



**NORTH CAROLINA  
SOIL & WATER CONSERVATION COMMISSION  
BUSINESS MEETING MINUTES  
TELECONFERENCE  
June 9, 2017**

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

<https://ncag.adobeconnect.com/swcommission/>

| Commission Members        | Guests         | Phone          | Phone            |
|---------------------------|----------------|----------------|------------------|
| John Langdon              | Richard Reich  | Angela Little  | James Warner     |
| Wayne Collier             | Vernon Cox     | Ann Williams   | Jason Turner     |
| Chris Hogan               | David Williams | Anne Coan      | Jeff Young       |
| Charles Hughes            | Julie Henshaw  | Charles Bass   | Joe Hudyncia     |
| Dietrich Kilpatrick       | Ken Parks      | Chester Lowder | Joseph Huntley   |
| Ben Knox                  | Helen Wiklund  | Eddie Humphrey | Kristina Fischer |
| Mike Willis               | Louise Hart    | Eric Pare      | Patty Gabriel    |
| <b>Commission Counsel</b> | Lisa Fine      | Eric Parker    | Robeson SWCD     |
| Phillip Reynolds          | Tom Hill       | James Vincent  | Sam Warren       |

Chairman John Langdon called the meeting to order at 1:05 p.m. Mr. Reynolds read the State Ethics Act which mandates that at the beginning of any meeting the Chair reminds all the members of their duty to avoid conflicts of interest or potential conflicts of interest and inquired as to whether any members need to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. None were declared.

Chairman Langdon welcomed everyone to the meeting and thanked the staff.

1. **Approval of Agenda:** Chairman Langdon asked for comments on the agenda. None were declared. Commissioner Collier motioned to approve the agenda and Commissioner Willis seconded. Motion carried.
2. **Reading of Statements of Economic Interests:** Chairman Langdon recognized Mr. Phillip Reynolds. Mr. Reynolds stated Mr. Willis and Mr. Kilpatrick received approval through the State Ethics Commission to serve, and the Commission does not have the actual letters in hand. The Commission can move forward acknowledging that information is on the way and the relevant

portions of those evaluations will be read at the next Commission Meeting. The copies of the letters will be maintained at the Division's Office.

**3. Disaster Response Program of 2016:** Chairman Langdon recognized Deputy Director Williams to present

Deputy Director Williams stated the need to provide additional flexibility for the road and pond repairs already completed out of necessity after Hurricane Matthew. A team looked at several roads and ponds that had already been repaired, prior to the last Commission Meeting. The Commission previously stated they would consider allowing some additional practices that might not meet the full NRCS standard. The Commission recognized that work had to be done and could not wait for a proper design with a regular Agricultural Water Resources Assistance Program or Agriculture Cost Share Program practice installation to get the work done due to this emergency. The team put together some proposed language for the Commission's consideration to allow for a cost share payment for these practices that may not meet NRCS standard, and the Division believes are worthy of receiving some cost share support albeit not at 75%.

Deputy Director Williams stated the first interim practice is the Emergency Access Restoration, and it does not reference the existing NRCS standard. The Division is asking the Commission to approve this interim practice for use in this emergency. Deputy Director Williams discussed the purpose of the practice. This is for work already completed; the work going forward would have to meet all the current NRCS standards.

Mr. Reynolds recommended changing the Definition/Purpose from a certain date, which reads, "The practice only applies to emergency access roads repaired prior to XX/XX/2017." Now reads, "The practice only applies to emergency access roads repaired prior to adoption of this policy."

Deputy Director Williams read each policy and explained the purpose for each. It was noted there is a slight change in Policy 2, which originally read, "Exposed soil slopes shall be a 2:1 or flatter with grass vegetation. Slopes steeper than 2:1 may require additional considerations for stability." The current version reads, "Exposed soil slopes shall be stable and protected from erosion, but slopes steeper than 2:1 may require additional considerations for stability." Staff received feedback, and the original policy language was thought to be too restrictive for work already completed. The revised language is intended to give the Division additional flexibility to approve some emergency repairs at a reduced cost share amount, where a vegetated side slope of 2:1 is not feasible.

Chairman Langdon stated the Commissioners need to be clear what the change is today for Policy 2.

Deputy Director Williams continued to read through Policy 3, For Crossings, Items a-h, and Policies 4, 5, and 6.

Mr. Reynolds recommended changing Policy 6 which begins, "Anyone with job experience" to read "Staff with sufficient experience."

Commissioner Knox asked about Policy 4 with regards to the cost share rate not exceeding 40% of the average cost. Deputy Director Williams stated 40% was still a significant contribution to the cost of restoration. District Boards could approve a lower cost share rate than 40%. This is a maximum cost share percentage but not an absolute percentage. Commissioners Collier and Knox agree 40% is a good percentage.

Commissioner Willis stated the individual districts need some leeway; let the Boards decide the percentage, if the practice was made to the same NRCS standard or even better. Chairman Langdon agrees with this point. Director Cox stated where the practice can be certified to meet NRCS standard, they will be provided 75% cost share. The Division is trying to make an exception for those that have already made an emergency repair and clearly could not be certified that they meet the normal practice standard. The Division is not saying that people who have made repairs today cannot receive the full cost share amount, if they meet the standard. If a practice is improved to meet the standard, they can get 75% cost share.

Chairman Langdon asked for a motion. Commissioner Willis motioned to approve the practice for cost share support for Emergency Access Restoration and Commissioner Hogan seconded. Motion carried.

Deputy Director Williams stated the next interim practice is the Emergency Agricultural Pond Repair/Retrofit. Anyone starting their restoration project now would need to meet the NRCS standard. This would be an option, if their repairs already completed can meet standard; they would qualify for 75% cost share or 90% cost share. If they cannot meet NRCS standard, they could potentially qualify for 40% cost share, which would be the maximum.

The Definition/Purpose under the Emergency Agricultural Pond Repair/Retrofit changed from a certain date, which reads, "This practice only applies to ponds repaired due to emergency prior to XX/XX/2017." The current version reads, "This practice only applies to ponds repaired due to emergency prior to adoption of this policy."

Mr. Reynolds recommended changing Policy 2a from "by an individual with job experience" to "by staff with sufficient job experience."

Deputy Director Williams continued to read Policies 2b-d through 10.

Deputy Director Williams stated this practice is being done through the existing AgWRAP Program, where the existing Agricultural Pond Repair/Retrofit Practice is used for those pond repairs that can meet the standard.

Chairman Langdon asked for a motion. Commissioner Hughes motioned to approve the practice for Emergency Agricultural Pond Repair/Retrofit and Commissioner Collier seconded. Motion carried.

**4. AgWRAP Pond and Pond Repair/Retrofit Contract Extension Policy Exception Request:**

Chairman Langdon recognized Ms. Julie Henshaw to present

Ms. Henshaw presented a request for policy exception of the District Supervisor requirement to attend the first Commission meeting of the new fiscal year and request an in-person extension

for all Agricultural Water Resources Assistance Program (AgWRAP) pond and pond repair/retrofit contracts that are scheduled to expire on June 30, 2017. Districts will still follow the process to request a contract extension as described in the [Criteria for Extension of Previous Program Year Contracts Policy](#), with the exception of the supervisor attendance.

Chairman Langdon asked for a motion. Commissioner Collier motioned to approve the AgWRAP Pond and Pond Repair/Retrofit Contract Extension Policy Exception Request and Commissioner Knox seconded. Motion carried.

Deputy Director Williams stated the Division will schedule teleconferences to educate the Districts with regards to these policies.

**Adjournment:** Meeting adjourned at 1:53 p.m.



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



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Helen Wiklund, Recording Secretary

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

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

**BUSINESS SESSION**

Archdale Building  
Room #425G  
512 N. Salisbury Street  
Raleigh, NC 27604  
June 9, 2017

Adobe Connect Pro Address: <https://ncag.adobeconnect.com/swcommission/>

Meet-Me Conference #: (919) 733-2511  
1:00 p.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 Interest

Mr. Phillip Reynolds

3. Disaster Response Program of 2016

Mr. David Williams

4. AgWRAP Pond and Pond Repair/Retrofit Contract Extension  
Policy Exception Request

Ms. Julie Henshaw

**IV. ADJOURNMENT**

## **Emergency Access Restoration**

### Definition/Purpose

Repair or stabilization of existing access roads utilized for agricultural operations, including roads to existing crop fields, pastures, livestock production facilities, agricultural structures, or forestland incidental to agricultural land. The practice only applies to emergency access roads repaired prior to adoption of this policy.

### Policies

1. The road shall be for agricultural use only.
2. Side slopes must be stable. Exposed soil slopes shall be stable and protected from erosion, but slopes steeper than 2:1 may require additional considerations for stability. Rock side slopes must be 1:1 or flatter.
3. For crossings:
  - a. At a minimum, culverts must convey the peak discharge from a 2-year, 24-hour storm event.
  - b. Culverts shall be reinforced concrete, corrugated metal or corrugated high-density polyethylene. Other materials may be used with Division approval.
  - c. Culvert sections must be joined with a water-tight coupling.
  - d. Culvert must be installed such that outlet grade is stable.
  - e. This practice does not apply for bridge crossings.
  - f. Top width must be sufficient for intended traffic to safely cross.
  - g. The crossing shall be adequately crowned over culvert to prevent overtopping of fill material. Divert flood flow around crossing using 10:1 (or flatter) approaches from both sides.
  - h. Fill material must be clean soil and adequately compacted for road or crossing stability.
4. Cost share shall not exceed 40% of average cost (or actual cost with receipts for components with no established average cost).
5. Cooperators assisted with this practice are not eligible for cost share to repair the practice if it fails for a period of 5 years. However, the cooperator will be eligible to apply for cost share to replace the emergency restoration with a repair that meets the relevant NRCS standard.
6. Staff with sufficient experience on design/construction of Access Roads, Stream Crossings, or Structures for Grade Controls can be approved by the Division to approve comparable design/ constructions for this practice.

## **Emergency Agricultural Pond Repair/Retrofit**

### **Definition/Purpose**

Repair of existing low-hazard agricultural pond systems. Benefits may include water supply, erosion control, flood control, and sediment and nutrient reductions from farm fields. This practice only applies to ponds repaired due to emergency prior to adoption of this policy.

### **Policies**

1. The pond shall be for agricultural use.
2. For projects involving dam or spillway repairs:
  - a. The Design and final repair/retrofit/expansion must be approved by a NC professional engineer or by staff with sufficient job experience on design/construction of Ponds, and approved by the Division to do comparable design/construction.
  - b. Side slopes and principle/auxiliary spillway sizing and installation shall meet specifications in the NRCS 378 Pond standard. Slopes must be stable and vegetated. Principle spillway must be installed such that outlet grade is stable (including rip rap or stilling basin, if needed).
  - c. Fill material must be a suitable soil and adequately compacted for dam sealing and structural stability.
  - d. A modified Emergency Action Plan shall be completed for all repairs.
3. Trees six inches in diameter or greater can remain in the embankment if they are not dead or unhealthy, and if they are located such that they could not pose structural damage to dam, pipes, or spillway structures etc. All other trees, shrubs and woody vegetation shall be removed as noted in the Operation and Maintenance Plan.
4. Livestock shall be excluded from the dam and spillway. Consider the need to protect the auxiliary spillway from traffic if used more than 3 times/week or need access immediately following a rainfall event to prevent rutting.
5. Cooperators are responsible for obtaining and complying with all required permits.
6. Minimum life of BMP is 5 years.
7. It is the producer's responsibility to ensure the entire structure is maintained for the life of the contract (5 yrs.). All woody vegetation must be kept off the repaired portion(s) of the dam, structures, and emergency spillway. In the event the landowner chooses not to act on deficiencies noted by the engineer and the structure fails, the landowner is not eligible for additional cost share and will be responsible for repairing the structure at their expense or repayment of cost share funds based on a prorated amount. However, the cooperator will be eligible to apply for cost share to replace the emergency restoration with a repair that meets the relevant NRCS standard.

Disaster Response Program

8. Cost share shall not exceed 40% of average cost (or actual cost with receipts for components with no established average cost).
9. If the pond is no longer used for agriculture during the maintenance period, the cost share contract shall be considered out of compliance.
10. The District shall inspect the site annually during the maintenance period.

**AgWRAP Pond and Pond Repair/Retrofit Contract Extension Policy Exception Request**

Request for policy exception of the District Supervisor requirement to attend the first Commission meeting of the new fiscal year and request an in-person extension for all Agricultural Water Resources Assistance Program (AgWRAP) pond and pond repair/retrofit contracts that are scheduled to expire on June 30, 2017. Districts will still follow the process to request a contract extension as described in the [Criteria for Extension of Previous Program Year Contracts Policy](#), with the exception of the supervisor attendance.