

MINUTES

**NORTH CAROLINA  
SOIL AND WATER CONSERVATION COMMISSION**

Archdale Building  
Ground Floor Hearing Room  
512 N. Salisbury Street  
Raleigh, N.C.  
March 17, 2010

MEMBERS PRESENT

Manly West  
Craig Frazier  
Vicky Porter  
Richard Smith  
Bobby Stanley  
James Ferguson  
William Pickett, Jr.

OTHERS PRESENT

Pat Harris  
Jennie Wilhelm Hauser  
David Williams  
Chester Lowder  
Michelle Raquet  
Mike Sugg  
Dewitt Hardee  
Kelly Ibrahim  
Julie Henshaw  
Dick Fowler  
Cindy Draughon  
Sandra Weitzel  
Steve Bennett

The Honorable Samuel Ervin IV  
David Harrison  
Danny Edwards  
Vernon Cox  
Natalie Woolard  
Charlie Bass  
Jerry Dorsett  
Ken Parks  
Tammy Wall  
Ralston James  
Bill Dunlap  
Michelle Lovejoy  
Kristina Fischer

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SWCC

## **Summary of Actions Taken by the Commission**

The following supervisor appointments were **approved**:

- Matthew E. Johnson of Burke SWCD filling the unexpired term of Gene Huffman
- Robert Davenport of Jones SWCD filling the unexpired term of Minton C. Small
- Donna Moffitt of New Hanover SWCD filling the unexpired term of Maurice A. Emmart, Jr.
- William J. "Jed" Lambeth of Richmond SWCD filling the unexpired term of Donnie Richardson
- Bryan Lamm of Wilson SWCD filling the unexpired term of Carroll Coleman

The following supervisor contracts were approved for ACSP:

- Contract 17-10-13-12; Tim Yarbrough; Caswell SWCD; grassed waterways and field borders; \$2,658.
- Contract 17-10-14-12; Tim Yarbrough; Caswell SWCD; grassed waterways and field borders; \$4,678.
- Contract 17-10-15-12; Tim Yarbrough; Caswell SWCD; grassed waterways and field borders; \$4,911.
- Contract 17-10-16-12; Tim Yarbrough; Caswell SWCD; grassed waterways and field borders; \$2,810.
- Contract 20-10-51-06; Edgar Wood; Cherokee SWCD; pasture renovation; \$1,350; funding through the drought response grant (DG).
- Contract 39-10-15-13; Ronnie Burnette; Granville SWCD; heavy use area; \$3,977.
- Contract 45-10-07-05; Wayne Carland; Henderson SWCD; well; \$6,629.
- Contract 46-10-101-04; Stuart Pierce; Hertford SWCD; conservation irrigation system; \$15,000; funding through the drought response grant (DG).
- Contract 52-10-09-09; Michael Shepherd; Jones SWCD; grade stabilization structure; \$1,473.
- Contract 74-10-10-09; Steve Sutton; Pitt SWCD; grassed waterway; \$796.
- Contract 86-10-05-16; Chad Chilton; Surry SWCD; stock trail and fence; \$3,015; repair contract
- Contract 98-10-09-09; Charles Harrell; Wilson SWCD; long-term no-till, grade stabilization structure; \$10,929.

The commission **approved** the use of the Guiding Principles for Recommending Supervisors for Board Appointment form and requested districts attach it to the Recommendation for Appointment of Supervisor form upon submission.

The following modifications to the Riparian Buffer BMP were **approved** by the commission: The practice itself was clarified along with streams eligible to buffer; a minimum width was established; the maximum width was eliminated; and the NRCS reference standards for the practice were updated.

The commission **approved** the removal of general policy #5 from both the Sediment/Nutrient and Erosion/Nutrient Management Measures BMP language.

The commission **approved** clarifying language for five BMPs that would allow for the treatment of ruts

in contracted fields. The BMPS affected are Long-Term No-Till, 3-Year Conservation Tillage Incentives, Cover Crop, Nutrient Scavenger Crop, and Crop Residue Management Incentives.

The commission **approved** the TRC recommendation to add a cost-shareable component for water meters installed through Drought Response Program BMPs for confined livestock watering wells and irrigation wells.

The commission **approved** the Policy Addressing Cancellation for Cost Share Contracts in Unresolved Pending Status.

The commission **approved** issuing the Commission Advisory to Districts on Secondary Employment as guidance to district employees, rather than policy.

The commission **approved** releasing the Policy Addressing District Supervisors' Involvement as Cost Share Contractors for public comment.

The commission **approved** the 2010 Supplemental Allocation request for regular cost share funds, the drought earmark funds, drought grant funds and the drought appropriated funds.

The commission **approved** the motion to submit Soil and Water Conservation Commission Chairman Manly West's name to the governor for appointment to the Sedimentation Control Commission.

#### **Swearing-in of New Commission Members**

Recently appointed commission members Craig Frazier, Vicky Porter and Bobby Stanley were sworn into office by The Honorable Sam Ervin, IV from the N.C. Court of Appeals.

#### **Call to Order**

Chairman Manly West called the meeting to order at 10:10 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 to be considered by the commission, as mandated by the State Ethics Act. None was noted.

#### **Approval of Agenda**

Commissioner Richard Smith offered a motion to approve the agenda. Commissioner William Pickett Jr. provided a second and the motion carried.

#### **Approval of the Minutes**

Commissioner Bobby Stanley made a motion to approve the January 3, 2010 minutes as presented, and Commissioner Smith provided a second. The motion carried.

#### **Informational Items**

##### **Division Report** – complete report archived online with approved minutes

Division director Pat Harris's report included a biography of The Honorable Sam Ervin, IV, a budget update, discussion of division vacancies, a brief wrap-up on February's Basic Training for Soil & Water Conservation Supervisors held at the UNC School of Government and an overview of the 2010 Spring Area Meetings. Director Harris also provided updates on the portal website and discussed continuing challenges associated with NRCS computer seating. Director Harris concluded her report with background information on Vernon Cox and a list of his accomplishments with the division as Section Chief of Technical Services, offering him best wishes in his new position in the environmental programs section with the N.C. Department of Agriculture and Consumer Services. She offered the podium to Mr.

Cox for his comments to the commission, the division and the partnership. Both the commission and the division presented Mr. Cox with plaques recognizing his dedication, technical expertise and outstanding leadership.

### **Association Report**

Commissioner and N.C. Association of Soil and Water Conservation Districts President James Ferguson commended staff on an innovative approach to this Spring's area meetings and stated supervisors learned more from the cost share session called "who wants to have a million dollar district" than anything done in recent memory. Commissioner Ferguson stated information gathered by the Aycock Group during the spring meetings will be used during the March 31<sup>st</sup> meeting to facilitate drafting the association's strategic plan. He also noted plans continue to hire an executive director before mid-summer. Commissioner Ferguson provided an update on the second session of the Leadership Initiative and thanked Ben Knox for arranging the upcoming May 18<sup>th</sup> Legislative Day. He invited everyone with political connections to participate in the event by visiting their legislators to promote soil and water conservation awareness across the state. Commissioner Ferguson said he accepted a plaque at the National Association of Conservation Districts meeting recognizing North Carolina's quota in dues as fourth in the nation and noted the state association's 2011 annual meeting will be at the Grovepark Inn in Asheville, NC. Commissioner Ferguson discussed a new document that contains guiding principles for nominations of supervisors and recommended the commission encourage districts to use the form to determine whether supervisors being considered for appointment meet at least five of the criteria listed in the document. The document will be housed on the division's portal website for use by the districts.

A motion was made by Commissioner James Ferguson to require districts to attach the completed Guiding Principles for Recommending Supervisors for Board Appointment to the Recommendation for Appointment of Supervisor form upon submission. Commissioner Bobby Stanley provided a second, and the motion carried.

### **NRCS Report**

Mr. Mike Sugg discussed staffing, noting the state conservationist position has yet to be filled, but other staffing based on the restructuring plan is now underway. Mr. Sugg stated he is pleased with the NRCS Advisory Committee participation on the issue of computer seat fees and commended Division Director Pat Harris for leading efforts to complete a computer usage survey. Data will be used to draft a recommendation by the first week in April. Mr. Sugg noted the first all NRCS employee conference in 20 years will be held in June so staff can hear the new state conservationist's vision and goals and participate in training sessions. Mr. Sugg stated funding levels are only meeting EQIP and WHIP application requests at 27%– 29%, and noted the Conservation Innovation Grants and Cooperative Conservation Partnership Initiative requests for proposal announcements have not yet been made. He said active RC&D projects include school wind turbines, dam removal, stream restoration, biofuel production, shoreline protection and outreach to underserved groups, and noted the president's proposed budget calls for termination of RC&D Sept. 30<sup>th</sup>. Mr. Sugg stated an emergency watershed protection program was just approved in N.C. for the slide in Maggie Valley. On the national level, NRCS is streamlining conservation delivery procedures and processes with a goal of field staff spending 70-75% of time in the field working with customers on conservation planning and implementation during the next five years. In closing, Mr. Sugg expressed his appreciation for the districts efforts in locally-led conservation and his desire for expanded participation.

**Operation Review Program Report** – complete report archived online with approved minutes  
Danny Edwards, Operation Review Program Manager, built upon the animal waste management inspection pilot program report he gave during the November 2009 commission meeting by presenting information on the traditional operation review program implemented across the state. Topics covered included Senate Bill 1217, the three parts of an operation review, and how the subsequent findings and

recommendations are provided to both the producer and the Division of Water Quality (DWQ). Mr. Edwards discussed the five permit violations that require notification to DWQ and noted that while the main purpose of the operation review program is to provide technical assistance to animal producers, the operation review team does work closely with DWQ to help increase permit compliance. Data was provided from FY 2009 reporting a total of 4900 inspections were completed across the state including operation reviews performed by the division and districts as well as compliance inspections done by DWQ. Of the 4900 operations inspected 226, or 4.6%, had compliance issues DWQ would normally include on an annual report. This data indicates minimal issues across the state. Mr. Edwards noted the operation review program is working, but 2010 noncompliance numbers are expected to be higher due to increased precipitation.

### **Action Items**

#### **Consent Agenda**

Commissioner Richard Smith moved to approve the consent agenda. Commissioner Bobby Stanley provided a second, and the motion carried. The following items were approved as part of the consent agenda.

The following supervisor appointments were **approved**:

- Matthew E. Johnson of Burke SWCD filling the unexpired term of Gene Huffman
- Robert Davenport of Jones SWCD filling the unexpired term of Minton C. Small
- Donna Moffitt of New Hanover SWCD filling the unexpired term of Maurice A. Emmart, Jr.
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### **Technical Review Committee Recommendations**

David Williams, Non Point Source Section Chief welcomed Commissioners Vicky Porter and Craig Frazier to the commission and extended his thanks, appreciation and well wishes to Vernon Cox before offering the following TRC recommendations from the February 2, 2010 meeting:

#### **Modifications to Riparian Buffer BMP** –new policy archived online with approved minutes.

The TRC recommended clarifying the purpose of the Riparian Buffer practice and the streams eligible for buffering, establishing a minimum width, eliminating a maximum width, and updating the NRCS standards that are referenced for the practice.

Commissioner William Pickett, Jr. offered a motion to accept the modifications to the Riparian Buffer BMP. Commissioner Craig Frazier provided a second, and the motion carried.

#### **Removing General Policy #5 from: Sediment/Nutrient Management Measures & Erosion/Nutrient Management Measures** – modified bmps archived online with meeting minutes.

The TRC noted that general policy #5 limited and/or restricted the installation of BMPs above an on-farm pond. Given the fact that the Commission approved a provision to renovate existing farm ponds to provide greater water quality protection, including removal of accumulated sediment, the TRC recommended removing general policy #5 because it was felt the approved provision made policy #5 obsolete. The recommendation approval is also based on the understanding that ponds are not 100% effective at treating nonpoint source runoff and adding other practices up-gradient of the pond would add greater water quality protection.

Commissioner Stanley made a motion to approve the removal of general policy #5 from both the Sediment/Nutrient and Erosion/Nutrient Management Measures. Commissioner Smith provided a second and the motion carried.

#### **Managing Ruts in Fields under Conservation Tillage or Cover Crops** – modified bmps archived online with meeting minutes.

The TRC felt it was important to clarify that treating ruts in contracted fields should be allowed on a limited basis, and recommended adding statements to the policies for Long-Term No-Till, 3-Year Conservation Tillage Incentives, Cover Crop, Nutrient Scavenger Crop, and Crop Residue Management Incentives that would allow doing so.

Commissioner Smith made a motion to approve the recommendation to add clarifying language to five BMPs that would allow treating ruts in contracted fields.. Commissioner Stanley offered a second and the motion carried.

#### **Installing Water Meters**

Mr. Williams provided background information on irrigation wells and livestock watering wells installed through the Drought Response Program along with retro-fitting irrigation systems to increase efficiency. In the retro fit projects, water meters are required as a water conservation tool. The TRC recommended

that on wells for irrigation or confined livestock watering, a cost-sharable component for water meters installed through the Drought Response Program be included from this point forward. Districts will be able to upgrade previously installed wells by adding water meters. The cost-share will be 75% of the actual cost of the meter, or 90% if the applicant qualifies, not to exceed \$400.

Commissioner Pickett moved to approve the TRC recommendation, with a second provided by Commissioner Stanley. The motion carried.

Commissioner Frazer requested that the TRC consider the benefit of allowing cost share for water meters on wells for pasture-based livestock watering as well. Mr. Williams confirmed that he would present this request to the TRC at a future meeting.

Mr. Williams concluded his TRC report with an update on current and future TRC activities to include active research in aquaculture and water management. At Commissioner Stanley's request, he also shared information on future TRC agenda items related to pesticide resistant weeds.

**Commission Cost Share Committee Report and Policy Recommendations** –policies and guidance archived online with meeting minutes.

Mr. David Williams provided an update on two of the committee recommendations presented at the January 3, 2010 commission meeting and subsequently sent out for feedback from the districts.

- **Policy Addressing Cancellation for Cost Share Contracts in Unresolved Pending Status**  
The committee recommended the Commission approve this policy.

Commissioner Ferguson offered a motion to approve the policy with a second offered by Commissioner Vicky Porter. The motion carried.

- **Commission Advisory to Districts on Secondary Employment**  
Mr. Williams stated the commission's Counsel, Ms. Hauser, advised the committee that the commission does not have the clear authority to be involved in aspects of employment for district employees, so the recommendation is to change this from a policy requiring commission approval, to guidance on secondary employment for district employees.

A motion to adopt the guidance was offered by Commissioner Porter with a second provided by Commissioner Frazier. The motion carried.

Discussion followed with emphasis from the entire commission that this document is guidance, and that employment issues are outside the authority of the commission.

#### **Policy Addressing District Supervisors' Involvement as Cost Share Contractors**

This policy was sent back to the committee for further deliberation at the January 3, 2010 commission meeting. The committee amended the last sentence of the statement of policy to state that supervisors providing contracted services for hire for cost share contracts may not have the *intent* to influence the outcome.

Commissioner Ferguson asked for counsel from Jennie Hauser regarding proper protocol with this form since the policy does not address situations where supervisors may have voted on a contract with no intent to serve as a contractor, but they ultimately are asked to provide services by the cooperator. Ms. Hauser offered to assist the Division to develop a form to disclose supervisors' involvement as contractors/suppliers. The next step would be releasing the policy for public comment.

A motion was made by Commissioner Stanley to present the policy draft to districts for public comment. A second was provided by Commissioner Frazier and the motion carried.

Supplemental Allocation of 2010 ACSP/Drought Funds – reallocation archived online with minutes  
Michelle Raquet, Program Manager for the ACSP, presented reallocations for districts requesting additional funds for program year July 1, 2009 through June 30, 2010. The reallocation request does not include the 5% contingency held back from the BMP allocation since it is still being held by the state. Funds are available due to previous year cancelled contracts, or from fully-implemented BMPs that had remaining contract monies returned to the state. The division is proposing to move \$115,000 of Drought Grant Funds from engineering to BMP funds. The division is also shifting \$50,000 from the Drought Grant Fund from engineering to the technical assistance fund. Staff recommends the commission approve the 2010 Supplemental Allocation request for regular cost share funds, the drought earmark funds, drought grant funds and the drought appropriated funds.

A motion was made by Commissioner Smith to approve the recommendation with a second offered by Commissioner Frazier. The motion carried.

Sedimentation Control Commission Appointment

Commissioner Ferguson made a recommendation that the Soil and Water Conservation Commission chairman's name be submitted to the governor for consideration for appointment to the Sedimentation Control Commission. A second was provided by Richard Smith, and the motion carried.

Public Comments

Chairman West extended a welcome to the new commission members with an appreciation for their expertise.

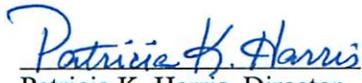
Adjournment

Chairman West adjourned the meeting at 10:53 a.m.

  
Patricia K. Harris, Director

  
Cindy L. Draughon, Recording Clerk

*These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 19<sup>th</sup>, 2010.*

  
Patricia K. Harris, Director