



**NORTH CAROLINA  
SOIL & WATER CONSERVATION  
COMMISSION TELECONFERENCE MINUTES  
June 7, 2013**

Room 1106Z  
Archdale Building  
512 N. Salisbury Street  
Raleigh, NC

Commission Members	Others Present	
Vicky Porter	Ralston James	Will Mann
Craig Frazier	Jeff Harris	Michelle Lovejoy
Charles Hughes	Dewitt Hardee	Anna Wade
Bill Yarborough	Dick Fowler	Jack Beuttel
Donald Heath	Kristina Fischer	Ryan Faulk
	Eric Pare	
	Sandra Weitzel	
	Rob Baldwin	
	Janine Owens	
Commission Counsel	Donna Rouse	
	Greg Hughes	
	Rick McSwain	
Guest	Teresa Nicholson	
Pat Harris	Mamie Caison	
David Williams	Dennis Testerman	
Kelly Ibrahim	Edward Long	
Natalie Woolard	Rusty Painter	
Kim Livingston	Caitlin Burke	

Chairwoman Vicky Porter called the meeting to order at 8:02 a.m. and charged the Commission members to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act.

Chairwoman Porter welcomed everyone to the teleconference.

**1. APPROVAL OF AGENDA:**

Chairwoman Porter reviewed the agenda. Commissioner Frazier made a motion to approve the agenda. The motion was seconded by Commissioner Yarborough. Motion carried.

**2. Review Of Easement Stewardship And Compliance**

Chairwoman Porter called on Mrs. Natalie Woolard to present an overview of easement stewardship and compliance. Mrs. Woolard presented a powerpoint presentation describing the number and types of easements acquired through the CREP and Swine Buyout Programs and held by the Division of Soil

and Water Conservation. She also described the stewardship monitoring process and listed some of the types of non-compliance that has been found. The powerpoint presentation is included as Attachment 2 and is an official part of the minutes.

Commissioner Frazier asked Mrs. Woolard to verify that the CREP viewer she described in the presentation included a disclaimer that it may not include all easement properties due to delays in properties being added. Mrs. Woolard reported there was a disclaimer, but she would be sure to double check it.

### **3. Commission Position Statement on Conservation Easements**

Chairwoman Porter called attention to the draft *Position Statement in Support of Conservation Easements* that was distributed to each Commission member in advance of the meeting. She reminded the members that this position statement was drafted in response to a directive given to staff at the May 15, 2013 commission meeting. Commissioner Yarborough moved to approve the position statement, and Commissioner Frazier seconded the motion. The motion was approved.

The adopted commission position statement is included as Attachment 3 and is an official part of the minutes.

### **4. Establishing a Conservation Easement Committee**

Mrs. Woolard asked if the Commission would consider establishing a Conservation Easement Committee patterned after the Commission's Cost Share Committee to review issues related to easement acquisitions, requests for easement condition revisions, stewardship processes and compliance policies for when easement conditions are not followed. After brief discussion Commissioner Frazier moved to approve establishing a Conservation Easement Committee with the following representatives:

- 2 Commission members who will serve as Co-Chairs
  - Chairwoman Porter
  - Commissioner Frazier
- 1 district representative each from the Mountain, Piedmont, and Coastal Plain regions
- NCD&CS – Legal Affairs (Jonathan Lanier)
- NCD&CS – Environmental Programs (Dewitt Hardee)
- Division of Soil and Water Conservation (Natalie Woolard)
- Conservation Trust Fund Representative

Commissioner Yarborough seconded the motion. Rusty Painter commented that he would be glad to assist the committee as needed. With no further discussion, the motion was approved.

### **VI. PUBLIC COMMENTS:**

Chairwoman Porter asked if there were any public comments. There were no comments.

### **VII. ADJOURNMENT**

With no further business, Commissioner Frazier offered a motion to adjourn, and Commissioner Yarborough seconded the motion. The motion was approved, and Chairwoman Porter declared the meeting adjourned at 8:58 a.m.

*Patricia K. Harris*

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

*David B. Williams* 7/17/2013

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

***These minutes were approved by the North Carolina Soil & Water Conservation Commission on July 17, 2013.***

*Patricia K. Harris*

7/17/2013

Patricia K. Harris, Director  
(Sign & Date)



# EASEMENT STEWARDSHIP AND COMPLIANCE

Soil and Water Conservation Commission

June 7, 2013

Natalie Woolard, Section Chief



# TOTAL EASEMENTS

## Swine Buyout

	Acres	Number
Permanent	1,208	41

## Conservation Reserve Enhancement Program

	Acres	Number
30 -Year	19,554	860
Permanent	7,152	221
Total	26,706	1,081



# MONITORING EFFORTS

## Swine Buyout

- ❖ Participating districts were paid upfront to monitor the easements.

## Conservation Reserve Enhancement Program

- ❖ Monitoring is completed by CREP staff
- ❖ Participating districts have been reimbursed to assist with monitoring easements - none in 2013 due to availability of funds.
- ❖ Funds are provided by annual interest earned from CREP Stewardship Endowment.



# MONITORING EFFORTS

- ❖ Boundary signs have been installed on approximately ½ of CREP easements.
- ❖ Plan on continuing this effort, however we are researching more cost effective materials.
- ❖ Tracking monitoring activities through the DENR Stewardship Database.



# MONITORING EFFORTS

- ❖ Staff reviews all mining permit requests.
- ❖ CREP Viewer - <http://www.ncmhtd.com/soilwater/crep/>
- ❖ Provides opportunity to review conservation and forestry plan with landowners, obtain new ownership information and general technical assistance.



# MONITORING EFFORTS

## 2013 CREP Update

- ❖ 367 Easements have been monitored by staff
- ❖ Consists of 6,947 acres in 15 counties
- ❖ Not a typical year. Staff has been primarily focused on monitoring in the interim of FSA accepting new enrollment.



# COMPLIANCE FINDINGS

## Minor Compliance Concerns

- ❖ Failing forest stands (site suitability, lack of maintenance etc.)
- ❖ Wildlife openings converted to food plots
- ❖ Unsuccessful natural regeneration areas
- ❖ Disease and wind damage (no fault of landowner)



# COMPLIANCE FINDINGS

## Major Compliance Concerns

- ❖ Mobile Home - as discussed at the previous SWCC mtg.
- ❖ Mining activity extremely close to easement boundary. Not a compliance issue yet, however we have notified Division of Energy, Mineral and Land Resources.
- ❖ Approximately 4000 sq ft brick home
  - Estimated an acre of easement area destroyed
  - CREP easement was specifically mentioned in deed transfer to new owner (3/2011)



# EASEMENT STEWARDSHIP AND COMPLIANCE

Soil and Water Conservation Commission

June 7, 2013

Natalie Woolard, Section Chief

**Position Statement in Support of Conservation Easements**  
Approved by Soil and Water Conservation Commission on June 7, 2013

**Background**

Established in 1999, the North Carolina Conservation Reserve Enhancement Program (CREP) is a state/federal/local partnership that combines existing federal Conservation Reserve Program (CRP) funding and state funding from various sources. The seven-member Soil & Water Conservation Commission operates the state portion of CREP program as the lead agency for the State of North Carolina. The program objectives for the Commission are the following:

1. to provide an opportunity for agricultural landowners to voluntarily restore riparian buffers and wetlands,
2. to restore and enhance wildlife habitat corridors next to streams and other qualifying water bodies,
3. to reduce agricultural non-point source pollution and comply with nutrient reduction requirements; and
4. to encourage voluntary enrollment of eligible land in 10- or 15-year contracts; or 30-year or permanent easements;

The Commission supports the rights of individual landowners. For this reason, the Commission designed the CREP program to include short-term protection options for participation that do not require the landowner to enter into a conservation easement. Landowners who elected to enroll in conservation easements received a significantly higher incentive for this long-term protection.

The Commission believes that entering into a conservation easement requires thoughtful and serious consideration that affects multiple generations. It is for this reason the Commission encourages anyone considering a conservation easement to consult with their family members, attorney, and tax advisor prior to entering into an easement.

The Commission believes that once an easement has been established through the use of public funds, the Commission must use its authority and powers to protect that easement. The Commission further believes that releasing a conservation easement would set a dangerous precedent and potentially undermine the ability of CREP and other conservation and preservation programs to enforce the terms of their easements (e.g. Agricultural Development and Farmland Preservation Program, the military's Readiness and Environmental Protection Initiative, Clean Water Management Trust Fund, Ecosystem Enhancement Program).

**Position**

For these reasons the Commission strongly supports conservation easement programs and places great importance on protecting the easements that afford conservation value to the citizens of the state. Furthermore, the Commission is opposed to any action that would weaken the protection or undermine the intent of providing long-term water quality benefits through conservation easements.