

MINUTES

NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION

Meeting Location:
Ground Floor Hearing Room
Archdale Building
Raleigh, NC
November 19, 2008

MEMBERS PRESENT

Jeff Turlington
Don Cox
Manly West
Richard Smith
Bobby Stanley
William Pickett, Jr.
Ned Y. Hudson

OTHERS PRESENT

Pat Harris
Vernon Cox
Charles Bass
Mike Sugg
Dick Fowler
Kristina Fischer
Natalie Woolard
Manly Wilder
David Cash
Lisa Fine
Frank Brown
Shelly Baird
Julie Henshaw
Anne Coan
Dewitt Hardee
Donna Stearns

Ed Gavin
David Williams
Bill Dunlap
Cindy Draughon
Jeff Harris
Teresa Hice
Cecil Settle
Ralston James
William Byrum
Ken Parks
James Massey
Kelly Ibrahim
Michelle Raquet
Marcia Lieber
Michelle Lovejoy

Summary of Actions Taken by the Commission

1. The following supervisor appointments were **approved**:
 - J. M. “Jim” Boggs - Cleveland SWCD
 - Henry B. Hagwood - Granville SWCD
 - Jack Cunningham – Greene SWCD
 - Jerry Jones – Greene SWCD
 - Nancy Pritchett – New Hanover SWCD
 - Patrick Keith Baker – Pamlico SWCD
 - Paul W. Marshall – Rockingham SWCD
 - Kate Campau - Rockingham SWCD
 - Zach Myers – Wilkes SWCD
 - Aaron F. Stack – Scotland SWCD
 - Gordon Holder – Surry SWCD

2. The following supervisors were **approved** for reappointment: (See attachment 9 B- Tab 2 and Tab 4.)

3. The Commission **approved** supervisor contracts for the following:
 - William R. Boaz – (Contract #17-2009-009-12) – Caswell SWCD - Grassed Waterway, Field Borders - \$4,253.
 - Dennis Simmons – (Contract #17-2009-017-02) – Caswell SWCD Pasture Renovation, Pond Restoration/Repair (Sediment Removal) – \$14,703.
 - Fred Smith – (Contract #21-2009-019-04) – Chowan SWCD - Irrigation Well - \$2,268.
 - Donald Heath – (Contract #25-2009-001-09) – Craven SWCD – Pond Restoration/Repair (Sediment Removal) - \$3,000.
 - Felton Outland – (Contract #37-2009-004-04) – Gates SWCD – Pond Restoration/Repair (Sediment Removal) - \$3,000.
 - Ronnie Burnette – (Contract #39-2009-105-13) – Granville SWCD – Pasture Renovation - \$2,700.
 - James Ferguson – (Contract #44-2009-006-05) -Haywood SWCD – Well - \$4,606.
 - Samuel Howell – (Contract #46-2009-004-04) – Hertford SWCD– Cover Crop - \$3,000.
 - James Mason – (Contract #46-2009-006-04) – Hertford SWCD – 3-Year Conservation Tillage - \$15,000.
 - L. M. Brinkley – (Contract #46-2009-007-04) – Hertford SWCD – Cover Crop - \$7,500.
 - James Mason – (Contract #46-2009-103-04) – Hertford SWCD – Conservation Irrigation Conversion - \$7,029.

- John Langdon – (Contract #51-2009-031-09) –Johnston SWCD – Pond Restoration/Repair (Sediment Removal)- \$3,000.
 - M. Jeffrey Harris – (Contract 58-2009-017-12) – Martin SWCD – Pond Restoration/Repair (Sediment Removal).
 - William Freeman – (Contract #64-2009-008-13) – Nash SWCD – Pasture Renovation - \$2,835.
 - William Freeman – (Contract #64-2009-046-13) –Nash SWCD – Cropland Conversion –Grass -\$1,868.
 - Willie R. Justice – (Contract #67-2009-003-15) – Onslow SWCD – Well -\$2,950.
 - Eugene C. Berryhill – (Contract #73-2009-009-12) – Person SWCD – Grassed Waterway, Field Borders - \$8,428.
 - Cal Berryhill – (Contract #73-2009-015-08) – Person SWCD – Field Border - \$659.
 - Dewalt Koone – (Contract #81-2009-038-01) – Rutherford SWCD – Pasture Renovation - \$5,850.
 - Herman Collier – (Contract #93-2009-012-13) – Warren SWCD – Cover Crop - \$2,404.
 - Herman Collier – (Contract #93-2009-010-13) – Warren SWCD – Cover Crop - \$1,186.
 - Herman Collier – (Contract #93-2009-011-13) – Warren SWCD – Cover Crop - \$572.
 - Herman Collier – (Contract #93-2009-419-13) – Warren SWCD – Pasture Renovation – \$2,500.
 - Herman Collier – (Contract #96-2009-024-09) – Warren SWCD – Pasture Renovation - \$2,500.
 - Ronald W. Parks – (Contract #96-2009-024-09 – Wayne SWCD – Cropland Conversion – Grass - \$7,126.
 - Ronald W. Parks – (Contract #96-2009-031-09) –Wayne SWCD – Pasture Renovation - \$2,280.
4. The Commission **approved** the District Employee CCAP Job Approval Authority Requests.
 5. The Commission **approved** the CCAP Average Cost List changes.
 6. The Commission **approved** the revision of Commission policy regarding setbacks for CCAP.
 7. The Commission **approved** the Wake SWCD request for exception to Commission policy on Cistern Sizing.
 8. The Commission **approved** the request for ACSP Contract of Government Owned Land – Rowan SWCD.

9. The Commission **approved** the appointments of members to the Local Advisory Committees for Neuse and Tar Pamlico Basins.
10. The Commission **approved** the TRC recommendations for modifications to the land smoothing cost share practice.
11. The Commission **approved** the TRC recommendations for the modifications to the Conservation Irrigation Conversion practice that would clarify the location and purpose for the flow meter.
12. The Commission **approved** the TRC recommendations to all cost share practices involving tree planting, cropland conversion, pastureland conversion to trees, riparian buffer, and wetland restoration system.
13. The Commission **approved** the request of ACSP to temporarily suspend any new SWCDs from receiving delegation authority.
14. The Commission **approved** ACSP Contract #13-09-900-16/07CT05-1 for Louis Suther of Cabarrus County

Preliminary Items

The November 19, 2008 meeting of the North Carolina Soil and Water Conservation Commission was held in the Ground Floor Hearing Room of the Archdale Building, 512 N. Salisbury Street, Raleigh, NC.

Chairman Jeff Turlington 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 Number One. None were noted.

Chairman Turlington called the meeting to order. He welcomed everyone to the Commission meeting.

Approval of Agenda

Chairman Turlington stated that two items had been added to the revised agenda. Item #17 – Request for ACSP Delegation Authority and #18 – Request for Approval of EEP Project for Cabarrus Supervisor. Mr. Ned Hudson said that #9 –B, the Reappointment of Supervisor’s Table, Tabs 3, 5, and 6, needed to be handled separately from the Consent Agenda.

Commissioner Richard Smith offered a motion to approve the revised agenda as amended with Commissioner Manly West, providing a second. The motion carried.

Approval of Minutes

September 17, 2008 Minutes

The September 17, 2008 minutes were amended on the following item:

- Page 14 – Amendment to TRC recommendation to #2 (Prescribed Grazing with Cost Share for Cross Fencing). Mr. Manly West made a motion to delete the time factor of 3-years instead of deleting a lifetime cap of \$15,000 as was written in the minutes.

Commissioner Manly West made a motion to approve the minutes of September 17, 2008 as amended. Commissioner Ned Hudson provided a second, and the motion carried.

October 14, 2008 Teleconference Minutes

The October 14, 2008 Teleconference Minutes were amended as follows:

- Page 3 – Proposed Monitoring Rule for Livestock Operations – 4th paragraph should read:

A motion was made by Commissioner Don Cox that the Commission not send the letter that was presented by Director Pat Harris to the EMC regarding monitoring rules. Motion died due to lack of a second.

Commissioner Ned Hudson offered a motion that the October 14, 2008 minutes be approved as amended. Commissioner Manly West provided a second and the motion carried.

Chairman Turlington welcomed everyone and asked that they introduce themselves.

INFORMATIONAL ITEMS

Division Report

Division Director Pat Harris reported that the Division Overview Document had been given to the Commission members at the work session. She noted the following items were included in the document:

- \$48.5 million in non-state funds have been leveraged by state investments.
- Vacancies –
 - Deputy Director – awaiting Beacon Clearance
 - Administrative Secretary II – 2nd posting closed
 - 319 Coordinator – currently posted
 - Operation Review Supervisor – filled by Danny Edwards
- FY08 Annual Report –not completed

- 2008 Fall Update
- Summary of DSWC Programs
- EPA Success Stories of NC for Neuse and Mills Rivers
- Education and Outreach
- SWC Commission calendar
- DSWC Staff Directory
- One page District Directory brochure

Ms. Harris stated that on November 6, 2008 Governor Easley reported a projected \$1.6 billion shortfall and directed state agencies to revert 5% of their budgets to balance the shortfall.

She reported that the Agriculture Task Force meeting would be held at 1:30 pm today in the Ground Floor Hearing Room.

Ms. Harris reported on the Goose Creek Watershed in Mecklenburg and Union Counties. It is habitat to the endangered Carolina Heelsplitter mussel. A public hearing report for the adoption of rules was presented to the Environmental Management Commission (EMC). Recommendations included buffers that are significantly larger at 100 foot along streams and increased to 200 feet along streams in the 100-year flood plain.

Ms. Harris reported the following activities of the District Operations section:

- Five Working Land Easement Programs were held across the state. Cecil Settle, Jerry Dorsett and Michelle Lovejoy coordinated these programs.
- Fall Area Meetings were held with the last one scheduled for this week. Supervisor attendance ranged from 30-50%.
- NCASWCD Annual Meeting scheduled for January 4-6, 2009 at the Sheraton Imperial Hotel in RTP. Online registration is working out very well.
- District Supervisor Leadership Initiative headed up by the hard work of Bobby Stanley, Ned Hudson and Dick Fowler.
- 2009 Envirothon is moving forward with the work of Bruce Miller, Steve Bennett and the Envirothon Committee.

Monitoring Petition Update

Mr. Vernon Cox gave an update of the Monitoring Petition. A letter was sent to the EMC Chairman Steven Smith from SWCC Chairman Turlington regarding proposed monitoring rules for permitted animal operations. A meeting was arranged and held on November 6 with the expressed purpose of discussing concerns regarding the proposed rules.

Mr. Cox stated that the meeting began with Chairman Turlington's expressing his appreciation for the opportunity to meet with Chairman Smith. He gave some background regarding the report that was presented to the Commission. Mr. Cox led the discussion regarding the issues and concerns expressed in the report. He explained the mission of the

SWCC and the Division, the purpose of the Ag Task Force and the process by which the issues in the report came before the Commission.

Mr. Cox stated that some fundamental questions about any proposed rule, regulation, or statute need to be asked. (See Attachment 4B.)

Mr. Cox stated this was a good meeting and that Chairman Smith seemed to understand the concerns of the Commission. Chairman Smith encouraged the Soil and Water Commission to continue to work through this process and get its perspective on the record.

Mr. Cox reported that on November 13, the EMC did approve publishing the draft rules in the NC Register and public comments would be received on the proposed rules around January or February of 2009.

NRCS Report

Mr. Mike Sugg presented the NRCS report noting the following items:

- \$764,812 – 2009 funds allocated for Wildlife Habitat Incentive Program (WHIP)
- \$12,180,386 – 2009 funds allocated for Environmental Quality Incentive Program (EQIP)
- WHIP and EQIP will set aside funds for the Cooperative Conservation Partnership Initiative (CCPI).
- Wetland Reserve Program (WRP) enrolled 3,500 acres in 2008. North Carolina helped the WRP Program reach its goal of 2 million acres enrolled nationally.
- \$1,948,771 – 2009 funds allocated for the Farm and Ranchland Protection Program (FRPP).
- Conservation Stewardship Program (CSIP) is a new program for 2009.
- Richard Coombe, Regional Assistant Chief-East, has announced his resignation effective December 6, 2008. Harry Slawter will serve as Acting Regional Assistant Chief-East.
- Implementation of the NRCS Restructuring Plan is continuing and should be fully implemented by the end of 2009.
- Sixteen temporary, part-time technical employees are being hired and will provide support staff in 16 field offices across the state. The employees are Agricultural Conservation Experienced Services (ACES) which is a pilot program authorized through the new Farm Bill.
- Security ID cards called Line Pass cards will be issued to all persons accessing Government computer networks.
- Beginning in FY 2009, ITS has implemented a per seat charge for services. Currently the seat fee is expected to be \$3,000-\$3500 annually per computer. NRCS has agreed to pay this fee for all computers connected to the network.

The Association Report

Commissioner Bobby Stanley stated that his theme for 2008 has been “Moving forward – Conservation for the Future” and he felt that the 96 districts in the state were indeed moving forward.

Commissioner Stanley noted that the following activities were worthy of note:

- Supervisor Bill Hart and Dick Fowler have spent considerable time working on the Association By-Laws and Articles of Association. Both documents will be distributed to the entire membership 30 days prior to the Annual Meeting.
- Key changes include:
 - (1) Allowance for an administrative officer position.
 - (2) Allowance for non-voting membership in the Association.
 - (3) Clarification of procedures when vacancies occur within Association officers.
 - (4) Allowing a designee to act for an Area Chairman on the Executive Committee in the event the Area Chairman is unable to participate.
- Annual Meeting to be held January 4-6, 2009 at the Sheraton Imperial Hotel, RTP. Key speakers on Monday will be DENR Secretary Bill Ross, Agriculture Commissioner Steve Troxler, Farm Bureau President Larry Wooten, and DENR Assistant Secretary Manly Wilder.

Key Speakers for Tuesday include: NACD President John Redding, NRCS Deputy Chief Tom Christensen, and Senior General Counsel to the Association of County Commissioners Paul Meyer.

- Presentations will be made at the Annual Meeting by two or three Association Executive Directors from Georgia, Tennessee, and Pennsylvania with a moderated questions and answer period to follow.
- Commissioner Ned Hudson and Commissioner Stanley have begun a Leadership Initiative where 13 Association past presidents have been asked to identify one or two supervisors who have leadership potential within the Association. The past presidents will serve as mentors to these individuals during the next few years.
- A vote was made on November 3, 2008 by the Executive Committee to make a commitment for funding for an Executive Director. The Soil and Water Foundation will be helping to fund this position assuming a minimum commitment by the Association of \$15,000 can be obtained by May 1, 2009. Each district has been asked to give a donation of \$1,000, and \$50 by each supervisor to meet the \$15,000 commitment.

CREP Report

Ms. Natalie Woolard presented an update on CREP and talked about the following areas:

- 32,000 acres enrolled in CREP
- 78% of the 32,000 acres are enrolled in easements
- 880 stream miles protected in North Carolina
- May 1st – CREP expansion was from the Yadkin Pee Dee River – East.
- Enrollment has been slow this year due to the economy in general.
- NRCS is supporting CREP by hosting trainings that show districts what makes a good CREP site.
- Current enrollments are for easements
- More enrollments are for permanent easements
- \$5.2 million was reverted back to Clean Water Management Trust Fund due to budget cuts
- 2009 is the 10th Anniversary of CREP.

Neuse and Tar Pamlico Nutrient Strategy Reports

Ms. Kelly Ibrahim reported on the Neuse and Tar Pamlico basins.

The Neuse Basin and the Tar-Pamlico Basin Oversight Committee (BOC) received and approved the crop year 2007 annual reports estimating progress from the fourteen Local Advisory Committees (LACs) operating under the Tar-Pamlico Agriculture Rule.

For the Neuse Basin, agriculture achieved an estimated 39% nitrogen reduction compared to the 1991-1995 baseline. This reduction continues to exceed the rule-mandated 30% reduction. This represents a 6% decrease in nitrogen reduction as compared to the 45% nitrogen reduction reported for 2006. This decrease in nitrogen reduction is largely attributed to an increase in corn production in the basin, as well as, an increase in nitrogen application for corn.

For the Tar-Pamlico, agriculture achieved an estimated 44% reduction in nitrogen loss compared to the 1991 baseline, which exceeds the rule-mandated 30% reduction. This represents a 1% increase in nitrogen loss reduction compared to the 43% nitrogen loss reduction reported in crop year 2006. The contribution of fertilization management and the installation of best management practices (BMPs) are significant factors in the reported reduction.

Ms. Ibrahim presented Tables and Graphs for the Neuse and Tar Pamlico Basins. (See attachments #8-A1 and #8-B1.)

ACTION ITEMS

Consent Agenda

Commissioner Ned Hudson made a motion to approve the Consent Agenda. Commissioner Bill Pickett provided a second, and the motion carried.

Nomination of Supervisors

The following supervisors were approved for appointment:

- Mr. J. M. “Jim” Boggs filling the expired term of Roy D. Dedmon of Cleveland SWCD.
- Mr. Henry B. Hagwood filling the expired term of Burley B. Adcock of Granville SWCD.
- Mr. Jack Cunningham filling the un-expired term of Jerry Jones of Greene SWCD.
- Mr. Jerry Jones filling the expired term of Jack Cunningham of Greene SWCD.
- Ms. Nancy Pritchett filling the expired term of Durwood Baggett of New Hanover SWCD.
- Mr. Patrick Keith Baker filling the expired term of L. Reginald Caroon of Pamlico SWCD.
- Mr. Paul W. Marshall filling the un-expired term of Kate Campau of Rockingham SWCD.
- Ms. Kate Campau filling the expired term of Bob Stanfield of Rockingham SWCD.
- Mr. Zach Myers filling the expired term of R. Dwayne Myers of Wilkes SWCD.
- Mr. Aaron F. Stack filling the expired term of Haynes Stone of Scotland SWCD.
- Mr. Gordon Holder filling the expired term of Ted Holyfield of Surry SWCD.

Reappointment of Supervisors

Mr. David Cash presented the 2008 Reappointment of Supervisors. Sixty-six supervisors were reappointed and listed under Tab 2 and Tab 4.

Chairman Turlington stated that Table 3, 5, and 6 would be reviewed at the March 2009 Commission meeting. (See Attachment 9B.)

Commissioner Manly West made a motion that Table 3, 5, and 6 be heard at the March 2009 Commission meeting in order that the reappointees be given a chance to attend Supervisor Training. Commissioner Bobby Stanley provided a second, and the motion carried.

Approval of Supervisor Contracts

Ms. Michelle Raquet presented the following approved supervisor contracts.

- William R. Boaz – (Contract #17-2009-009-12) – Caswell SWCD - Grassed Waterway, Field Borders - \$4,253.
- Dennis Simmons – (Contract #17-2009-017-02) – Caswell SWCD Pasture Renovation, Pond Restoration/Repair (Sediment Removal) – \$14,703.
- Fred Smith – (Contract #21-2009-019-04) – Chowan SWCD - Irrigation Well - \$2,268.
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- Herman Collier – (Contract #93-2009-010-13) – Warren SWCD – Cover Crop - \$1,186.
- Herman Collier – (Contract #93-2009-011-13) – Warren SWCD – Cover Crop - \$572.
- Herman Collier – (Contract #93-2009-419-13) – Warren SWCD – Pasture Renovation – \$2,500.
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- Ronald W. Parks – (Contract #96-2009-031-09) – Wayne SWCD – Pasture Renovation - \$2,280.

Question of Conflict of Interest

Mr. Ed Gavin, attorney and counsel for the SWCC, reported that Martin County supervisor, M. Jeffrey Harris, had a Cost Share Contract #58-2009-017-12. Mr. Harris is married to Soil and Water Conservation Division Director, Pat Harris. Mr. Harris's project is strictly a ministerial function. It is within the Commission's discretion to participate in these projects. Ms. Harris herself, as the division director, is not an employee of the Commission nor does she have any role in this determination of the Commission.

Mr. Gavin stated that any action of the Commission to agree to participate in the ACSP project of Mr. Harris, does not create a conflict of interest on the part of Director Harris or any violation of the State Government Ethic's Act. Also, the division itself, through David Williams, reports directly to the Commission. Any requests from local Soil and Water Conservation Districts for assistance in obtaining compliance with the terms of Agricultural Cost Share projects in view of this fact and practice, Director Harris will have no role in the furtherance of any action taken by the Commission. Mr. Gavin requested that this be stated in the record.

District Employee CCAP Job Approval Authority Requests

Ms. Shelley Baird stated that Community Conservation Assistance Program (CCAP) is still relatively new but has seen many successes. There are 65 participating districts which have received CCAP funds from a variety of sources. There is currently over \$1 million allocated to these districts. There have been 134 contracts submitted and close to \$500,000 encumbered. Some of the most popular BMPs include: cisterns, pet waste receptacles, critical area planting, well closures, and rain gardens.

Ms. Baird emphasized that as more BMPs are installed, there is more need for training, assistance and increasing capacity within districts. Several Design Trainings have been led by NCSU and Division engineers.

Ms. Baird focused her presentation on the details of the CCAP Job Approval Authority process. The original policy was approved in September 2007. The policy has been further defined as more projects are underway. Three regional district-led JAA Workgroups have been held.

Ms. Baird stated that CCAP BMPs have been divided into 4 categories:

- 1) Engineered BMPs – Requires a Professional Engineer be responsible for their design.
 - Bioretention Areas (>2500 sq. ft.)
 - Cisterns (>3000 gal.)
 - Diversions
 - Permeable Pavement
 - Stormwater Wetlands (>2500 sq. ft.)
 - Stream Restoration

- 2) Backyard BMPs – Must be reviewed by NCSU, DSWC or another district employee with appropriate JAA:
 - Backyard Rain Gardens
 - Backyard Wetlands
 - Cisterns

- 3) NRCS Comparable BMPs –District employees should rely upon their NRCS JAA for a comparable practice:
 - Critical Area Planting
 - Grassed Swales
 - Impervious Surface Conversion
 - Riparian Buffers
 - Streambank and Shoreline Protection

- 4) Other:
 - Abandoned Well Closures –Do not require JAA. They must be completed by a Certified Well Contractor following all applicable rules and regulations.
 - Pet Waste Receptacles – JAA will be granted to any district employee who requests it, and as long as they follow all Division and manufacturer’s specifications and submit an O&M Plan and location map.

Commissioner Richard Smith made a motion that the CCAP –JAA be approved. Commissioner Bill Pickett provided a second, and the motion carried.

CCAP Average Cost List Changes

Ms. Julie Henshaw reported that a change in the 2009 Average Costs list was needed. Components -need to be added to the Critical area planting, Diversion, and Grassed Swale. The components are as follows:

- Vegetation – mulch netting

- Vegetation – mulch, small grain straw
- Matting – Excelsior, installed

Commissioner Don Cox offered a motion that the components be approved. Commissioner Bobby Stanley provided a second, and the motion carried.

Revision of Commission Policy Regarding Setbacks for CCAP.

Ms. Julie Henshaw recommended that an additional sentence be added to the following sentence:

A minimum setback of 20 feet of undisturbed native vegetation or restored Riparian area adjacent to the installed practice is mandatory in all situations.

The addition would read:

A minimum setback of 20 feet of undisturbed native vegetation or restored Riparian area adjacent to the installed practice is mandatory in all situations. Division staff is authorized to approve contracts with a lesser setback for instances where site conditions make a 20-foot setback infeasible, but the Division may not approve a setback that is less than 10 feet.

Commissioner Bobby Stanley made a motion to approve this additional sentence. Commissioner Ned Hudson provided a second, and the motion carried.

CCAP Issue: Wake SWCD, Request for Exception to Commission Policy on Cistern Sizing

Ms. Julie Henshaw presented the Wake SWCD request for exception regarding the size of a cistern. Ms. Henshaw stated that Wake SWCD has developed a contract (#92-09-502-09) with the Town of Wake Forest Public Works and Utilities Department to install two cisterns through the CCAP Program. There is currently gully erosion at the site due to the significant rooftop runoff that is exiting the building. The cisterns will capture the erosive rooftop runoff and allow the Town to use the recycled water for car and equipment washing and to supply water for a boring machine, street sweeper and brine system.

Ms. Henshaw said that due to the Town's large water demand per day it will require larger cisterns to be more efficient. The district in concurrence with NCSU recommends that two 4,000 gallon cisterns be installed at this building.

The rooftop is 7,200 square feet and cisterns can only be sized up to 1 gallon per square foot of contributing rooftop according to current policy.

Commissioner Don Cox made a motion to approve this exception. Commissioner Manly West provided a second, and the motion carried.

Request for ACSP Contract of Government Owned Land – Rowan SWCD.

Ms. Michelle Raquet introduced Mr. Sam Correll of Rowan SWCD and Mr. Eli Beverly, Wildlife Technician, of the Wildlife Resource Commission. These gentlemen were present according with Commission policy.

Rowan SWCD would like to assist a producer, Johnny Moore, who is leasing the NC Wildlife Resource Commission property by properly closing an abandoned waste storage pond. For ACSP, the Commission must approve the contract since the abandoned pond is located on government-owned land.

Commissioner Richard Smith made a motion to approve this request. Commissioner Bobby Stanley provided a second, and the motion carried.

Appointment to Local Advisory Committees for Neuse and Tar Pamlico Basins

Ms. Kelly Ibrahim presented Section 4A –of the Neuse Agricultural Rule .0238 that requests that the Local Advisory Committees (LACs) be appointed by the Commission and the Environmental Management Commission (EMC).

Each LAC is made up of 5 agency positions and 2 farmers.

Commissioner Bobby Stanley made a motion to approve this list. Commissioner Don Cox provided a second, and the motion carried.

TRC Recommendations

Mr. David Williams reported that the Technical Review Committee met on October 30, 2008 at the Chowan County Agricultural Center in Edenton. The next meeting will be February 5, 2009 in Raleigh.

Land Smoothing Practice

The TRC recommends the Commission approve modifications to the land smoothing cost share practice. The changes would remove the expectation that hoe drains would be eliminated, would require a cover crop in cases where a field crop is not expected to immediately follow the land smoothing, would clarify that burning of crop residue is not allowed if conservation tillage is chosen as the supporting practice, and would clarify that a stable outlet is required for all hoe drains for the life of the practice.

Commissioner Manly West made a motion to approve this recommendation. Commissioner Richard Smith provided a second, and the motion carried.

Requirements for Flow Meter for Conservation Irrigation Conversion

The TRC recommends the Commission approve modifications to the Conservation Irrigation Conversion practice. The modifications would clarify the location and purpose for the flow meter and include a recommendation for the participant to develop and implement an irrigation water conservation plan.

Commissioner Bobby Stanley made a motion to approve this recommendation. Commissioner Ned Hudson provided a second, and the motion carried.

Modification of Existing Requirements for Practices Involving Tree Planting (Cropland Conversion, Pastureland Conversion to Trees, Riparian Buffer, and Wetland Restoration System)

The TRC recommends the Commission approve modifications to all cost share practices involving tree planting, including Cropland Conversion, Pastureland Conversion to Trees, Riparian Buffer, and Wetland Restoration System. The modification would clarify that chemical release or other recommended competition control measures can be included in the cost share contract. It would also clarify that additional competition control establishment measures could be added through contract supplements if such treatments are prescribed by a registered forester or DFR. The modification would also modify the policies for the Cropland Conversion practice to add NRCS Practice Standard 512 (Pasture and Hayland Planting) as an acceptable alternative specification to the current Conservation Cover Standard (327) for situations where the converted cropland is expected to be used for grazing or haying. Proposed revisions to these four practices are attached.

Commissioner Manly West made a motion to approve this recommendation. Commissioner Bill Pickett provided a second, and the motion carried.

Request for ACSP Delegation Authority

Ms. Michelle Raquet reported that in Program Year 2004, the delegation authority began as a pilot project with 16 districts chosen to participate. The project delegated final approval of ACSP contracts to the SWCD Board of Supervisors. Responsibilities were established for those SWCDs chosen to participate in the project and for Division cost share staff. In 2007, the pilot project was expanded to include fourteen additional SWCDs.

Division cost share staff has identified several delegated districts that should be reconsidered for this status. Reasons for reconsideration include:

- Errors in contracts (i.e. mathematical calculations, wrong average cost, wrong percentage calculated, incomplete designs and job approval authority, and incomplete answers to questions).

- Experienced staff has left and new techs hired.
- Experienced staff rush through contracts.
- Moving towards an on-line contracting system.

Ms. Raquet stated that Division cost share staff recommend that the Commission temporarily suspend any new SWCDs from receiving delegation authority. Division cost share staff will also develop a timeline or checklist of items that must be completed before the delegation status is reinstated.

Commissioner Bobby Stanley made a motion to approve this recommendation. Commissioner Richard Smith provided a second, and the motion carried.

Request for Approval of EEP Project for Cabarrus Supervisor

Ms. Michelle Raquet presented a supervisor contract (Louis Suther – Contract #13-09-900-16/07CT05-1) for an Ecosystem Enhancement Project (EEP) that is in Cabarrus County. This project has everything in place except for an approved third party signature. The third party signature is missing because the EEP is still in negotiations with the costs and the type of work to be completed.

There is a Memorandum of Agreement between the EEP and the Division. This contract is being structured through the ACSP and it is necessary for the supervisor to have approval from the Commission.

The BMP is fencing and livestock in the amount of \$31,531.00.

Commissioner Bobby Stanley made a motion to approve this contract. Commissioner Richard Smith provided a second, and the motion carried.

Adjournment

Chairman Turlington adjourned the meeting at 11:37 a.m.

Patricia K. Harris, Director

Donna L. Stearns, Transcriber