

MINUTES

NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION

Meeting Location:
The Grove Park Inn
Grand Ballroom C
Asheville, NC
January 6, 2008

MEMBERS PRESENT

Jeff Turlington, Chairman
Ned Y. Hudson
Don M. Rawls
Manly West
Don Cox
Richard Smith
Bobby Stanley

OTHERS PRESENT

Pat Harris	David Williams	Vernon Cox
Lynn Sprague	Manly Wilder	Donnarie Mills
P. J. Andrews	Carol Litchfield	Ronnie D. Burnette
Ryke Longest	Tommy Brooks	Wayne Moser
Kevin Moore	David Joyce	Jason Byrd
Wayne Carland	Bill Yarborough	Tommy Houser
Jimmy Mason	Ken Parks	Jeff Harris
William Gore	Milton Heath	W. J. Hart
Tom Melton	Jeff Tyson	Mike Sugg
Larry West	Jill Slankas	Kristina Fischer
Brian R. Harwell	Michelle Lovejoy	Chester Lowder
Jay Day	Dewitt Hardee	Donna Wallace
Vontice F. Jackson	Bill Holman	Tammy Gibby
Jack Walls	James Clark	Clint Carson
Sam Davis	Steve Sutton	Barry Stevens
Duane Vanhook	Louis Suther	Johnsie Hayes
Larry Baker	John M. Tyson	Bill Norris
Leonard Killian	Eric West	Jerome Shaw
Danny McConnell	Gene Smith	Ellen Sprague
Donald A. Heath	Steve Harris	Loring McIntyre
Della Cole	Danny Norris	Blount Knowles
Susan Pait	Kelly Ibrahim	Donna Stearns

Summary of Actions Taken by the Commission

1. The following supervisor appointments were approved:
 - S. Keith Sink – Davidson SWCD
 - J. Wayne Short – Fishing Creek SWCD
 - David Joyce – Rockingham SWCD
 - Mittie Hamilton – Tyrrell SWCD

2. The Commission approved supervisor contracts for the following individuals:
 - Gordon Marlette – Alamance SWCD – Cover Crop Planting for Drought- \$1,929.00.
 - Jack Huss – Burke SWCD – Pasture Renovation - \$540.
 - Fred Smith – Chowan SWCD – Waterer and Heavy Use Area Protection - \$3,489.
 - Ronnie D. Burnette – Granville SWCD – Sod-based Rotation - \$1,593.
 - Beth Tucker – Forsyth SWCD – Pasture Renovation - \$810.
 - Ed Wall – Forsyth SWCD – Pasture Renovation - \$1,620.
 - Carl A. Beam – Lincoln SWCD- Pasture Renovation - \$1,300.
 - Charles Snipes – Orange SWCD – Abandoned Well Closure – CCAP - \$1,500.
 - Mike Bass – Sampson SWCD – Pasture Renovation - \$495.
 - Bryan Hagler – Scotland SWCD- Grassed Waterways and Field Borders - \$4,715.
 - David M. Hight – Warren SWCD – Pasture Renovation - \$2,411.
 - Herman L. Collier – Warren SWCD – Pasture Renovation - \$2,500.
 - Herman L. Collier – Warren SWCD – Pasture Renovation - \$1,575.
 - B. T. Shingleton – Wilson SWCD – Grade Stabilization Structure, Critical Area Planting - \$549.

3. The CCAP Rules and ACSP Rules were finalized and **approved**.

4. The post-approval contract #87-05-134-07 for Mr. R. C. Taylor of Swain SWCD was **approved**.

4. The post-approval contract # 82-2008-015 for Mr. William Tyndall of Sampson SWCD was **approved**.

Preliminary Items

The January 6, 2008 meeting of the North Carolina Soil and Water Conservation Commission was held in Grand Ballroom C of the Grove Park Inn, Asheville, North Carolina at 3:00 P.M.

Chairman Jeff Turlington called the meeting to order. He welcomed everyone to the Commission meeting and he hoped everyone had had a Merry Christmas and a Happy New Year.

He charged the Commission members to declare any conflict of interest or appearance of conflict of interest that may exist for agenda items to be considered by the Commission as mandated by Executive Order No. 1. None were declared.

Approval of the Agenda

Mr. Ned Hudson offered a motion to approve the agenda, and Mr. Bobby Stanley provided a second. The agenda was approved as written.

Approval of the Minutes

Chairman Turlington called for the review and approval of the minutes of the November 14, 2007 Commission meeting. Mr. Manly West offered a motion that the minutes be approved. Mr. Don Rawls provided a second, and the motion carried.

INFORMATIONAL ITEMS

Division Report

Ms. Patricia K. Harris began by stating that since her appointment by Secretary Bill Ross as Director of Soil and Water, her life had not been the same. She told the Commission that she had worked for the division for twenty years.

Ms. Harris stated that her goals for the division are:

1. That the Commission and the local districts are and will remain the Division's highest priority.
2. To focus on customer service for local districts.
3. The Division will continue to be a contributing partner to the Soil and Water Conservation partnership. We value our working relationship with NCASWCD, NRCS, NCDA, Farm Bureau, Cooperative Extension, N.C. State University, Environmental Defense Fund and many others.
4. To increase engineering resources to districts.
5. To be responsible and accountable as a state agency in our budgeting, accounting, and expenditures.
6. To improve communications internally and externally, and to implement programs that will better recognize districts.

Ms. Harris introduced the following new division employees:

- Michelle Raquet will be heading up the Cost Share program beginning on January 14, 2008.
- Shelly Miller will be the new Community Conservation Coordinator beginning on February 25, 2008.

Ms. Harris requested that each Commission member review the Ethics Commission Newsletter.

Final CCAP Rules Approved by Rules Review Commission

Mr. David Williams told the Commission that the CCAP rules had been approved by the Rules Review Commission.

Plan for Allocating CCAP Appropriated and Grant Funds

Ms. Julie Henshaw presented her report on CCAP appropriated and grant funds. The criteria for granting these funds are based on the following:

- The relative rank of the number of miles of stream that are impaired or impacted. (The most recent GIS data from Division of Water Quality is used.)
- The relative rank of the percentage of the county draining to waters classified as Outstanding Resource Waters, High Quality Waters, Trout, or Shellfishing Harvesting (open) on the current schedule of Water Quality Standards and Classifications.
- The percentage of the county that is covered by NPDES Phase I and Phase II requirements.
- The relative rank of population density for the county.
- The relative rank of the percentage of a county's land area that is located within drinking water assessment areas as delineated by the Public Water Supply Section of the Division of Environmental Health.

Requests from districts must be received by February 15, 2008. A conference call will be held in February to discuss and approve the allocations.

Neuse & Tar-Pam Executive Summaries

Ms. Julie Henshaw reported on the Annual Progress Report for the Tar-Pamlico Agriculture Rule. This year she stated that the Neuse Basin has achieved an estimated 45% nitrogen reduction compared to the 1991-1995 baseline. This year reports a two percent decrease in nitrogen loss reduction compared to the 47% nitrogen reduction in 2005.

Ms. Henshaw stated that nitrogen loss reduction from agricultural land was accomplished through best management practice (BMP) installation, fertilizer application reduction, and cropland attenuation.

She also stated that for the entire Tar-Pamlico Basin agriculture has achieved an estimated 43% reduction in nitrogen loss compared to a 1991 baseline. This year reports a five percent decrease in nitrogen loss reduction compared to the 48% nitrogen reduction in 2005. This continues to exceed the rule-mandated 30% reduction. The main reason for this decrease is due to crop shift from soybeans to other crops requiring higher nitrogen application rates. The contribution of fertilization management and the installation of BMPs were significant factors in the reported reduction.

Lagoon Conversion Program Update

Mr. Vernon Cox stated that SB-1465 established the Lagoon Conversion Program and charged the division with implementation of the program. The purpose of the program is to provide an incentive to farmers to convert existing anaerobic lagoon waste treatment systems to innovative animal waste management systems. It also establishes performance criteria for the innovative waste management systems.

Mr. Cox stated that the General Assembly appropriated \$2 million that will provide up to 90% Cost Share for the costs of these systems, with a cap of \$500,000 per operation per year.

An Advisory Committee was established consisting of members from Environmental Defense, the Sierra Club, the Pamlico-Tar River Foundation, NRCS, NC Pork Council, the Division of Water Quality, NC State University and Frontline Farmers to provide input for the implementation of the program. The division is also working in consultation with DENR's legal counsel, the Attorney General's office, and representatives from the Governor's office.

An application form has been developed, a web site is being organized, and a series of information sessions will be held during January and the first part of February.

Applications will be received during February and accepted until mid-March.

Conservation Easements

Ms. Michelle Lovejoy reported that many districts are at work in the preservation arena (i.e. Voluntary Ag districts, holding easements, or holding titled land outright). She stated that Mr. Jerry Dorsett, a past area coordinator, is now working with Working Lands with DENR. He will be working together with Ms. Lovejoy on the conservation easements project.

A Resource Manual for Soil and Water Conservation Districts – Farmland Pilot Program Work will be developed over the next 18 months. A Resource Manual Outline DRAFT is attached. (See #3E.) A list of all contributing persons is also in that attachment.

NRCS Report

Ms. Mary K. Combs introduced the new NRCS Management team:

- Greg Walker will be filling the position of Dick Fowler who recently retired.
- Renee Melvin is filling the position of Bill Harrell who recently retired.
- Angela Little is filling the vacated position in Area 2.

Ms. Combs stated that the current Farm Bill would be extended through March 15, 2008. The new Farm Bill passed both the Senate and the House. The President may sign the bill prior to March 15, 2008.

Chairman Turlington asked that everyone in the room introduce themselves.

Chairman Turlington presented a plaque from the SWCC to Manly S. Wilder, past Director of the Division of Soil and Water, for his exceptional leadership and outstanding service to the Commission.

Mr. Wilder thanked the Commission for his award. He stated that he had enjoyed his 18 months that he served as Director of Soil and Water Conservation.

ACTION ITEMS

Consent Agenda

Mr. Don Rawls offered a motion that the Consent Agenda be approved as given. Mr. Richard Smith provided a second, and the motion carried.

Nomination of Supervisors

The following supervisors were approved for appointment:

- Mr. S. Keith Sink filling the un-expired term of Jimmie B. Sink of Davidson SWCD.
- Mr. J. Wayne Short filling the un-expired term of William N. Mann, Jr. of Fishing Creek SWCD.
- Mr. David Joyce filling the un-expired term of R. O. Jones, Jr. of Rockingham SWCD.
- Ms. Mittie Hamilton filling the un-expired term of Roy Smith of Tyrrell SWCD.

Approval of Supervisor's Contracts

- Gordon Marlette – Alamance SWCD – Cover Crop Planting for Drought- \$1,929.00 – Contract #01-08-28-02.
- Jack Huss – Burke SWCD – Pasture Renovation - \$540 – Contract # 55-08-274-03.
- Fred Smith – Chowan SWCD – Waterer and Heavy Use Area Protection - \$3,489 – Contract # 21-08-16-04.
- Ronnie D. Burnette – Granville SWCD – Sod-based Rotation - \$1,593 - Contract # 39-08-09-13.
- Beth Tucker – Forsyth SWCD – Pasture Renovation - \$810 - Contract #34-08-09-16.
- Ed Wall – Forsyth SWCD – Pasture Renovation - \$1,620 – Contract #34-08-10-16.
- Carl A. Beam – Lincoln SWCD- Pasture Renovation - \$1,300 – Contract # 55-08-287-03.

- Charles Snipes – Orange SWCD – Abandoned Well Closure – CCAP - \$1,500 – Contract # 68-08-505-02.
- Mike Bass – Sampson SWCD – Pasture Renovation - \$495 – Contract #DT82-08-107-02.
- Bryan Hagler – Scotland SWCD- Grassed Waterways and Field Borders - \$4,715 Contract #83-08-03-08.
- David M. Hight – Warren SWCD – Pasture Renovation - \$2,411 – Contract # DE-93-08-207-13.
- Herman L. Collier – Warren SWCD – Pasture Renovation - \$2,500 – Contract #DE-93-08-206-13.
- Herman L. Collier – Warren SWCD – Pasture Renovation - \$1,575 – Contract # DE-93-08-204-13.
- B. T. Shingleton – Wilson SWCD – Grade Stabilization Structure, Critical Area Planting - \$549 – Contract #CS98-08-23-09.

Final Approval of ACSP and CCAP Rules

Mr. David Williams recommended that CCAP Rules 15A NCAC 6I.0107 and .0108 (which states repayment procedures and district implementation procedures) be approved for final adoption.

Mr. Don Cox made a motion that these rules be approved. Mr. Bobby Stanley provided a second, and the motion carried.

Mr. Williams also requested final adoption of the following changes as originally approved by the Commission at its July meeting:

- 1) Ag Cost Share Rule 15A NCAC 06E.0102 (1) be modified to read as follows:

Agriculture Nonpoint Source (NPS) Pollution means pollution originating from a diffuse source as a result of agricultural activities related to crop production, production and management of poultry and livestock, land application of waste materials, and management of forest land incidental to agricultural production.

- 2) Ag Cost Share Rule 15 A NCAC 06E .0102 (3) be modified to read as follows:

Applicant means a person(s) who applies for best management practice cost sharing monies from the district. An applicant may also be referred to as a cooperator. All entities, with which the applicant is associated, including those in other counties, shall be considered the same applicant.

- 3) Ag Cost Share Rule 15A NCAC 06E .0105 (j) be modified to read as follows:

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

4) Ag Cost Share Rule 15A NCAC 06E .0107 be clarified to read as follows:

(a) The landowner shall be required to sign the agreement for all practices other than agronomic practices and land application of animal wastes.

(e) The technical representative of the district shall determine if the practice(s) implemented have been installed according to specifications as defined for the respective program year in the USDA-Natural Resources Conservation Service Technical Guide, Section IV, Raleigh, North Carolina to other specifications approved by the Commission, or according to specifications approved by the Division for district BMP's. The district shall be responsible for making an annual spot check of five percent of all the cost share agreements to ensure proper maintenance. Waste management system shall be included as part of the annual five percent check except for systems on farms without certified waste management plans. In those cases, the system will receive annual status reviews for five years following implementation.

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

Mr. Richard Smith made a motion that these modifications be approved. Mr. Ned Hudson provided a second, and the motion carried.

ACSP Issues from Districts

Post Approval of ACSP Contract – Swain SWCD

Mr. Ken Parks presented a request by Swain SWCD regarding the contract of Mr. R. C. Taylor (Contract #87-05-134-07) for hydroseeding.

This began in May of 2005 by the previous district technician and continued with Ms. Tammy Gibby who was hired in late June of 2005. Ms. Gibby had informed Mr. Taylor that his contract had been approved and that he could begin hydroseeding. Mr. Taylor contacted Ms. Gibby and reported that the work had not been done due to the person he had asked to do the work, never showing up. Weather prohibited him from getting the job done until October of 2007. At this time, when Ms. Gibby reviewed his contract, she realized that it had expired.

Swain SWCD is requesting that a new contract be written for Mr. R.C. Taylor's hydroseeding and that the \$1500 reimbursement be taken out of 2008 funds.

Mr. Don Cox made a motion that a new contract be written, and Mr. Bobby Stanley provided a second. The motion carried.

Post Approval of ACSP Contract – Sampson SWCD

Mr. David Williams presented the request of Sampson SWCD. In March of 2006, \$29,000 of animal waste funds was set aside to support a NRCS grant to NCSU for innovative uses of animal waste by-products. One of those uses is the “Super Soils project” in Sampson County. An allocation of \$4,000 was given to Sampson SWCD in July to support an off-site manure transportation incentive contract for this project. .

Mr. Williams requested that because the supervisor who had planned to attend the meeting had a death in the family, the Commission suspend its policy over requiring a supervisor from Sampson County be at this meeting, and let him (Mr. Williams) represent this case.

Mr. Manly West offered a motion that the rule requiring that a supervisor be present to make a special financial request be suspended due to the death in the family of the supervisor. Mr. Don Cox provided a second. The motion carried.

Mr. Williams asked that the Commission approve this contract#82-08-15-02 with a start date of July 1, 2007. This approval is needed to permit the Commission to honor its commitment to provide a total of \$29,000 of match support for the NCSU grant project.

Mr. Bobby Stanley offered a motion to approve this post-approval, and Mr. Ned Hudson provided a second. The motion was approved.

Being no further business, the meeting was adjourned at 4:08 p.m.

Patricia K. Harris, Director

Donna L. Stearns, Transcriber