in to develop this Commission. The issues have been emotional and the decisions were not easy. Chairman Langdon stated this is Commissioner West’s last day, and he will be missed. Chairman Langdon would like to thank Mrs. West and their son for sharing Commissioner West with the Commission and also for standing up and serving as Association President and the sacrifice during that time. The Commission recognizes and appreciated your efforts. Chairman Langdon presented Commissioner West with a plaque.

Chairman Langdon recognized Commissioner Yarborough and called him his Chief of Staff and will miss his wisdom and advice. Commissioner Yarborough has been good for this state, his district, for Chairman Langdon, and the Commission. Chairman Langdon appreciates his knowledge, passion, and commitment. Chairman Langdon presented Commissioner Yarborough with a plaque.

**Adjournment:** Meeting adjourned at 5:19 p.m.



Patricia K. Harris  
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 March 15, 2017.***



## NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION WORK SESSION MEETING MINUTES January 8, 2017

Hilton Charlotte University Place Hotel  
Walden Room  
8629 JM Keynes Drive  
Charlotte, NC 28262

Commission Members	Guests	
Wayne Collier	Pat Harris	John Finch
Chris Hogan	David Williams	Eric Galamb
Charles Hughes	Kelly Hedgepeth	Julie Henshaw via phone
Ben Knox	Natalie Woolard	
Manly West	Helen Wiklund	
Bill Yarborough	Tom Hill	
	Louise Hart	
<b>Commission Counsel</b>	Michelle Lovejoy	
Phillip Reynolds via phone	Bill Hart	
	Eric Pare	

Vice Chairman Ben Knox opened with a prayer and called the meeting to order at 9:33 a.m. Vice Chairman Knox 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. Vice Chairman Knox welcomed everyone to the meeting and asked everyone to introduce themselves.

1. **Approval of Agenda (Item #1):** Vice Chairman Knox asked for approval of the agenda. Director Harris stated Item 11 (District Issues) has been removed, since travel has been suspended by the district due to inclement weather and Item 10 (AgWRAP Regional Application Recommendations) has been removed and will be presented at the March Commission Meeting. At the beginning of the Business Meeting, an announcement will be made regarding the amended agenda.
2. **Disaster Recovery Act of 2016 (Item #8):** Vice Chairman Knox recognized Director Harris. Director Harris discussed Tropical Storms Hermine and Julia and Hurricane Matthew that hit North Carolina as well as the wildfires and the recovery efforts. The flooding damage reported by Hurricane Matthew is at \$1.5B for the state. The NC General Assembly called a special session in mid-December and the Legislature will fund in upward of \$200M to help people recover from the storm impacts. President Obama declared 49 counties a major disaster for Hurricane Matthew under the Stafford Act Public Law 93-288. The Legislature has allotted

\$12.2M to the Division of Soil and Water Conservation, which has nearly doubled the Division's budget. A summary of the Recommended Commission Actions for Implementation of the 2016 Disaster Recovery Program is attached. A copy of the presentation is included as an official part of the minutes.

**3. District Issues (Item #11):** This item has been removed from the agenda.

**3A. Washington County Post Approval:**

**3B. Pitt County Post Approval:**

**4. Consent Agenda (Item #7):** Vice Chairman Knox recognized Mr. Eric Pare, Ms. Kelly Hedgepeth, and Ms. Natalie Woolard to discuss items 7A-D.

**4A. Supervisor Appointments:**

- Kevin Mauney, Gaston SWCD, appointed term filling the expired term of Roger Hurst for 2016-2020
- Jonathan Schwartz, Mecklenburg SWCD, appointed term filling the expired term of Jason Cathey for 2016-2020
- Carl Briley, Pitt SWCD, elected term filling the unexpired term of Thurston James for 2014-2018 with an attached resignation letter from Mr. James

**4B. Supervisor Contracts:**

- Seven contracts; totaling \$67,238

**4C. Job Approval Authority:**

- Five recommendations for four district employees seeking Job Approval Authority and have successfully completed the requirements
  - Mike Dupree, Durham SWCD, for Grassed Swale
  - Heather Dutra, Durham SWCD, for Backyard Rain Garden
  - Jessica Pope, Wake SWCD, for Critical Area Planting
  - Jason Byrd, Rockingham SWCD, for Pond Site Assessment and Water Needs Assessment

**4D. Technical Specialist Designation:**

- David Tucker, District Conservationist, for Nutrient Management
- Jeremy Roston, Resource Conservationist, for Waste Utilization/Nutrient Management and Wettable Acres

**5. FY2016 Commission Programs Annual Reports (Item #9):**

**5A. Agriculture Cost Share Program:** Vice Chairman Knox recognized Ms. Kelly Hedgepeth. Ms. Hedgepeth stated she will present the full annual report at the Business Meeting

this afternoon. The CREP Annual Report is not included in the Commissioner’s packets, but it will be presented at the Business Meeting.

- 5B. **Conservation Reserve Enhancement Program:** Mr. Eric Galamb will present at the Business Meeting this afternoon.
- 5C. **Community Conservation Assistance Program:** Mr. Tom Hill will present at the Business Meeting this afternoon.
- 5D. **Agricultural Water Resources Assistance Program:** Ms. Julie Henshaw will present at the Business Meeting this afternoon.

6. **Reading of Statements of Economic Interest Evaluation (Item #2):** Vice Chairman Knox recognized Mr. Phillip Reynolds. Mr. Reynolds stated the Division received one evaluation and Director Harris has a copy of the letter for Commissioner Hughes. Director Harris will read it into the minutes at the Business Meeting this afternoon.

7. **Approval of Meeting Minutes (Item #3):** Vice Chairman Knox asked if there were any comments on the minutes.

7A. November 16, 2016, Business Session – Commissioner West provided an update to Agenda Item 3 and the minutes will be updated and the Attachments will be added. The minutes will be adopted as corrected.

7B. November 15, 2016, Work Session – No comments

8. **Agricultural Water Resources Assistance Program (Item #10):** This item has been removed from the agenda and will be presented at the March Commission Meeting.

8A. **Regional Application Recommendations:**

9. **Division Report (Item #4):** Vice Chairman Knox recognized Director Harris. Director Harris stated she will present the Division Report at the Business Meeting this afternoon.

10. **Association Report (Item #5):** Vice Chairman Knox will present the Association Report during the Business Meeting this afternoon.

11. **NRCS Report (Item #6):** NRCS State Conservationist, Tim Beard, will present the NRCS Report during the Business Meeting this afternoon.

**Public Comments:**

**Adjournment:** Meeting adjourned at 11:29 a.m.



Patricia K. Harris  
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 March 15, 2017.***



**NORTH CAROLINA  
SOIL & WATER CONSERVATION COMMISSION  
TELECONFERENCE MEETING MINUTES  
February 21, 2017**

512 N. Salisbury Street  
Archdale Building – Conference Room 425G  
Raleigh, NC 27604  
Call-in #: 919-733-2511

[https://ncag.adobeconnect.com/swcc\\_2016/](https://ncag.adobeconnect.com/swcc_2016/)

<b>Commission Members</b>	Helen Wiklund	Ann Daisey – Dare SWCD
John Langdon – phone	David Harrison	Angela Little
Wayne Collier – phone	Kristina Fischer	Paula Day
Chris Hogan – phone	Gerda Rhodes	Jason Byrd – Rockingham SWCD
Ben Knox – phone	Eric Pare	Rodney Wright – Rockingham SWCD
Manly West – phone	Dietrick Kilpatrick – Craven SWCD	Jason Walker – Yadkin SWCD
Bill Yarborough – phone	Mike Willis – Caldwell SWCD	Ken Parks
<b>Commission Counsel</b>	Natalie Woolard	Kenneth Short
Phillip Reynolds - phone	Tom Hill	Louise Hart
<b>Guests</b>	P. J. Andrews – Pitt SWCD	Lynn Whitehurst – Martin SWCD
Pat Harris	Tom Best – Pitt SWCD	Michael Pardue – Wilkes SWCD
David Williams	Patrick Baker – Pamlico SWCD	Michelle Lovejoy – NCFSWC
Julie Henshaw	Derek Potter – Pamlico SWCD	Renee Melvin
Kelly Hedgepeth	Candy Bohmert – Pamlico SWCD	Frankie Singleton – Davie SWCD
Daphne Cartner	Sabra Cahoon – Pamlico SWCD	Stokes SWCD
Sandra Weitzel	Deryck Parker - NRCS	Tonya Wingate - Caswell SWCD
Bryan Evans	Craig Frazier – Randolph SWCD	
Tim Beard	Brad Moore – Alamance SWCD	

Chairman John Langdon opened with prayer and called the meeting to order at 1:06 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. Chairman Langdon announced with the ice storm during the Annual Meeting in January in Charlotte, he

planned this meeting to take care of those issues the Commission did not discuss. If the Commission needs to table some issues and gain some understanding, those issues will be discussed at the March Commission Meeting. Chairman Langdon added Rockingham County asked to be added to the agenda (see Agenda Item 6 – Other District Issues) and any other district may add items to Agenda Item 6.

1. **Approval of Agenda:** Chairman Langdon asked for comments on the agenda. Commissioner West stated Item 4 is long and not sure the Commission can adequately handle it over a conference call. Chairman Langdon spoke to Director Harris over the phone last week and Chairman Langdon suggested the Commission needs to have a listening session today to better understand Pamlico SWCD's issues. Commissioner Hogan moved to approve the amended agenda and Commissioner Knox seconded. Motion carried.
2. **Supervisor Appointments:** Chairman Langdon recognized Mr. Eric Pare
  - Eduardo J. Valdivieso, Dare SWCD, elected term filling the unexpired term of Louise Hanson for 2014-2018
  - Margaret S. Knight, Edgecombe SWCD, appointed term filling the unexpired term of Thomas C. Cherry for 2014-2018
  - Emily Walton, Onslow SWCD, elected term filling the unexpired term of Marion Howard (former supervisor resigned in June 2015) for 2014-2018

Commissioner Collier moved to approve the appointments and Commissioner West seconded. Motion carried.

3. **District Issues (Post Approvals):** Chairman Langdon recognized Ms. Kelly Hedgepeth

**3A. Washington SWCD Post Approval:** Ms. Gerda Rhodes presented

Ms. Hedgepeth stated this issue from Washington SWCD came before the Commission in November. During the discussion, it was determined that the District's request had not been properly approved by the board and that it needed to be returned to the District for proper approval. This issue was on the agenda in January, but due to the ice storm, Ms. Rhodes could not travel and is coming before the Commission now.

Ms. Rhodes stated during the November Commission Meeting, it was discovered the issue was not properly voted on to approve Doug Maxwell's AIM project 94-2016-010. Washington's Board held another meeting, with all supervisors present, and a motion was made to approve Doug Maxwell's AIM project for payment of \$1,836. The motion was seconded and approved by all six supervisors.

Commissioner West moved to approve the post approval and Commissioner Hogan seconded. Motion carried.

**3B. Pitt SWCD Post Approval:** Mr. P. J. Andrews presented

Ms. Hedgepeth stated this is a post approval for a contract that had damage during Hurricane Matthew for repair of a waterway still under the 10-year maintenance period for payment of \$903.

Mr. Andrews stated Mr. Stephen McLawhorn, a vegetable producer in Pitt County, was in process of getting his strawberry rows planted and prepped, when Hurricane Matthew came through. Mr. McLawhorn was almost finished with his work, but the sediment had washed into his field. The sediment was trapped in the waterway, and it did exactly what it was designed to do. The producer was on a time crunch to plant and regrade the waterway and pull the topsoil into the field. The County told the producer to do what he had to do.

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

4. **District Issue from Pamlico SWCD:** Chairman Langdon recognized Pamlico SWCD

Chairman Patrick Baker from Pamlico SWCD announced Derek Potter, Candy Bohmert and Sabra Cahoon are also participating on the conference call.

Chairman Langdon stated this is a large and complex issue and not sure the Commission will give it justice over the phone. Chairman Langdon asked Chairman Baker to provide the Commissioners with a summary. If the Commissioners could not conclude today, the Commission would have the information and discuss the issue at the March Commission Meeting.

Chairman Baker stated the position of the Pamlico SWCD is the Board would like this issue resolved. It has been ongoing since 2015. A timeline of events was provided for Contract #69-2015-002. Pamlico's Board is requesting the cooperator to be paid for the contract. The project called for water-control structures, which were designed and a contract was written, and the cooperator installed the structures. Afterward, issues arose regarding payment, which went back and forth between NRCS, the Division, and the District and whether the practices met the program standards. Pamlico's Board determined, the program standards were met, and the District wants the contract to be paid. Chairman Baker added the cooperator was applying for funding for installing all these structures with EQIP funds, however, 45 structures were installed through EQIP and 13 structures were installed under the NC Ag Cost Share Program (NCACSP). All 58 water-controlled structures were installed on 362 acres. EQIP requires a drainage water management budget/plan. NCACSP does not require a drainage water management plan.

Chairman Langdon asked the district the following questions with regards to the water quality benefit:

1. Do these structures meet the tech standards? Yes
2. Do they have a water quality benefit? Yes
3. Did the Division approve the contract? Yes
4. Do the district supervisors support the contract and practice? Yes

Commissioner Knox questioned why this has not been paid by the Division? Mr. Phillip Reynolds, Commission Counsel, stated it is his understanding, the Division has been advised by their counsel not to participate in this conversation, as this is a contract issue. The Commission recognizes the dividing line between funding the contracts, execution of the contracts, and enforcing the contracts and any resolution between those disputes. Director Harris is unable to answer the question now.

Commissioner Knox asked, “what is the difference in the cost of 13 structures versus the 5 big structures?” Ms. Candy Bohmert, Cost Share Technician with Pamlico SWCD, stated it is \$5,000 between the two with the smaller ones being costlier. Ms. Bohmert stated the 45 EQIP structures have been approved and paid and the 13 Ag Cost Share structures have not been paid.

Mr. Reynolds stated this is a contract issue, and that he is not aware of any mechanism now that would allow the Commission to resolve the issue between the local district and Division. The Commission is only a listener today, per Chairman Langdon, since the Commission cannot decide. Chairman Langdon stated we cannot go any further with this today. All those involved need to get this resolved rapidly.

Chairman Langdon asked, “does the Commission not represent the districts?” Mr. Reynolds’ response is the local districts were created before the Commission. The Commission does not have the authority to intervene on contract issues between the District and Division. It is a contractual issue with the Department. The Commission did not cause the problem and cannot fix it.

Director Harris added, the Division and Department are currently working to resolve this contract payment issue even though we have nothing to add to the discussion today.

**5. District Issue from Randolph SWCD:** Chairman Langdon recognized Randolph SWCD

Mr. Craig Frazier, Supervisor with Randolph SWCD, is asking the Commission to consider the issues related to the Job Approval Authority (JAA) process through NRCS. Based on the lack of training offered and the AgLearn issues related to the Certified Conservation Planner (CCP) process, Randolph SWCD would like the Commission to also reconsider deadlines or determine alternatives for certifying conservation plans.

Commissioner West believes this is an NRCS issue not a state issue. Mr. Frazier informed the Commission the employee seeking JAA is a district employee. Randolph SWCD is the only office with no NRCS seats in their office. The district has a good working relationship with NRCS, and they work well separately.

Commissioner Yarborough encouraged conservation planning as an important part of our work.

Commissioner Yarborough moved to remove CCP requirements for AgWRAP contracts on conservation plans, and Commissioner Knox seconded. Discussion followed with Deputy Director David Williams stating the CAT Team has been meeting to improve the process by which district employees can obtain JAA and CCP. The CAT Team expects to bring a phased-in

plan to the Commission in May. The Commission put a policy in place the second year AgWRAP was established that all AgWRAP contracts would have to be signed by a CCP, however, not all districts have CCP. If the requirement is removed, who will determine that a Cost Share Conservation plan is sufficient? Deputy Williams stated there needs to be a standard.

The discussion continued with regards to an interim fix/alternative to get these contracts completed and not hold up the conservation. Perhaps, a committee needs to be set up to seek another way and get the folks certified.

Deputy Williams asked Mr. Frazier did the district approach Randy Blackwood about signing off on the CCP on the contract? Yes. The Division enforced the policy the Commission established. How long did it delay the contract? Mr. Frazier could not answer that question.

Commissioner West stated there is a motion on the table and a second and would like to motion an alternative. Mr. Reynolds stated the Chairman can accept the motion to amend or substitute the motion on the table.

Director Harris stated our intent of the Listening Sessions with the CAT Team is to discuss through a partnership by addressing everyone's challenges. One item the CAT team discovered was there is a draft policy that Mr. Williams referenced to bring back on the Certified Conservation Planning piece and alternatives. Commissioner Collier asked to put a time frame on the disbursement of the CCP. Commissioner Yarborough restated the motion to remove the requirement for CCP signature on AgWRAP contracts.

Chairman Langdon stated there is a motion on the table and Chairman Langdon polled each Commissioner individually. Motion carried.

Mr. Frazier presented a second issue regarding two employees were sent to animal waste certification training, and they have not received Job Approval Authority (JAA). Director Harris asked Mr. Frazier if the discussion is regarding JAA for the nutrient management standard 590 or being a designated technical specialist for waste utilization? Mr. Frazier stated the technical staff had to have the JAA 590 to have approval authority to write waste plans which came from Division staff.

Ms. Natalie Woolard stated this is stemming from our technical specialist rules from the Commission and the rules are being revised and will be brought forth at the Commission Meeting in March. A review of the proposed changes to the rules will go out to public comment. Ms. Woolard stated there are two ways for individuals to be designated a technical specialist. Until this rule is changed, these are the parameters. The Commission can look at in March and modify their rules.

No action was taken. Craig Frazier thanked the Commission.

**6. Other District Issues:** Chairman Langdon recognized any other districts.

Mr. Jason Byrd, Rockingham staff member, read a letter from the Rockingham Board of Supervisors. They oppose the Ag Cost Share (ACSP) rule revisions. These recommended

changes are not fair to all districts. Rockingham's Board also disagrees with the rule revisions pertaining to program allocations. Rockingham's Board will attend the public comment period.

Commissioner Hogan had discussions with Orange SWCD staff to try to better understand the concerns. Ms. Julie Henshaw reminded the Commission that in March 2016 the Cost Share Committee presented its suggestions for changing the allocation rules to the Commission. By consensus the Commission conceptual approved the Committee's recommendations. Ms. Henshaw added that the Cost Share Committee is currently conducting an informal stakeholder process, not a public comment process. Cost Share Committee is hosting eight meetings within a month and will present its recommendations for formal commission consideration in May. The Committee is proposing to consider federal dollars expended as part of the Commission's technical assistance allocation, recognizing the important role that districts perform to help implement federal Farm Bill programs.

Mr. Byrd continued the discussion with regards to work being done on EQIP and NRCS programs, however, the workload in NRCS is a big part of the problem. Chairman Langdon stated there is an opportunity for improvement. Chairman Langdon urged Mr. Byrd to send the documentation to the Commission to discuss at the March or May Commission Meeting.

Commissioner Collier stated as the Commission moves forward, the Commission needs to know how NRCS' staffing situations are affecting districts as the Commission continues to make decisions for districts. Chairman Langdon added, the Commission does not need NRCS to fail. It would be prudent for management to be in a more independent position.

Mr. Brad Moore stated that Alamance SWCD had experienced the same issues as Rockingham SWCD.

No action was taken.

Chairman Langdon thanked everyone for sharing their time and scheduling the call. The Commission achieved what we wanted to achieve and be prepared to discuss these issues in March.

**Adjournment:** Meeting adjourned at 3:20 p.m.



Patricia K. Harris  
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 March 15, 2017.***

# North Carolina Division of Soil and Water Conservation Report

NC Soil and Water Conservation Commission

Pat Harris, Director

March 15, 2017

## DSWC Vacancies:

- Technical Services Section Chief/ Environmental Supervisor III (Raleigh) – currently posted with a closing date of March 16
- Eastern Engineer (Washington) – interviews complete
- WNC Engineering Tech – preparing offer
- CREP Specialist (Mocksville) – waiting for offer approval
- AgWRAP Engineer (Raleigh) – request to hire



NCDA&CS Plant Industry Building  
(Former NC School for Blind & Deaf)



Old Health  
Building  
3<sup>rd</sup> Floor  
Renovation

Division's Future Home  
Fall of 2017

216 West Jones Street  
Raleigh, NC 27603





## NORTH CAROLINA PREPARES FOR HIGHLY PATHOGENIC AVIAN INFLUENZA

### CURRENT STATUS

North Carolina is free from HPAI  
HPAI was confirmed in Tennessee March 5, 2017

### BIOSECURITY LEVEL

All N.C. poultry farms should be following  
STRICT biosecurity protocols



# Professional Development - Conservation Action Team

## Mission of the Conservation Action Team (CAT)

To address challenges and establish a consistent process for all partnership staff to obtain Job Approval Authority (JAA) and become Certified Conservation Planners (CCP) in order to improve the delivery of technical services at field level.

## Your Feedback Matters!

Partner issues, concerns, complaints, recommendations, commendations, questions and/or requests for information are very important to the CAT. Please click [HERE](#) to submit your comments regarding improved technical services delivery at field level. Once you've submitted the information, your comments will be automatically forwarded to key CAT team members for processing and response. Thank you for your feedback!

## Announcements

The CAT will host listening sessions statewide to hear concerns from the field, and to share the latest information and efforts regarding JAA, CCP and support of technical services. Sessions will run 9:00 a.m. to 12:30 p.m. Please plan to attend one of the sessions as follows:

- *Eastern (NRCS Area 3):* March 9, 2017 at the Kenansville USDA Service Center; April 5, 2017 at the Pitt County Administration Office, 1717 West 5th Street, Greenville NC 27834
- *Central (NRCS Area 2):* Jan. 17, 2017 at the Carthage USDA Service Center; Jan. 25, 2017 at the Hillsborough Cedar Grove Park & Community Center
- *Western (NRCS Area 1):* Dec. 1, 2016 at the Waynesville USDA Service Center; Dec. 2, 2016 at the Morganton USDA Service Center

### Browse Section

[Soil & Water Conservation Home](#)

[Professional Development](#)

[Training Opportunities](#)

[Conservation Action Team](#)

[Job Approval Authority](#)

[Tech Specialist Designation](#)

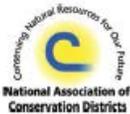
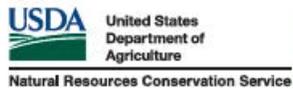
[Scholarship Opportunities](#)

[PCEP](#)

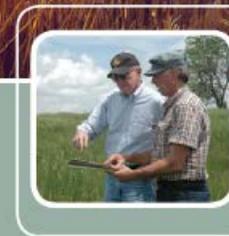
### Search Soil and Water

Search

# North Carolina Conservation Action Team



# CONSERVATION PLANNING



## CONSERVATION PLANNING FOR THE FUTURE

“TWENTY YEARS AGO I needed a conservation plan that would help make my land more productive and reduce erosion. Today, my conservation plan helps me provide assurance to both my customers and state environmental regulators that I am farming in ways that meet their quality standards.”

—Wade Troutman, Open Heart Ranch, Bridgeport, Washington

The future of conservation planning combines the very best of Bennett’s planning concepts with the talent of our workforce and tomorrow’s technology.

that is timely, individualized, and comprehensive based on their goals and the land’s unique natural resource features. Our efforts are focused on accelerating the adoption of conservation systems (a

combination of one or more conservation measures or management practices) that addresses the resource concerns and leads to the greatest return on investment for the producer and the environment. These practices improve the land’s capacity

NCPP is making quality conservation planning on America’s private lands a national priority. Our customers can expect a conservation plan that is innovative, enhances their decision-making process, and provides durable results in conservation systems implementation. They can expect a planning experience





# Supervisor Training Committee Report



Field Training



Classroom Online



Association Meetings



Board Meetings



National Meetings



UNC School of Government

## Cost Share Program Rule Revisions

- Informal Stakeholder Meetings completed:
  - 8 meetings across the state
  - 180+ attendees
  - ~85 counties represented
- Cost Share Committee is making revisions based on district feedback
- Special Commission work session to review rule revisions with committee in April in RTP

# Rules Re-Adoption

02 NCAC 59E

02 NCAC 59G

NC Soil and Water Conservation Commission

Pat Harris, Director

March 15, 2017

# Re-adoption of Animal Waste Management and Technical Specialist Rules

**Rule 59E** – *Procedures & Guidelines to Implement Nondischarge Rule for Animal Waste Management Systems*

**Rule 59G** – *Approval of Technical Specialists & BMPs for Water Quality*

- Nov. 14, 2014: SWC Commission classified each rule
- Jan. 30 – March 31, 2015: Public comments on classifications
- May 20, 2015: SWC Commission approves final classification
- Nov. 15, 2015: Rules Review Commission approves
- July 20, 2016: SWC Commission approves proposed changes
- Sep. – Oct. 2016: Publish to NC Register for 60 days
- Nov. 2016: Receive and review comments; address where applicable

# Re-adoption of Animal Waste Management and Technical Specialist Rules

## Rule 59E & 59G Re-adoption - Round 2

- Workgroup convened
- Mid February: provide draft through Department for cursory Rules Review Commission staff review
- March 15 2017: Commission potentially approves proposed language
- April – May 2017: Publish to NC Register for 60 days
- June 2017: Receive and review comments; address where applicable
- July 19, 2017: Commission potentially adopts rule

# DISASTER RECOVERY PROGRAM REPORT

David B. Williams, Deputy Director

March 15, 2017

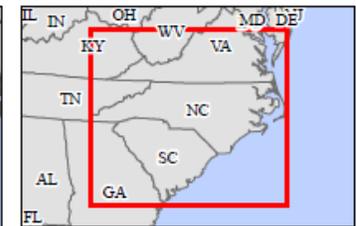
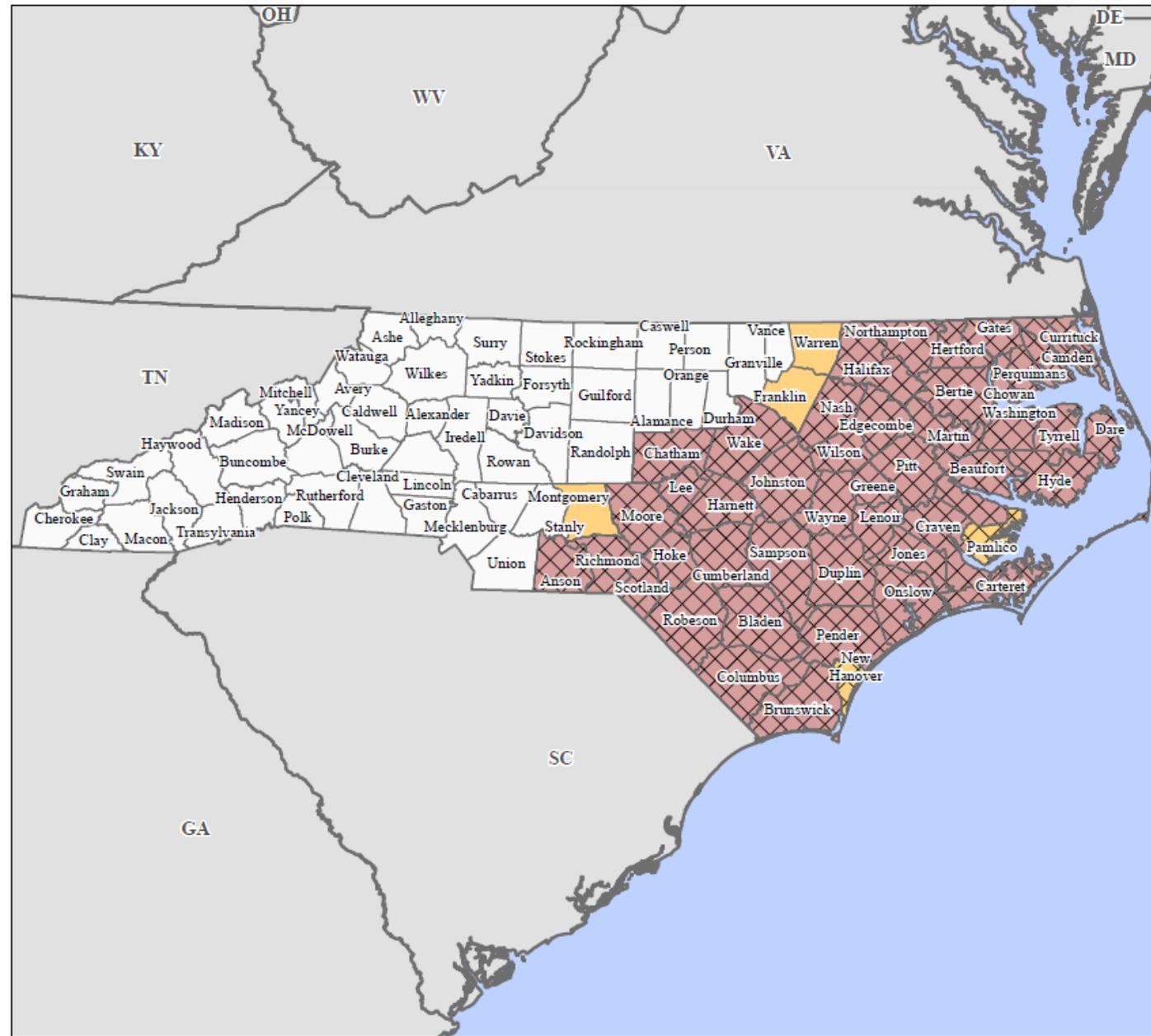


# Disaster Recovery Act of 2016 (Session Law 2016-124)

- Hurricane Matthew, Tropical Storms Hermine And Julia, and western wildfires
- Not intended to make individuals whole but to assist affected areas in recovering from storm impacts
- 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

# FEMA-4285-DR, North Carolina Disaster Declaration as of 12/23/2016

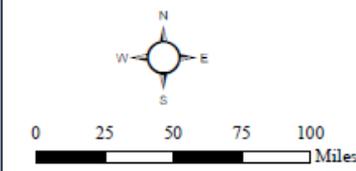
50 counties declared a major disaster under the Stafford Act (P.L. 93-288)



**Data Layer/Map Description:**  
The types of assistance that have been designated for selected areas in the State of North Carolina.

All areas in the State of North Carolina are eligible to apply for assistance under the Hazard Mitigation Grant Program.

- Designated Counties**
- No Designation
  - Public Assistance
  - Individual Assistance and Public Assistance (Categories A - G)
  - Public Assistance (Categories A - G)



**Data Sources:**  
FEMA, ESRI;  
Initial Declaration: 10/10/2016  
Disaster Federal Registry Notice:  
Amendment #16 - 12/23/2016  
Datum: North American 1983  
Projection: Lambert Conformal Conic

# 2016 FUNDING FOR IMMEDIATE NEEDS

	Initial Appropriation	Requests to Date
Stream Debris Removal	\$10 M	\$20.6 M (30 counties)
Pond Repair	\$1.2 M	\$2.7 M (15 counties)
Road Repair	\$1 M	\$ 1.3 M (17 counties)
<b>Total</b>	<b>\$12.2 M</b>	<b>\$24.6 M</b>

- **\$5.4 M allocated to 22 local sponsors for Stream Debris Removal**
- **Projected additional unmet needs \$63.3 M**

# Stream Debris Removal

## ELIGIBILITY & PRIORITIZATION

1. Stream debris removal (e.g. woody vegetation)
  2. Stand alone instream sediment removal (explain)
  3. Streambank stabilization (vegetative cover) with or without sediment removal
  4. Other Stream Repair needs
- \* Securing match & 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. Prioritization may also be given for leveraging efforts with other funds (e.g. BMAP) to eliminate beaver.

# Stream Debris Removal

## PROCESS & CONSIDERATIONS

- All projects require a local sponsor that may or may not be a conservation district
- Refer to Stream Debris Removal Guide
- Local sponsor required to:
  - Complete & submit application
  - Certify damage caused by eligible storm event(s) through self-certification form & may need supporting documentation
  - Oversee project
  - Provide site inspections
  - Secure contractor as needed
  - Secure permits
  - Secure access & right-a-ways
  - Sign off for request for payment
- Batch 1 :
  - Lee SWCD chose to use turnkey option with Resource Inst.
  - Contracts going out now

# Non Field Farm Roads

## ELIGIBILITY & PROCESS

- Road must be needed to access agricultural fields and/or production facilities (e.g. poultry houses)
- May fund portions of access roads that are not eligible for FSA Emergency Conservation Program (ECP) funding
- Must meet Ag Cost Share Program eligibility requirements
- Must meet standard (NRCS Access Road Standard 560)
- Propose allocations to districts to develop cost share contracts using District Board prioritization process (see handout for proposed allocation)
- Not many people have JAA for Access Roads, but several have JAA for Stream Crossing or Grade Stabilization Structure, which is very similar. Area 3 will consider granting JAA for Access Roads involving Culverts.
- Several ATAC retired NRCS employees had JAA. Area 3 office will likely give favorable consideration to designs/installations approved by these.

# AgWRAP Supplement for Damaged Ponds & Dams

## ELIGIBILITY & PRIORITIZATION

- Meet AgWRAP farm pond definition & eligibility criteria
- State funds to be used for practices & services (e.g. engineering) not funded by federal ECP funds
- Repair must meet NRCS standard
- Priority considerations include:
  - Non-ECP projects will be prioritized higher than ECP-eligible projects
  - In-pond sediment removal will be a lower priority
  - Higher priority to those projects that secure other non-federal match for ECP-eligible projects
  - Higher priority for high hazard structures due to higher potential for loss of life and property

# AgWRAP Supplement for Damaged Ponds & Dams

## PROCESS & CONSIDERATIONS

- Resource Institute (RI) available to do turnkey:
  - Preliminary assessments (no cost)
  - Designs
  - Installation oversight/Certification
- Give district option of:
  - Outsourcing as turnkey projects to RI (\$500/completed pond repair)
  - Handling as a district turnkey (Reimburse admin exp. up to 12% )
- District to work with landowner to fill out AgWRAP application
- Conservation district to contact & coordinate with local FSA for ECP eligible farm ponds & dams
- Priority for project that district staff designs/oversees work versus outsourcing

# Disaster Recovery Program – Project Manager

- Patty Gabriel
- Retired NRCS – Wayne SWCD
- ATAC, Conservation Planning Specialist
- Experience implementing Disaster Response
  - Hurricanes Floyd/Fran



DISTRICT ALLOCATION OF DISASTER RECOVERY PROGRAM FUNDS  
NON-FIELD FARM ROADS

County	Request	Allocation	# Apps
Bertie	\$ 49,700	\$ 34,028	19
Bladen	\$ 161,717	\$ 110,721	15
Columbus	\$ 6,039	\$ 4,135	1
Cumberland	\$ 104,709	\$ 71,690	19
Duplin	\$ 58,657	\$ 40,160	8
Edgecombe	\$ 51,000	\$ 34,918	3
Franklin	\$ 100,000	\$ 68,466	5
Harnett	\$ 7,000	\$ 4,793	1
Johnston	\$ 176,820	\$ 121,062	15
Jones	\$ 10,000	\$ 6,847	2
Lee	\$ 10,000	\$ 6,847	2
Lenoir	\$ 190,159	\$ 130,195	19
Robeson	\$ 20,000	\$ 13,693	2
Sampson	\$ 302,711	\$ 207,255	38
Washington	\$ 4,000	\$ 2,739	2
Wayne	\$ 18,000	\$ 12,324	3
Wilson	\$ 14,795	\$ 10,130	2
	\$ 1,285,307	\$ 880,000	156



## Association report to the Commission

March 15, 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 will be traveling to Washington, DC as part of the Annual NACD Fly-In to advocate for conservation. With the upcoming Farm Bill and recent changes in administration and representation, now is an important time for conservation's voice to be heard.

### March 22, Executive Committee Meeting

Will we hold our Spring Executive Committee meeting on March 22, 2017 at the NCDA and CS Agronomic Lab located at 4300 Reedy Creek Rd in Raleigh. We have a full agenda and look forward to working with new members of this committee.

### Legislative Awareness Blitz

This year the Association is trying a different approach to legislative outreach. All 492 district supervisors have been asked to contact their legislators in the NC General Assembly during this week. A list of the Association's legislative priorities has been distributed and we feel that this

has the potential of reaching more legislators and making soil and water conservation district more known coming from not only supervisors, but from constituents.

## **2017 Policies, Positions and Action Items**

This document that list the actions taken at the 2017 Annual meeting has been published and is available on our website. All districts are encouraged to review the document to know what their Association will be working on through this year.

## **2017 NCASWCD Officers**

Below is a list of officers for the Association for 2017. The Association thanks these individuals for volunteering to serve.

Chris Hogan – President  
Dietrich Kilpatrick – 1<sup>st</sup> Vice President  
Myles Payne – 2<sup>nd</sup> Vice President  
Ben Knox – Past President  
Nancy Carter – Secretary  
Bill Yarborough – Treasurer  
Franklin Williams – NACD Board Member  
John Finch – Alt. NACD Board Member  
Marvin Cavanaugh – Chaplain  
Matt Overby – Assist. Chaplain  
Ben Knox – Finance Committee Chairman  
Manly West – Legislative Committee Chairman

## **Area Chairs**

1. Terry English, McDowell
2. Dr. Earl Sheppard, Surry
3. Michael Gaster, Lee
4. Joseph Suggs, Edgecombe
5. Fenton Eure, Albemarle – Chowan
6. Jerry Jones, Greene
7. Kent Revels, Harnett
8. Ben Knox, Rowan



# Natural Resources Conservation Service North Carolina - Quick Notes

## Message from the State Conservationist

As we move into a new calendar year, we are providing 'quick notes' on our Regional Conservation Partnership Program (RCPP), and how it is RCPP helping to build capacity in North Carolina. Additionally, we are highlighting how our Conservation Delivery Teams are adapting to the needs of the service areas they represent. Lastly, we are presenting the changes under new national policy for Certified Conservation Planners. As always, if you have any questions about NRCS and our goals for 2017, please feel free to contact me or any member of our State Leadership Team.

Timothy Beard  
NRCS State Conservationist

## Highlights

### RCPP - Building Capacity and Expanding our Partnerships

The Regional Conservation Partnership Program (RCPP) puts conservation partners in the driver's seat. It offers new opportunities for NRCS to harness innovation, welcome new partners to the conservation mission, and demonstrate the value of voluntary, private lands conservation. From 2014 through 2016, North Carolina has benefited from five RCPP projects. NC RCPP projects are helping expand our cooperative conservation partnership, grow our capacity to deliver technical assistance, expand outreach efforts, and increase opportunities to get conservation on the ground.

**Project:** Western NC Stream and Water Quality Initiative  
**Lead Partner:** Resource Institute, Inc.

There are three RCPP projects under the Western NC Stream and Water Quality Initiative. EQIP financial assistance is provided for eligible landowners within the project area to address resource issues related to water quality. The partner provides conservation technical assistance to these landowners, which includes inventory and evaluation, stream design, and check-out of restoration practices implemented through EQIP. Through this partnership, we are able to expand our technical capacity, outreach, and direct customer assistance.

**Project:** African American Forest Restoration and Retention  
**Lead Partner:** U.S. Endowment for Forestry and Communities

The partner provides direct conservation technical assistance to landowners on forestry improvements and conservation management. NRCS works with the partner and the landowner to implement supporting conservation practices on eligible lands through CSP and EQIP. The partner provides further assistance by providing heir-property management support to the

landowners. Through this RCPP partnership, there are gains in technical capacity, outreach, and targeted support for forested land retention in underserved communities.

**Project:** MBGro, NC Grain Nutrient Management & Soil Health  
**Lead Partner:** Environmental Defense Fund

The partner is providing direct technical assistance to producers for soil health and nutrient management on crop land, while NRCS provides the producer with financial assistance to implement approved practices through EQIP within the project area. Through this collaborative RCPP project, we are expanding our efforts to implement conservation on the ground and increase technical capacity.

**Project:** Southern Sentinel Landscapes  
**Lead Partner:** US Endowment for Forestry and Communities

The partner is working with NRCS to help preserve the integrity of existing farm and forested land within the identified project region in eastern North Carolina, by promoting EQIP and ACEP. Through this partnership, outreach, conservation technical assistance, and partnership programs, opportunities are more efficiently implemented and targeted. Furthermore, through this unique place-based approach, the partners involved in the RCPP project increase our capacity to deliver technical assistance.

USDA is now accepting proposals for Fiscal Year 2018 RCPP funding. Pre-proposals are due April 21. For more information on applying, visit [www.nc.nrcs.usda.gov](http://www.nc.nrcs.usda.gov) or contact Renee Leech at [Renee.Leech@nc.usda.gov](mailto:Renee.Leech@nc.usda.gov).

For more information about this publication,  
please contact Stuart Lee at [Stuart.Lee@nc.usda.gov](mailto:Stuart.Lee@nc.usda.gov).  
USDA is an equal opportunity provider, employer and lender.

QUICK NOTES FEBRUARY - MARCH 2017

### Service Delivery Model - A Closer Look At Our Teams

In 2014, NRCS in North Carolina began the steps necessary to reshape our organizational structure at the field level. Under the new Service Delivery Model, we organized the state into 18 Service Delivery Teams, with the goal of sharing technical capacity beyond county lines and grouping technical staff into work units to service groupings of counties that share similar natural resource attributes.

Our original structure design provided for each team to have a core number of positions, with a minimum number of five staff. Our heavier workload counties may have as many as seven staff members. The following staffing structure builds the core Service Delivery Team: One Supervisor Soil Conservationist, two Soil Conservationists, one Soil Conservation Technician and one Soil Con/ Soil Con Technician. To provide additional technical and program administrative support, each team receives direct support from an Area Civil Engineering Technician and an Area Program Support Specialist.

We continually evaluate the needs and capacity of each of our teams. As the workload complexity increases provisions are made either by adding additional positions to the team, or by building capacity with partnership staff through national agreements. Example of Original Team and Growth:

Team 12: Team 12 was originally comprised of the five core team members to service the counties of Harnett, Lee, Moore, Richmond, Scotland, Hoke, and Cumberland. As workload increased a team evaluation was conducted and we added an additional Soil Conservationist position to the team. Team 12 now consists of: One Supervisor Soil Conservationist, three Soil Conservationists, one Soil Conservation Technician and one Soil Con/ Soil Con Technician. Since its establishment, Team 12 has grown by three members.

As we move forward, teams will continue to be evaluated to ensure we are able to provide the best service possible.

### New Conservation Planning Policy

A new Conservation Planning Policy was released on January 26th, 2017. States will have until January 1st, 2020, to ensure planners meet the new national requirements. Currently, NRCS in North Carolina is in the process of evaluating new policy changes and formulating procedures in preparation for this transition period. It has been noted that additional training requirements for acquiring the Certified Conservation Planner (CCP) designation will be offered by the National Development Center (NEDC) through AgLearn or in-person.

The new national policy introduced some changes to the previous policy. The new policy changes are as follows:

- Establishes an Apprentice Conservation Planner (ACP)- This individual has completed a basic set of trainings that provides an awareness of the NRCS conservation planning process. The ACP may determine client objectives, conduct natural resource inventories, run assessment tools, and develop alternative solutions to address resource concerns for planning areas. This planner has limited JAA (JAA is a separate process) and no authorization to sign conservation plans or environmental assessments (CPA-52). The basis of this designation is for the inventory and evaluation process.
- Establishes a Master Certified Conservation Planner- This is an employee whose expertise is in conservation planning. Individuals under this designation are recognized as people that will complete national, state, or regional trainings. They are able to carry out area-wide planning as well have the ability to complete quality assurance and quality control processes. A Master Certified Conservation Planner expertise is above and beyond an ACP or a CCP. This person has mastered the 9-steps of conservation planning, and can approve and sign conservation plans and environmental assessments (CPA-52). Regardless of the employees location (field staff, area staff, state staff), employees who meet the minimum established requirements can become a Master Certified Conservation Planner.
- Establishes a Technical Specialist Planner Designation- These are planners that specialize in a specific scientific or technical discipline, and provide technical assistance, technical guidance, and training to conservation planners (Ex. State Agronomist, State Grazing Specialist, State Forester, State or Area Biologist). They also perform quality assurance activities by reviewing conservation planners' work that relates to their areas of expertise.
- Increases Continuing Education Units - The new policy requires 40 Continuing Education Units (CEUs) instead of 30. Also, the new policy clarifies and sets conversion units for alternate CEUs methods like college credits, publications, participation of a scientific professional organization, and literature review.

Our Ecological Sciences (ECS) staff will be providing overviews on the new policy for our partners and employees. Additionally, the North Carolina Standard Operating Procedure (SOP) for planner certification will be released by the end of the year. Currently North Carolina has 65 CCP planners (47 NRCS, 11 SWCD and 7 ATACS), 96 CNMP (29 NRCS, 67 Partners), 41 IPM (34 NRCS 7 Partners).

Timothy A. Beard  
 State Conservationist  
 919-873-2100  
 Timothy.Beard@nc.usda.gov  
 www.nc.nrcs.usda.gov



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

INTERNAL USE ONLY:  
Appointed / Elected Seat  
 Current Term: 17-20

**RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR**

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

The supervisors of the Fishing Creek Soil and Water Conservation District of Halifax 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 12-1-2020 to fill the expired or un-expired term of KENNETH BRANTLEY

Name of nominee: Zeb W Winslow III  
 Address of nominee, City, State, Zip: ~~425 Winslow Rd~~, Scotland Neck NC 27874-8819  
 Email address of nominee: 1215 Acacia Edmonson Rd email: zebwinslow@gmail.com  
 Home phone: \_\_\_\_\_  
 Mobile phone: 252-578-1332  
 Business phone: \_\_\_\_\_  
 Occupation: FARMER  
 Age: 39  
 Education: BA Economics/Business  
 Positions of leadership NOW held by nominee: Board of Directors Bio-Rogen Co-Op  
 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 J. Wayne Short  
 SWCD Chair (or Vice Chair if Chair is being nominated) Date 3/13/17  
 Printed name: J. Wayne Short

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

X Zeb W. Winslow III  
 Individual recommended for appointment Date 3/13/17  
 Printed name: Zeb W. Winslow III



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

INTERNAL USE ONLY:  
 Appointed Elected Seat  
 Current Term: 17-18

### RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the GUILFORD Soil and Water Conservation District of GUILFORD 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 1, 2017 and ending DECEMBER 1, 2018 to fill the expired or un-expired term of RICHARD L. PHILLIPS.

Name of nominee: ANNA GERRINGER AMORIELLO  
 Address of nominee, City, State, Zip: 3802 High Rock Rd, Gibsonville, NC 27249  
 Email address of nominee: annascows@aol.com  
 Home phone: 336-449-7896  
 Mobile phone: 336-516-0753  
 Business phone: \_\_\_\_\_  
 Occupation: Dairy Farmer  
 Age: 50  
 Education: BS in Animal Science and Ag Education  
 Positions of leadership NOW held by nominee: Gulford County Farm Bureau Board of Directors, 4-H Leader  
 Former occupations or positions of leadership contributing to nominee's qualifications: Agriculture Teacher at Eastern Guilford High School for 3.5 years, full time dairy farmer for 23 years, Associate Board Member for Guilford SWCD for 4 years  
 Other pertinent information: \_\_\_\_\_

Dates of previous attendance at UNC School of Government training, if applicable: NA  
 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.

George Y. Teague  
 SWCD Chair (or Vice Chair if Chair is being nominated)  
 Printed name: George Y. Teague

March 1, 2017

Date

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

Anna Amorillo  
 Individual recommended for appointment  
 Printed name: Anna Garringer Amorillo

March 1, 2017

Date

Mr. Richard Phillips  
3490 Glen Oaks Ave.  
White Bear Lake, MN 55101-5611

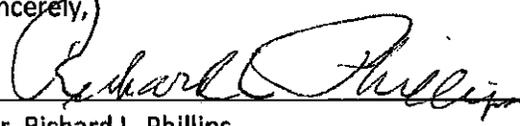
Guilford Soil & Water Conservation District  
3309 Burlington Road  
Greensboro, NC 27405

To the Guilford SWCD Board of Supervisors:

It is with regret that I must resign my position on the Guilford Soil & Water Conservation District Board, effective immediately.

My health has required me to move to Minnesota to be near my family.

Sincerely,

✓  2-10-17  
Mr. Richard L. Phillips Date



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

INTERNAL USE ONLY:  
Appointed Elected Seat  
Current Term: 17-18

**RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR**

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

The supervisors of the Henderson Soil and Water Conservation District of Henderson 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 2017 and ending 2018 to fill the expired or un-expired term of Theron Maybin (passed away)

Name of nominee: Jerred Nix  
Address of nominee, City, State, Zip: 193 Peaceful View Trl. Hendersonville, NC 28792  
Email address of nominee: Jerred\_nix@yahoo.com  
Home phone: \_\_\_\_\_  
Mobile phone: 828-674-9499  
Business phone: \_\_\_\_\_  
Occupation: Farmer  
Age: 29  
Education: Associate Degree NCSU  
Positions of leadership NOW held by nominee: VP Henderson County FB VP Blue Ridge Apple Growers, Chairman HC YFAR  
Former occupations or positions of leadership contributing to nominee's qualifications: Pres. BRAG, Prag board since 2009, Farm Bureau board since 2010, State Farm Bureau Young Farmer + Ranchers 2010-2011  
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 Andrew C. Brannon 2-28-17  
SWCD Chair (or Vice Chair if Chair is being nominated) Date  
Printed name: Andrew C Brannon

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

X [Signature] 2-28-17  
Individual recommended for appointment Date  
Printed name: Jerred Nix



DIVISION OF SOIL AND WATER CONSERVATION  
 North Carolina Department of Agriculture & Consumer Services  
 1614 Mail Service Center • Raleigh, NC 27699-1614  
 919-733-2302 • www.ncagr.gov/swc/

INTERNAL USE ONLY:  
 Appointed / Elected Seat  
 Current Term: 17-18

### RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the IREDELL Soil and Water Conservation District of IREDELL 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 15, 2017 and ending December 3, 2018 to fill the expired or un-expired term of Beacher H. Grose, Jr.

Name of nominee: Brian R. Harwell  
 Address of nominee, City, State, Zip: 351 Rinehardt Rd. Mooresville, NC 28115  
 Email address of nominee: harwell@mooresvillelaw.com  
 Home phone: 704-902-6267  
 Mobile phone: 704-902-6267  
 Business phone: 704-664-1818  
 Occupation: Attorney  
 Age: 52  
 Education: BA, UNC-Charlotte Doctorate of Jurisprudence, Mississippi College  
 Positions of leadership NOW held by nominee: Chair of NCASWCD Dist. Ops Committee, Past Area Chair  
 Former occupations or positions of leadership contributing to nominee's qualifications: Area 8 Chair 2016  
 Other pertinent information: \_\_\_\_\_

Dates of previous attendance at UNC School of Government training, if applicable: Feb 14-15, 2012  
 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.

James Reid Gray, Jr.  
 SWCD Chair (or Vice Chair if Chair is being nominated)  
 Printed name: James Reid Gray, Jr.

3-1-2017  
 Date

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

Brian R. Harwell  
 Individual recommended for appointment  
 Printed name: Brian R. Harwell

February 28, 2017  
 Date

To whom it may concern,

Please accept my immediate resignation  
as a supervisor for the Dredell County  
Soil and Water Conservation Board.

I have the upmost respect for and  
have enjoyed working with my fellow  
supervisors and staff and wish you  
continued success in serving the  
citizens of Dredell county.

yours truly  
Becher (Billy) H. Dwork  
1/23/17

# **BRAWLEY & HARWELL, P.A.**

**A PROFESSIONAL CORPORATION  
COUNSELORS AND ATTORNEYS-AT-LAW**

**BRIAN R. HARWELL**

**283 NORTH MAIN STREET  
POST OFFICE BOX 27  
MOORESVILLE, NC 28115-0027**

**WWW.MOORESVILLELAW.COM**

**TELEPHONE  
(704)-664-1818**

**FAX  
(704)-664-1823**

February 28, 2017

Mr. John Langdon, Chairman  
North Carolina Soil and Water Conservation Commission  
c/o North Carolina Department of Agriculture  
2 West Edenton Street  
Raleigh, NC 27601

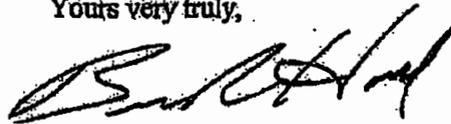
RE: Resignation of Elected Position Iredell Soil and Water

John,

At the last meeting of the Iredell Soil and Water Conservation District, the board recommended my appointment as an appointed supervisor. Beacher H. Grose, Jr. has resigned as a supervisor. He was serving as one of the two supervisors appointed by the commission.

You should find a Recommendation for Appointment of Supervisor from the Iredell Soil and Water Conservation District being submitted with this letter. I am being told that for the commission to act on this recommendation that I must resign my current elected position. This letter will serve as a resignation from my elected position on the Iredell SWCD Board of Supervisors to secure an appointed position with Iredell SWCD Board of Supervisors.

Yours very truly,



Brian R. Harwell



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

**INTERNAL USE ONLY:**  
 Appointed / Elected Seat  
 Current Term: 17-18

**RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR**

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

The supervisors of the Iredell Soil and Water Conservation District of Iredell 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 15, 2017 and ending December 3, 2018 to fill the expired or un-expired term of Beecher H. Gason, Jr. Brian R. Harwell.

Name of nominee: Matthew Pence  
 Address of nominee, City, State, Zip: 119 Newland Lane Statesville, NC 28625  
 Email address of nominee: wmpence@yahoo.com  
 Home phone: 704.682.8379  
 Mobile phone: 704.682.8379  
 Business phone: 704.682.8379  
 Occupation: Farmer  
 Age: 31  
 Education: BS  
 Positions of leadership NOW held by nominee: Chair of Young Farmers and Ranchers Iredell County, Board member of Iredell County Farm Bureau  
 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**

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 Jimmy R. Gray  
 SWCD Chair (or Vice Chair if Chair is being nominated)  
 Printed name: Jimmy R. Gray

3-1-2017  
 Date

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

X W. Matthew Pence  
 Individual recommended for appointment  
 Printed name: W. Matthew Pence

2-22-2017  
 Date

NC Cost Share Programs Supervisor Contracts  
Soil and Water Conservation Commission

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Craven	25-2017-001	Randy Register	cropland conversion to trees	\$2,381	
Moore	63-2017-005	Lewin Blue	cropland conversion to grass	\$4,500	
Vance	91-2017-002	Wilton Short, Jr.	sod base rotation- 41 mo	\$695	

Total Number of Supervisor Contracts: 3

Total           **\$7,576**

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

As a Soil and Water District Supervisor, for the **Craven** 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:** Conservation Reserve Enhancement Program (ACSP portion of CREP Contract)

**Best management practice:** Cropland Conversion to Trees (CP-3A, Hardwood and Longleaf Pine)

**Contract number:** 25-2017-001

**Contract amount:** \$2,381.00

**Score on priority ranking sheet:** 26

**Cost Share Rate:** 50%      **If different than 75%, please list % percent:** 50%

**Reason:** Percentage paid for CREP contracts are dependent on the length of the contract or easement. This site will be under a Permanent Easement which pays at 50% rate.

**Relative rank (e.g., ranked 8th out of 12 projects considered):** 1<sup>st</sup> out of 1 project considered.

**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:** Randy G. Register

*Randy G. Register*  
(District Supervisor's signature)

11-21-16  
Date

**Approved by:** Dietrich Kilpatrick - Chairman

*Dietrich Kilpatrick*  
(District Chairperson's signature)

12-13-16  
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 Moore Soil and Water Conservation District, I have applied for, or stand to benefit\* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: Cropland Conversion to Bermuda Grass

Contract number: 63-2017-005

Contract amount: \$ 4500

Score on priority ranking sheet: 29

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

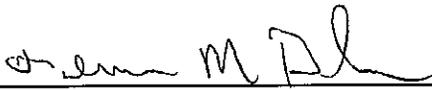
Reason:

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

Were any higher or equally ranked contracts denied? No

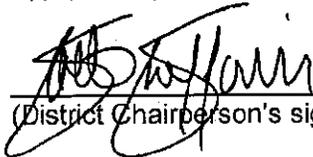
If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name:

  
(District Supervisor's signature)

3/8/17  
Date

Approved by:

  
(District Chairperson's signature)

3/8/17  
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 VANCE 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: 41 MONTH SOY BASE ROTATION (FLAT RATE \$175 /ACRE)

Contract number: 91-2017-002 Contract amount: \$ 695 (1 FIELD @ 3.97 acres)

Score on priority ranking sheet: 70

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 3RD OUT OF 3

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: Wilton Short, Jr.

[Signature]  
(District Supervisor's signature)

Sept. 8, 2016  
Date

Approved by:

[Signature]  
(District Chairperson's signature)

10-24-16  
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.

**SUBCHAPTER 59E - PROCEDURES AND GUIDELINES FOR CERTIFICATION OF ANIMAL WASTE MANAGEMENT PLANS BY DESIGNATED TECHNICAL SPECIALIST TO IMPLEMENT THE NONDISCHARGE RULE FOR ANIMAL WASTE MANAGEMENT SYSTEMS**

**02 NCAC 59E .0101 PURPOSE**

This Subchapter describes rules to implement the provisions of ~~15A NCAC 02H .0200~~ 15A NCAC 02T Section .1300 - Waste Not Discharged To Surface Waters; Animal Waste Management Systems, hereinafter called the Nondischarge Rule for Animal Waste Management Systems. In agreement with the Environmental Management Commission (EMC) and the Division of Water Resources (DWR) ~~Environmental Management (DEM)~~, the Soil and Water Conservation Commission sets forth these Rules for certification of animal waste management systems in accordance with 15A NCAC 02T Section .1300. ~~15A NCAC 02H .0217~~. ~~Alternatively, and in lieu of these Rules, the requirements of 15A NCAC 02H .0200 may be satisfied also by receiving an individual nondischarge permit from the Division of Environmental Management in accordance with 15A NCAC 02H .0217(d). An owner must either obtain certification under these Rules or meet DEM requirements for an individual nondischarge permit. The review process of the District does not abrogate the responsibilities of the owner to either obtain a certification or to meet DEM requirements for an individual nondischarge permit.~~

*History Note: Authority G.S. 106-840; 139-2; 139-4;  
Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;  
Eff. March 1, 1994;  
Transferred from 15A NCAC 06F .0101 Eff. May 1, 2012.*

**02 NCAC 59E .0102 DEFINITIONS**

The terms used in this Subchapter shall be as defined in G.S. 139-3; ~~143-215.74~~ 106-850; 143B-294 106-840; 143-215.10B; 15A NCAC 02T .0103; 15A NCAC 02T .1302; 15A NCAC 02H .0203; 02 NCAC 59D .0102; and as follows:

- (1) ~~"Agronomic rates" means those amounts of animal waste or compost to be applied to lands as contained in the nutrient management standard of the USDA Soil Conservation Service Technical Guide Section IV or as recommended by the North Carolina Department of Agriculture and the North Carolina Cooperative Extension Service at the time of certification of the animal waste management plan.~~
- (2) "Certification" means the certification required for the animal waste management plan in 15A NCAC 02T Section .1300 and G.S. 143-215.10C. ~~the Nondischarge Rule for Animal Waste Management Systems (15A NCAC 02H .0217).~~
- (3) "Certified Crop Advisor" means an individual who has obtained and maintained the Certified Crop Advisor credential from the American Society of Agronomy.
- (4) "DEM" "DWR" means the Division of Water Resources of the Environmental Management, Department of Environmental Quality, Environment, Health, and Natural Resources, and the agency to receive the certification forms and responsible for enforcement of 15A NCAC 02H .0200.

~~"Design approval authority" means that authority granted by the Commission to designated individuals or groups of individuals to certify that a BMP or the system of BMPs for waste management has been designed to meet the standards and specifications of practices adopted by the Commission.~~

- (5) "Interagency Nutrient Management Committee" means a committee represented by the Agronomics Division of the NC Department of Agriculture and Consumer Services, the Division of Water Resources of the NC Department of Environmental Quality, the North Carolina Cooperative Extension Service – Department of Soil and Crop Science, and the Natural Resource Conservation Service (NRCS) of the United States Department of Agriculture to provide uniform nutrient management recommendations based on scientific data and research.

~~Installation approval authority" means that authority granted by the Commission to designated individuals or groups of individuals to certify a BMP or system of BMPs for waste management has been installed to meet the standard of practices adopted by the Commission.~~

- (6) ~~"Technical Specialist" means individuals or groups of individuals~~ an individual designated by the Commission ~~at 02 NCAC 59E .0105 to certify that the planning, design and implementation of BMPs, including all or part~~ an entire or portion of an animal waste management plan, are to the standards and specifications of the Commission or NRCS.

*History Note: Authority G.S. 106-840; 106-850; 139-4;  
Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;  
Eff. March 1, 1994;  
Transferred from 15A NCAC 06F .0102 Eff. May 1, 2012.*

## **02 NCAC 59E .0103 REQUIREMENTS FOR CERTIFICATION OF WASTE MANAGEMENT PLANS**

- (a) In order for an animal waste management plan to receive the certification required by G.S. 143-215.10C and 15A NCAC 2T .1300, the technical specialist shall certify that the system is designed and installed to properly collect, treat, store, or apply animal waste as required in G.S. 143-215.10C.  
~~In accordance with 15A NCAC 02H .0217(a)(1), owners of animal waste management systems are required to:~~  
~~(1) obtain certification that the system will properly collect, treat, store, or apply animal waste to the land such that no discharge of pollutants occurs to surface waters of the state by any means except as a result of a storm event more severe than the 25 year, 24 hour storm as required in G.S. 143-215.10C 15A NCAC 02H .0203(3); or~~  
~~(2) in order to receive a an individual nondischarge permit from DWR the Division of Environmental Management in accordance with 15A NCAC 02T Section .1300, 15A NCAC 02H .0217(d).~~
- (b) ~~The certification is to shall~~ be made by a ~~Technical Specialist~~ technical specialist ~~designated pursuant to this Subchapter, and will shall~~ confirm that the best management practices (BMPs) contained in the animal waste management plan meet applicable minimum standards and specifications as approved by the Commission pursuant to Rule .0104 of this Subchapter. ~~BMPs in an existing system are not shall not be~~ required to meet current standards and specifications as established by the Commission as long as the system is certified to be nondischarging as required in G.S. 143-215.10C, 15A NCAC 02H .0203(3).
- (c) ~~More than one Technical Specialist~~ technical specialist may be consulted for the design of BMPs and installation of BMPs. ~~A Technical Specialist~~ technical specialist ~~must shall~~ certify only parts of the animal waste management plan within their approved designated category pursuant to 02 NCAC 59G.0104 and for which they are technically competent. ~~the entire animal waste management plan as installed. The technical specialist must provide a copy of the certification to the owner or operator of the animal waste management system.~~
- (d) ~~Upon receiving a certification from a Technical Specialist, the owner must submit a copy of the certification to DWR DEM and a copy of both the certification and the waste management plan to the District in which the system is or is to be located.~~
- (e) ~~The District shall review the waste management plan and, within 30 days of receipt of the plan, notify the owner, the certifying Technical Specialist, DEM and the Division if the District does not concur that the certification was signed by an approved Technical Specialist and that the waste management plan satisfies the purpose of proper conservation and utilization of farm generated animal by products. If the District, upon review, concurs with the certification, no further action is required.~~
- (f) ~~The District shall maintain a copy of all animal waste management plans and the accompanying certification form.~~
- (g) ~~If the District does not concur that the certification was signed by a Technical Specialist, or that the waste management plan is acceptable, and if either the owner or the DEM requests that the District reconsider its decision, the District shall review its decision and within 45 days of the request, notify the owner, the certifying Technical Specialist, DEM, and the Division of the District's final decision. The District is encouraged to utilize other technical specialists, local agricultural agencies and disinterested agricultural producers in reconsidering its initial decision. If the District fails to act within 45 days on a request for reconsideration, the District's initial decision shall become final.~~

- (h) ~~An owner not receiving concurrence from the District may request that the Commission mediate a dispute over concurrence. Nothing in this Rule creates an administrative remedy which must be exhausted prior to exercising permit appeal rights pursuant to the rules of the Environmental Management Commission.~~
- (i) ~~An owner who does not obtain a certification is not deemed permitted pursuant to G.S. 143-215.1(d) and must apply for an individual permit from the Division of Environmental Management. Nothing in these Rules prohibits permit appeal rights pursuant to the rules of the Environmental Management Commission.~~
- (j) ~~(d) Any proposed modification of an animal waste management plan requires approval shall be certified by a Technical Specialist technical specialist.~~
- (k) ~~Any modifications made in the system as a result of changes in the operation such as types and numbers of animals, equipment, or crops, must be in accordance with the BMP standards and specifications approved by the Commission and in effect at the time of the modification.~~
- (l) ~~(e) A change in the cropping pattern as a result of weather-caused delays after application of animal waste shall not require the owner to obtain a new certification certification, as long as the owner followed the application rates set forth in the certified waste management plan application rates and no discharge occurs to surface waters.~~
- (m) ~~(f) The certifying Technical Specialist technical specialist and the District are not shall not be required to spot check or otherwise assure proper maintenance and operation of an animal waste management system installed to meet the DEM certification requirements pursuant to 143-215.10C. Enforcement of the Nondischarge Rule for Animal Waste Management Systems (15A NCAC 02H .0217) shall remain the responsibility of DEM.~~

*History Note: Authority G.S. 106-840; 106-850; 139-4;  
Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule  
Becomes Effective, Whichever is Sooner;  
Eff. March 1, 1994;  
Transferred from 15A NCAC 06F .0103 Eff. May 1, 2012.*

#### **02 NCAC 59E .0104 APPROVED BEST MANAGEMENT PRACTICES (BMPS)**

- (a) The Commission will approve a list of BMPs that are acceptable as part of an approved animal waste management plan system. The list of BMPs will be ~~approved annually (by August 1) and~~ revised as needed ~~during the year~~ by the Commission.
- (b) As required by ~~DEM in 15A NCAC 02H .0217~~ 15A NCAC 02T Section .1300, a BMP or system of BMPs designed and installed for an animal waste management plan at the time of certification ~~must shall~~ either:
- (1) meet the minimum standards and specifications of the US Department of Agriculture Soil Natural Resource Conservation Service (NRCS) Technical Guide, Section IV or minimum standards and specifications as otherwise determined by the Commission; or
  - (2) meet the Swine Waste System Performance Standards pursuant to 15A NCAC 2T .1307 and follow the approval process as described in 15A NCAC 2T .1308. ~~the owner must receive an approved individual nondischarge permit as required for the animal waste management system.~~
- (c) BMPs approved for use in the Agriculture Cost Share Program for Nonpoint Source Pollution Control ~~are hereby shall be deemed~~ approved for these purposes.
- (d) Land application BMPs following the nutrient management standard contained in the Section IV of the NRCS SCS Technical Guide or as recommended by the Agronomic Division of the North Carolina Department of Agriculture & Consumer Services (predictive Soil Test Report and predictive Waste Analysis Report, Form AD 10) and the Cooperative Extension Service (AG-439-4) (AG-439-5) (AG-439-28) are shall be acceptable. In cases where NC agronomic rates are not established specified in the nutrient management standard for a specific crop or vegetative type, application rates may be determined by the NC Interagency Nutrient Management Committee. A technical specialist may use plant and tissue analysis to justify additional nitrogen and extend the application period with concurrence from using the best judgement of the certifying Technical Specialist after consultation with a NCDA&CS Regional Agronomist, a voting member of the NC Agricultural Consultants Association (NCACA), or a Certified Crop Advisor (CCA). NCDA or CES.
- (e) ~~Exemptions from the minimum buffer setback requirements for animal waste storage and treatment facilities and animal concentration areas are acceptable if no practical alternative exists and the BMP installed as an equivalent~~

~~control meets the nondischarge requirements for Nondischarge except as a result of a storm event more severe than the 25-year, 24-hour storm.~~

*History Note: Authority G.S. 106-840; 106-850; 139-4;  
Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;  
Eff. March 1, 1994;  
Transferred from 15A NCAC 06F .0104 Eff. May 1, 2012.*

02 NCAC 59E .0105 is proposed for repeal as follows:

**02 NCAC 59E .0105 TECHNICAL SPECIALIST DESIGNATION**

*Authority G.S. 106-840; 106-850; 139-4*

**~~02 NCAC 59E .0105 TECHNICAL SPECIALIST DESIGNATION~~**

- (a) ~~As required in 15A NCAC 02H .0217, the Commission designates the following individuals or groups of individuals as Technical Specialists, to assist owners in animal waste management plan development and certification. No rights are afforded to Technical Specialists by this designation. Technical Specialists are defined as:~~
- (1) ~~Individuals who have been assigned design approval authority or installation approval authority by the USDA, Soil Conservation Service, the NC Cooperative Extension Service or the NC Department of Agriculture;~~
  - (2) ~~Professional engineers subject to "The North Carolina Engineering and Land Surveying Act" as rewritten by Session Laws 1975, c. 681, s. 1, and recodified; and~~
  - (3) ~~Individuals with demonstrated skill and experience in the design or installation of animal waste management system BMPs.~~
- (b) ~~Design approval authority or installation approval authority of Technical Specialists may be for specific BMPs or a system of BMPs to be applied to complete an entire or a portion of an animal waste management plan.~~
- (c) ~~Those individuals not designated in Subparagraphs (a)(1) or (2) of this Rule must:~~
- (1) ~~Meet the minimum qualifications established by the Commission for each BMP or system of BMPs;~~
  - (2) ~~Provide to the NPS Section of the Division an "Application for Designation as a Technical Specialist" and evidence of demonstrated skill and experience required for a BMP or system of BMPs for which they are requesting Technical Specialist designation. This documentation must be received by the second Wednesday of the first month of the quarter in order to have the application reviewed for designation that quarter; and~~
  - (3) ~~The individual may provide additional information and request that their approval authority be updated based on new evidence of skill and experience.~~
- (d) ~~A copy of the minimum requirements for skill and experience will be available at the District field office. The NPS Section of the Division will provide a list of designated Technical Specialists to all Districts, after each Commission meeting where action was taken concerning Technical Specialists. The list will specify the BMPs or system of BMPs which the Technical Specialist has designed or installed. The individual will be notified of the Commission action.~~

*History Note: ~~Authority G.S. 106-840; 106-850; 139-4;  
Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;  
Eff. March 1, 1994;  
Transferred from 15A NCAC 06F .0105 Eff. May 1, 2012.~~*

## SUBCHAPTER 59G - APPROVAL OF TECHNICAL SPECIALISTS AND BMPS FOR WATER QUALITY PROTECTION

### 02 NCAC 59G .0101 PURPOSE

This Subchapter describes criteria and procedures for the Soil and Water Conservation Commission to approve water quality technical specialists and to approve Best Management Practices (BMPs) for use in water quality protection programs of the Department. These criteria and procedures are intended for use by the Commission where technical specialists or BMPs are needed in conjunction with actions by the Environmental Management Commission ~~Commission, or other commissions in Department water quality protection programs.~~

*History Note:* Authority G.S. 106-840; 139-4;  
Temporary Adoption Eff. October 22, 2001;  
Eff. April 1, 2003;  
Transferred from 15A NCAC 06H .0101 Eff. May 1, 2012.

### 02 NCAC 59G .0102 DEFINITIONS

When used in this Subchapter:

- (1) "Best Management Practice" (BMP) means a structural or nonstructural management practice used singularly or in combination to reduce nonpoint source inputs to receiving waters.
- (2) "Certified Animal Waste Management Plan" means the animal waste management plan certified by a technical specialist as required in 15A NCAC 02T Section .1300 the EMC Nondischarge Rule for Animal Waste Management Systems. (15A NCAC 02H .0217).
- (3) "Commission" means the Soil and Water Conservation Commission.
- (4) ~~"Department" means the Department of Agriculture and Consumer Services Environment and Natural Resources.~~
- (5) "EMC" means the Environmental Management Commission.
- (6) "Land application" means providing nutrients to a receiving crop by spraying, spreading, or injecting inorganic fertilizer or animal waste (including liquid, solid, or sludge) pursuant to a certified nutrient or animal waste management plan.
- (7) "NCCES" means the North Carolina Cooperative Extension Service.
- (8) "NRCS" means the Natural Resources Conservation Service of the United States Department of Agriculture.
- (9) "Nutrient management" means ~~a BMP for~~ managing the amount, source, placement, ~~form~~ form, and timing of nutrients to ensure adequate fertility for plant production and to minimize the potential for water quality impairment.
- (10) "Technical Specialist" means an individual designated by the Commission to certify that the planning, design and implementation of BMPs, including all or part of an animal waste management plan, are to the standards and specifications of the Commission or NRCS.
- (11) "Technical specialist designation category" means a category specified in 02 NCAC 59G .0104(a), designation specific to any of several individual or groups of BMPs.
- (12) "Water management" means ~~a BMP for~~ control of water levels in the soil profile, including ~~but not limited to,~~ the use of flashboard risers or other similar structures ~~placed in drainage ditches to benefit~~ meet crop water needs and reduce nutrient loss.

*History Note:* Authority G.S. 106-840; 139-4;  
Temporary Adoption Eff. October 22, 2001;  
Eff. April 1, 2003;  
Transferred from 15A NCAC 06H .0102 Eff. May 1, 2012.

### 02 NCAC 59G .0103 APPROVAL OF BEST MANAGEMENT PRACTICES (BMPS)

(a) The Commission may approve individual BMPs or systems of BMPs in conjunction with water quality protection programs for agriculture and other nonpoint sources.

- (b) Approved BMPs shall meet the minimum technical standards of the USDA Natural Resources Conservation Service Field Office Technical Guide, Section IV, Raleigh, North Carolina, except as specified in Paragraph (c) of this Rule.
- (c) The Commission shall approve alternative BMPs Practices, ~~Technical~~ Technical, or Performance Specifications, and Operation and Maintenance requirements where any of the following criteria are met:
- (1) Where no existing USDA technical standard ~~specifically~~ exists for ~~achieves the desired~~ water quality protection benefits equivalent to the benefits achieved by an approved BMP as established in Paragraph (a) of this Rule;
  - (2) Where an existing USDA technical standard includes design or installation requirements for purposes other than those necessary ~~to achieve the desired~~ for water quality ~~protection~~ protection; ~~benefits~~; or
  - (3) Where there is a need for additional operator flexibility to reduce the initial cost of installing or implementing the BMP, while providing ~~equivalent~~ water quality protection benefits equivalent to the benefits achieved by an approved BMP as established in Paragraph (a) of this Rule.
- (d) In approving BMPs, the Commission shall consider technical input from persons engaged in agriculture or experienced in nonpoint source management.

*History Note: Authority G.S. 106-840; 139-4;  
Temporary Adoption Eff. October 22, 2001;  
Eff. April 1, 2003;  
Transferred from 15A NCAC 06H .0103 Eff. May 1, 2012.*

## **02 NCAC 59G .0104 APPROVAL OF WATER QUALITY TECHNICAL SPECIALISTS**

- (a) Technical specialists may be designated in one or more of the following technical specialist designation categories and roles are as follows:
- (1) The Structural Animal Waste category provides for the approval of the design and installation construction inspection of lagoons, storage ponds, dry ~~stacks~~ stacks, and other similar structures.
  - (2) The Waste Utilization Plan/Nutrient Management category provides for:
    - (A) ~~The~~ development of land application ~~plans~~ plans, including crop acreages available to meet nutrient and hydraulic loading rates, application windows, determination of animal waste nutrient amounts, and other similar determinations such as evaluation of fields for phosphorous loss, and field buffers and related measures;
    - (B) ~~Confirmation~~ confirmation of storage volumes, exterior lots, ~~lagoon closures~~, and cropping systems; ~~and~~
    - (C) ~~Development~~ development and establishment of buffers and verification of land application setbacks setbacks; to manage runoff from exterior lots.
    - (D) certification that the land application component of a USDA Comprehensive Nutrient Management Plan; and
    - (E) authority to approve nutrient management plans to comply with Rule .0105 of this Subchapter.
  - (3) The Runoff Control category provides for the approval of the design and installation of erosion control BMPs pursuant to NRCS job approval authority or engineering licensure. implementation of filter strips, diversions, grass channels and related BMPs which manage runoff from exterior lots.
  - (4) The Irrigation Equipment category provides for the approval of the design and installation of irrigation systems to include pipe size, pump horsepower, nozzle size, and system layout including required land application setbacks, and other system parameters.
  - (5) The Wettable Acres category provides for the determination of irrigated acreage in accordance with a Certified Animal Waste Management Plan.
  - ~~(6) The Waste Utilization Plan/Nutrient Management category provides for the items included in Subparagraph (a)(2) of this Rule and the authority to approve river basin nutrient management plans and to certify the land application component of a USDA Comprehensive Management Plan.~~

- ~~(7)~~ (6) The Inorganic Fertilizer/Nutrient Management category provides for approval of river basin nutrient management plans to comply with Rule .0105 of this Subchapter for inorganic fertilizer only.
- ~~(8)~~ (7) The Water Management category provides for the approval of the design and installation of subsurface water management systems.
- (8) The Waste Facility Closure category provides for the design and oversight of decommissioning waste storage ponds, lagoons, and other similar structures.
- (b) The Commission ~~designates~~ shall designate the following individuals who meet the criteria and training requirements of this Rule as technical specialists:
- (1) ~~Individuals who to whom the NRCS has have been assigned approval authority to conduct the activities specified in a technical specialist for a designation category described in 02 NCAC 59G .0104 Paragraph (a) of this Rule. by the USDA NRCS, the North Carolina Department of Agriculture and Consumer Services, the Division of Soil and Water Conservation, or the North Carolina Cooperative Extension Service. Soil and Water Conservation District employees are assigned approval authority by the USDA NRCS. Agency employees who do not have a designation at the time this Rule becomes effective must meet the training requirements included in Subparagraph (c)(2) of this Rule in order to receive a designation;~~
  - (2) Professional engineers subject to the "The NC Engineering and Land Surveying Act" for the categories of ~~structural animal waste~~ Structural Animal Waste, waste utilization plan, Waste Utilization Plan, runoff control Runoff Control, irrigation equipment Irrigation Equipment and ~~water management~~ Water Management, and Waste Facility Closure designation; and or
  - (3) Individuals not included in Subparagraph (b)(1) and (b)(2) who meet the criteria in Paragraph (c) of this Rule.
- (c) ~~Those individuals~~ Individuals not designated in Subparagraphs (b)(1) or (b)(2) of this Rule must shall have an existing designation at the time this Rule becomes effective under 02 NCAC 59E .01025 or must meet the following criteria and training requirements:
- (1) ~~Minimum criteria~~ Criteria for each technical specialist designation category ~~are~~ shall be the following:
    - (A) ~~The Irrigation Equipment designation category~~ requires designation as an irrigation designer by the National Irrigation Association or three years experience in the design of irrigation systems for waste application.
    - (B) ~~The Wettable Acres designation category~~ requires holding either the waste utilization plan Waste Utilization Plan/Nutrient Management or irrigation equipment Irrigation Equipment designation.
    - (C) ~~The Waste Utilization Plan/Nutrient Management and the Inorganic Fertilizer Only/Nutrient Management designations categories~~ require either three years experience in nutrient management, a four year degree in agronomy or related field field, or a combination of education and experience totaling four years.
    - (D) ~~The Structural Animal Waste, Runoff Control, and Water Management and Waste Facility Closure designations categories~~ are reserved only for those individuals included in Subparagraphs (b)(1) or (b)(2);
  - (2) Training requirements ~~are~~ shall be the following:
    - (A) For all categories except Inorganic Fertilizer/Nutrient Management category, NC Rules and Regulations Governing Animal Waste Management Systems taught by the Division or Department of Environmental Quality, and advertised through the Division website.
    - (B) For the category of Waste Utilization Plan/Nutrient Management and Inorganic Fertilizer /Nutrient Management, North Carolina Nutrient Management Course taught by the Division, NCCES NCCES, or the NRCS and the North Carolina Nutrient Management Software Course taught by the Division or the NCCES, and advertised through the Division website.
    - (B) For the category of Inorganic Fertilizer Only/Nutrient Management, North Carolina Inorganic Fertilizer Nutrient Management Course taught by the NCCES or the NRCS and

~~the North Carolina Nutrient Management Software Course taught by the Division or the NCCES.~~

- (C) For the category of Wettable Acres, the North Carolina Wettable Acres Course taught by the NCCES, and advertised through the Division website.
- ~~(3)~~ (d) All individuals requesting technical specialist designation shall Provide—provide to the Division an "Application for Designation for Technical Specialist" and evidence of experience, skills, and training required for each designation category. A list of three references who can attest to the applicant's technical competence must accompany the application.
- ~~(4)~~ (e) All individuals requesting technical specialist designation shall Be be determined by the Commission to meet the requirements of this Rule and be approved by the Commission for designation. Applicants will be notified of the Commission actions.
- ~~(4)~~ (f) Professional Engineers included in Subparagraph (b)(2) who are licensed after April 1, 2003 ~~the effective date of this Rule must~~ shall attend the North Carolina Nutrient Management Course, the North Carolina Nutrient Management Software Course and the NC Rules and Regulations Governing Animal Waste Management Systems in order to use the ~~waste utilization plan~~ Waste Utilization Plan/Nutrient Management designation.
- ~~(4)~~ (g) Technical specialist shall perform services only in areas of the technical specialist's designated category and technical competence.
- ~~(4)~~ (h) The Division shall maintain a database and make available the names of designated technical specialists and their designated categories on the Division's website.
- ~~(4)~~ (i) A valid designation as a technical specialist shall be maintained by completion of six hours of training approved by the Commission during each three-year period following initial designation.
- ~~(4)~~ (h) ~~All technical specialists must attend training as provided by the Division, NRCS or NCCES when new areas evolve within their designation in order to maintain their designation.~~
- ~~(4)~~ (j) Upon the finding by the Commission that the work of a technical specialist designated ~~under Subparagraph (b)(3) of~~ pursuant to this Rule fails to comply with the requirements of 15A NCAC 02T Section .1300 ~~H .02017(a)~~, 15A NCAC 59E 06F, the NRCS Technical ~~Guide~~ Guide, or any applicable state or federal laws, or submits false data ~~or is in any other way dishonest~~, the Commission may withdraw its designation of the technical specialist in any or all categories. In addition, technical specialist designation may be rescinded by the Commission for failure to complete the approved additional training by the end of each three-year period.
- ~~(4)~~ (k) ~~Upon the finding by the commission that~~ When the Commission makes findings regarding the work of a technical specialist designated under Subparagraph (b)(1) of this ~~Rule~~ Rule, the Commission shall forward these findings to the respective agency with the request that the agency provide documentation that their technical specialist has received training to correct deficiencies in the area of ~~concern work~~ to retain a designation. If the agency fails to provide such documentation, the Commission may withdraw its designation of the technical specialist for any or all categories.

*History Note: Authority G.S. 106-840; 139-4;  
Temporary Adoption Eff. October 22, 2001;  
Eff. April 1, 2003;  
Transferred from 15A NCAC 06H .0104 Eff. May 1, 2012.*

## **02 NCAC 59G .0105 APPLICATION OF BMP APPROVAL AND TECHNICAL SPECIALIST DESIGNATION TO WATER QUALITY PROTECTION PROGRAMS**

Approved BMPs or systems of BMPs and technical specialist ~~designation~~ designations by the Commission under this Subchapter may be used to satisfy the requirements of:

- (1) The Neuse Basin Rule in 15A NCAC 02B .0238(8)(b)(x) and (c)(i) and 15A NCAC 02B .0239(2)(a) and (b);
- (2) The Tar-Pamlico Rule in 15A NCAC 02B .0256 and 15A NCAC 02B .0257(f)(2); and
- (3) Other applicable water quality protection rules to address agricultural nonpoint source impacts, as adopted by the EMC or other commissions that include agricultural BMP development or implementation or technical specialist designation by the Commission.

*History Note: Authority G.S. 106-840; 139-4;  
Temporary Adoption Eff. October 22, 2001;  
Eff. April 1, 2003;  
Transferred from 15A NCAC 06H .0105 Eff. May 1, 2012.*

DRAFT



Eastern Region: CCAP Applications

District:	BMP	Total Points	CCAP funding requested for BMP construction:	CCAP funding requested for engineering design:	Recommended funding
New Hanover	Permeable pavement	100	\$ 13,000	\$ 2,000	\$ 15,000
Carteret	Marsh sill	100	\$ 5,000	\$ -	\$ 5,000
Dare	Marsh sill	85	\$ 15,000	\$ -	\$ 15,000
Dare	Marsh sill	80	\$ 15,000	\$ -	\$ 15,000
Dare	Marsh sill	80	\$ 15,000	\$ -	\$ 15,000
Carteret	Impervious surface conversion Permeable pavement	76	\$ 13,000	\$ 2,000	\$ 10,683
New Hanover	Backyard rain garden	75	\$ 3,000	\$ -	
Onslow County Soil & Water	Marsh sill	75	\$ 5,000	\$ -	
New Hanover	Backyard rain garden	71	\$ 3,000	\$ -	
New Hanover	Backyard rain garden	70	\$ 3,000	\$ -	
Carteret	Marsh sill	65	\$ 5,000	\$ -	
Dare	Permeable pavement	60	\$ 14,000	\$ 1,000	
Dare	Cistern	60	\$ 1,500	\$ -	
Dare	Cistern	60	\$ 1,500	\$ -	
Onslow County Soil	Backyard rain garden	55	\$ 2,022	\$ -	
Lenoir County	Backyard rain garden	40	\$ 5,000	\$ -	
Carteret	Permeable pavement	35	\$ 5,000	\$ -	
Hertford	Abandoned well closure	30	\$ 1,500	\$ -	
			\$ 125,522	\$ 5,000	\$ 75,683

\* Funds will be distributed until exhausted. Contact will be made with the district receiving partial award to determine if those partial funds will allow completion of the contract. If the partial award will not allow for completion of the last contract, funds will be awarded to the next highest scoring contracts until funds are depleted.

Central Region: CCAP Applications

District:	BMP	Total Score	CCAP funding requested for BMP construction:	CCAP funding requested for engineering design:	Recommended Funding
Durham	Riparian buffer Streambank and shoreline protection	100	\$ 15,000	\$ -	\$ 15,000
Johnston	Streambank and shoreline protection	85	\$ 5,504	\$ -	\$ 5,504
Orange	Bioretention area, Critical area planting	85	\$ 8,000	\$ -	\$ 8,000
Wake	Critical area planting, Grassed swale	85	\$ 15,000	\$ -	\$ 15,000
Chatham	Abandoned well closure	55	\$ 1,500	\$ -	\$ 1,500
Guilford	Riparian buffer	50	\$ 3,500	\$ -	\$ 3,500
Cabarrus	Structural stormwater conveyance	45	\$ 4,000	0	\$ 4,000
Guilford	Backyard rain garden, Bioretention area, Critical area planting	45	\$ 6,000	\$ -	\$ 6,000
Moore	Abandoned well closure	45	\$ 1,500	\$ -	\$ 1,500
Moore	Abandoned well closure	45	\$ 1,500	0	\$ 1,500
Moore	Abandoned well closure	40	\$ 1,500	\$ -	\$ 1,500
Moore	Abandoned well closure	36	\$ 1,500	\$ -	\$ 1,500
Harnett	Abandoned well closure	30	\$ 1,000	\$ -	\$ 1,000
Johnston	Streambank and shoreline protection	25	\$ 10,000	\$ 5,000	\$ 10,180
Harnett	Abandoned well closure	5	\$ 1,000	\$ -	\$ -
			<b>\$ 76,504</b>	<b>\$ 5,000</b>	<b>\$ 75,684</b>

\* Funds will be distributed until exhausted. Contact will be made with the district receiving partial award to determine if those partial funds will allow completion of the contract. If the partial award will not allow for completion of the last contract, funds will be awarded to the next highest scoring contracts until funds are depleted.

Western Region: CCAP applications

District:	BMP	Total Score	CCAP funding requested for BMP construction:	CCAP funding requested for engineering design:	Recommended funding
Avery SWCD	Bioretention area, Critical area planting,	80	\$ 10,000	\$ 5,000	\$ 15,000
Mitchell SWCD	Stream restoration	75	\$ 15,000	\$ -	\$ 15,000
Burke	Structural stormwater conveyance	65	\$ 6,000	\$ -	\$ 6,000
Alleghany	Bioretention area	60	\$ 10,432	\$ -	\$ 10,432
Mecklenburg SWCD	Stream restoration	60	\$ 15,000	\$ -	\$ 15,000
Burke	Structural stormwater conveyance	50	\$ 10,833	\$ -	\$ 10,833
Forsyth	Abandoned well closure	50	\$ 1,500	\$ -	\$ 1,500
Buncombe SWCD	Cistern, Critical area planting, Stormwater wetland	40	\$ 15,000	\$ -	\$ 1,918
Henderson County	Backyard rain garden, Bioretention area, Critical area	40	\$ 15,000	\$ -	
Swain	Streambank and shoreline protection	40	\$ 15,000	\$ -	
Gaston	Streambank and shoreline protection	35	\$ 15,000	\$ -	
Wilkes	Cistern	35	\$ 2,800	\$ -	
Forsyth	Backyard rain garden	25	\$ 700	\$ -	
Madison	Cistern	20	\$ 15,000	\$ -	
Polk	Stream restoration	20	\$ 12,500	\$ -	
			\$ 164,765	\$ 5,000	\$ 75,683

\* Funds will be distributed until exhausted. Contact will be made with the district receiving partial award to determine if those partial funds will allow completion of the contract. If the partial award will not allow for completion of the last contract, funds will be awarded to the next highest scoring contracts until funds are depleted.

**AgWRAP Regional Application Recommendations**

<b>County of Pond Site</b>	<b>Cooperator Name</b>	<b>AgWRAP Best Management Practice</b>	<b>Proposed funding source</b>
Buncombe	Carl Morrison	New pond	AgWRAP
Buncombe	Ricky Townsend	Pond repair/retrofit	AgWRAP
Burke	Gary McCurry	New pond	AgWRAP
Chatham	Travis, Bud & Jeremy Frye	New pond	AgWRAP
Clay	Angela Palmer	New pond	AgWRAP
Duplin	Owens Rouse Farms Inc.	New pond	AgWRAP
Duplin	Adam Brumett	Pond repair/retrofit	AgWRAP
Durham	Big Table Farm LLC	Micro-irrigation system	AgWRAP
Durham	Kevin Healy	Micro-irrigation system	AgWRAP
Jackson	Nate Darnell	Micro-irrigation system	AgWRAP, AgWRAP - TVA
Mitchell	Harrell Hill Farms	New pond	AgWRAP
Mitchell	Gerald Whitson	New pond	AgWRAP
Moore	Tony Ross	Pond repair/retrofit	AgWRAP
Rutherford	Jeff Belflower	New pond	AgWRAP
Swain	Afton Roberts	Micro-irrigation system	AgWRAP -TVA
Swain	Patti Jo Taylor	Micro-irrigation system	AgWRAP
Yancey	James Evans	New pond	AgWRAP



March 6, 2017

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

To whom it may concern:

This is a written request for a post approval for contract 22-2017-011 (supplement to contract #22-2014-005). Contract 22-2014-005 was for stream restoration work. A request for an extension was made June 14, 2016 from Clay County SWCD Board. The stream restoration work was completed prior to the July 2016 commission meeting, with the exception for planting of the live stakes.

Unfortunately, it did not occur to us that we still needed to attend the commission meeting to request an extension of the remaining funds to allow us to plant the live stakes at the proper time. This oversight was discovered when the RFP process began shortly after the live stakes were installed. The original contract was for \$21,000 and a RFP for \$18,234 was made June 28, 2016 for the stream restoration work. This left \$2,766 to complete the project with the planting of the live stakes. These funds were canceled when the commission did not act on the extension request.

The Clay County SWCD Board is requesting to use \$563 from our 2017 impaired/impacted allocation for contract 22-2017-011 (supplement to 22-2014-005) to pay for the planting of the live stakes. We apologize for any confusion or inconvenience this may have caused.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Aaron Martin', written over a horizontal line.

Aaron Martin/SWCD Board Chair

### Update on Conditional Supervisor Appointments

In May 2016, the commission adopted policy regarding conditional appointment for supervisors. Relevant language is as follows:

“For newly appointed supervisors, as they begin a new appointed term or fill an unexpired term for either an elected or appointed seat, the Commission will make the appointment conditional upon the individual’s attendance at the next *Basic Training Course for Soil and Water Conservation Supervisors* training session offered at the UNC School of Government. For those conditionally appointed supervisors that do not attend the training, their appointment will expire the day following the subsequent Commission meeting (typically the March meeting), unless the Commission acts to extend their conditional appointment. Conditionally appointed supervisors that wish to request an extension to meet the training requirement must provide a written request for Commission consideration.”

Below is a list of supervisors that received this type of conditional appointment between May 2016 and February 1, 2017; also included is an indication of their attendance at the February 7 and 8, 2017, *Basic Training Course for Soil and Water Conservation Supervisors* offered at the UNC School of Government.

Conditional appointment date	SWCD	First name	Last name	2017 SOG attendance
July 2016	Albemarle – Pasquotank	Doug	Temple	Attended
November 2016	Martin	Stephen C.	Lilly, Jr.	Attended
November 2016	Richmond	William	Comninaki	Attended
<b>November 2016</b>	<b>Richmond</b>	<b>William</b>	<b>Thompson</b>	
<b>November 2016</b>	<b>Union</b>	<b>Edward B.</b>	<b>Staton</b>	
November 2016	Jones	Mike	Haddock	Attended
November 2016	Richmond	Jim	Chandler	Attended
November 2016	Albemarle - Pasquotank	Rufus A.	Jackson, Jr.	Attended
November 2016	Beaufort	Sid M.	Cayton	Attended
<b>November 2016</b>	<b>Bladen</b>	<b>Albert C.</b>	<b>Beatty</b>	
November 2016	Brunswick	Samuel C.	Smith	Attended
<b>November 2016</b>	<b>Gaston</b>	<b>Robin</b>	<b>Armstrong</b>	
<b>November 2016</b>	<b>Hertford</b>	<b>Clint</b>	<b>Brinkley</b>	
November 2016	Lenoir	Becky Lynn	Hines	Attended
<b>November 2016</b>	<b>Martin</b>	<b>Corris J.</b>	<b>Jenkins, III</b>	
November 2016	Person	Hunter R.	Thomas	Attended
<b>November 2016</b>	<b>Rutherford</b>	<b>Bill</b>	<b>Eckler</b>	
November 2016	Alexander	Kathy	Bunton	Attended
<b>January 2017</b>	<b>Gaston</b>	<b>Kevin</b>	<b>Mauney</b>	
January 2017	Mecklenburg	Jonathan	Schwartz	Attended
<b>January 2017</b>	<b>Pitt</b>	<b>Carl</b>	<b>Briley</b>	

Of the 21 conditionally appointed supervisors, twelve have attended the UNC School of Government as required and should be considered “fully appointed”. The remaining nine will require commission action if their terms are to be extended. Written documentation from conditionally appointed supervisors is attached as appropriate.

6089 NC Hwy 210 East  
Harrells NC 28444

February 7, 2017

Soil and Water Conservation Commission  
NCDA&CS Division of Soil & Water Conservation  
1614 Mail Service Center  
Raleigh NC 27699-1614

RE: UNC School of Government Supervisor Training

Dear Sirs,

I had registered and planned to attend the 2017 Training session beginning February 7. However, I was unable to attend because I learned over the weekend that my farm was scheduled to receive a shipment of pigs on February 7. The delivery date and time could not be changed, and I needed to be at my farm.

As an appointed supervisor, I understand that my attendance at the training is mandatory so I will make arrangements to attend the 2018 session. I ask that you extend my appointment based on my intent to attend the next available session.

If you have any questions, please contact me.

Sincerely,

  
Albert C. Beatty

March 10, 2017

Soil and Water Conservation Commission

NCDA&CS Division of Soil & Water Conservation

1614 Mail Service Center

Raleigh NC 27699-1614

RE: UNC School of Government Supervisor Training

Dear Commissioners,

I was unable to attend the 2017 Training session due to the company that I work for receiving a shipment of plants that day. We are a small, family-owned business with only 4 full time employees, so it takes all of us to unload a 53' tractor trailer load of plant material. As this is my full time job, it has to be my first priority.

As an appointed supervisor, I understand that my attendance at the training is mandatory so I will make arrangements to attend the 2018 session. I ask that you extend my appointment based on my intent to attend the next available session.

Sincerely,

A handwritten signature in cursive script that reads "Robin Armstrong".

Robin Armstrong

**From:** kevin mauney [<mailto:krockridge@bellsouth.net>]  
**Sent:** Tuesday, March 07, 2017 4:46 PM  
**To:** Annabelle Thomas; [pecangrovefarms@gmail.com](mailto:pecangrovefarms@gmail.com)  
**Cc:** David Freeman  
**Subject:** Re: SCHOOL OF GOVERNMENT MARCH extension requests

I am sending this Email to inform all of you that you will not have to "expire my term" at your March meeting. I resign as supervisor as of today 03-07-2017. I was appointed in Jan 2017, at my first meeting I was informed of this training. The classes was only about 2 weeks away, I work for a living, you can't ask a volunteer to do but so much. My farm is operated by myself and my wife, a lot can go wrong that she can't handle by herself if I am out of town. What really made up my mind to resign was the way this Email read. I am a grown man, not a third grader. Don't tell me that I must write you a letter telling you why I did not do something and ask for " Commission consideration". You need to let future supervisors know ahead of time what is expected of them. Gaston county has a great group of people to work with and I enjoyed meeting and working with everyone of them. I also enjoyed the opportunity to go out and visit some of the projects they completed. I am not going to be threatened, this is not my job and if what I am doing is not good enough for you, then good luck with the next supervisor.

---

March 7, 2017

Clint Brinkley  
421 Jackie Brinkley Road  
Aulander, NC 27805  
252-287-9245

Soil and Water Conservation Commission  
NCDA&CS Division of Soil & Water Conservation  
1614 Mail Service Center  
Raleigh NC 27699-1614

RE: UNC School of Government Supervisor Training

Dear Sirs,

I was unable to attend the training in 2017 because my father was very ill, which required me to take care of him as well as his daily responsibilities. My father was the caregiver for my mother and I had to take on these responsibilities as well. Hopefully with the improvements my father is making, he will soon get past this extremely critical time and we can all move forward with him taking care of himself as well as my mother.

I did not sign up for the 2017 Supervisor training because of all that was going on with my parents. I plan to attend the session for the UNC School of Government at the next session in 2018. I ask that you extend my appointment based on my intent to complete this training next year.

Thank you for your consideration in this matter.

If you have any questions, please write or phone me.

Sincerely,



Clint Brinkley  
Hertford SWCD Supervisor

March 6, 2017

Division of Soil and Water Conservation  
NC Dept. of Ag & Consumer Services  
1614 Mail Service Center  
Raleigh, NC 27699-1614

RE: UNC School of Government Supervisor Training

Dear Commission Members,

I registered to attend the 2017 Supervisor's Training scheduled on February 7 – 8, 2017. On Monday, February 6, 2017 Perdue scheduled to pick up my birds on short notice. I needed to be there because my operation only has myself to conduct the business and affairs of the daily operations. These operations are the mainstay of my livelihood therefore I felt the need to be present.

As an appointed supervisor, I understand that my attendance at the training is mandatory and I will make plans to attend the 2018 session. I ask that you extend my appointment based on my intent to attend the next available basic supervisor training.

If you have any questions or concerns, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Corris J. Jenkins III". The signature is written in a cursive style with a stylized "C" and "J".

Corris J. Jenkins, III

143 Thompson Farm Road  
Rockingham NC 28379-8977

March 6, 2017

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

RE: UNC School of Government Supervisor Training

Dear Sirs:

As an appointed supervisor, I understand that I am required to attend the School of Government Supervisor training at UNC; unfortunately due to a commitment at my farm, I was unable to attend the February 2017 classes.

I ask for an extension of my appointment based upon my intent to attend the next available session.

Sincerely,

  
William Thompson  
Richmond SWCD Supervisor

Union Soil & Water Conservation District  
3230-B Presson Road  
Monroe, NC 28112

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

Dear Commission,

Due to prior arrangements and a misunderstanding with my district staff, I was unable to attend the School of Government training in Chapel Hill. I now understand that it is a mandatory condition of my appointment to the district board. I ask that you extend my appointment with the understanding that I will attend the training in 2018.

Thanks,



Edward Staton  
District Supervisor  
Union County Soil & Water Conservation District

## **NEW AND EXPANDED OPERATIONS**

### **STATEMENT OF INTENT**

Soil and Water Conservation Districts are allocated monies based on the identified level of agricultural-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 farms (15A NCAC 06E.0103). Districts are responsible for targeting technical and financial assistance to facilitate BMP implementation on the identified critical areas (15A NCAC 06E.0108).

The position of the Soil and Water Conservation Commission is that Districts are given authority under the North Carolina Administrative Rules (15A NCAC) to approve contracts on previously established operations that are causing a water quality problem (sediments, nutrients, chemicals, *et al.*) as a result of current activities related to agricultural activities. Previously established operations are those that are established 3 or more years prior to the date of application for cost share assistance. For livestock operations, the three year period begins when animals are onsite. For cropland, the three year begins when the first crop is planted (seed in the ground).

Districts are prohibited from approving:

- Contracts on agricultural operations that are not established, and therefore, are not causing a water quality problem.
- Contracts on animal operations that have been abandoned for 4 or more years prior to repopulation with animals.
- Contracts on new or expanded operations. New or expanded operations are those that were established less than 3 years prior to the application date or have increased in size less than 3 years prior to the application date.
- Contracts for operations which are relocating for reasons other than site restrictions, such as (but not limited to) the operator's loss of the lease for the land on which the operation exists or for land needed in order to properly address animal waste treatment and storage needs.

Expanded operations include, but are not limited to, the following examples:

- Increase in the number of animal units and structures
- Cleared acreage for crop production. Cost share may be available for cleared cropland that was in production for 3 years prior to the date of cost share application if it remains in agriculture crop production.

For animal operations which expand less than 3 years prior to the date of cost share application, the cost share contract amount must be limited to the animal waste design, treatment and storage capacity necessary to provide animal waste treatment and storage at the pre-expansion level.

**STATEMENT OF PURPOSE**

The Commission recognizes the possible need to provide assistance to not-yet established and newly established operations. Districts are authorized to provide technical assistance to applicants of new operations to help ensure the proper design and installation of practice that protect water quality. If the District determines that cost share assistance is needed to address a water quality problem on agricultural land that was established less than 3 years prior to the date of cost share assistance application or on an operation that has expanded, the application can be presented to the Commission. The Commission reserves the authority to approve contracts on new or expanded operations on a case-by-case basis.

Operations that met standards that were in effect at the time of the start-up or expansion, but are now out of compliance or will be out of compliance with a new law, regulation, standard or permit condition or is not in compliance with a policy or official guidance are eligible for cost share assistance regardless of when the operation was established or expanded. These contracts will be approved by the Division on a case-by-case basis. The District submitting the contract for approval must fully justify the water quality need and provide a clear citation to the specific cause for the operation now being out of compliance or out of conformity.

(Adopted 13, 1992; revised March 23, 1994; revised September 16, 1998; revised September 18, 2002; revised March 10, 2004; revised August 10, 2005; revised May 2010)

## **SPECIAL REQUESTS**

The commission recognizes the occasional need by districts to make requests for special allocations, approval of payments, exceptions to policies, or other requests under a cost share program that do not fall within the approval authority of Division of Soil and Water Conservation staff.

Districts making special requests of the commission must:

1. Notify the division at least 30 calendar days before the date of the commission meeting.
2. Provide the division all necessary materials for the appropriate section to review the request and document for the commission statutory, administrative code and policy positions.
3. Provide at least one district supervisor to present the district's request. A member of the Commission may not represent their district for any special request before the Commission

Any request made by a district that is outside the bounds of division staff approval authority must follow the procedure hereby established.