

MINUTES

**NORTH CAROLINA
SOIL AND WATER CONSERVATION COMMISSION**

Ground Floor Hearing Room
Archdale Building
512 N. Salisbury Street
Raleigh, NC
March 18, 2009

MEMBERS PRESENT

Don Cox
Manly West
Richard Smith
Bobby Stanley
James Ferguson
William Pickett, Jr.

OTHERS PRESENT

Pat Harris	David Williams
Vernon Cox	Michelle Raquet
Sandra Weitzel	Ed Gavin
Secretary Dee Freeman	Pete Tannenbaum
Andrew J. Courts, Jr.	Natalie Woolard
Michelle Lovejoy	David Cash
Bill Dunlap	Bryan Evans
Charles Davenport	Dick Fowler
Larry West	Jerry Dorsett
Steve Harris	Kelly Ibrahim
Shelly Baird	Scott Alon
Michelle Raquet	George Teague
Dick Phillips	Jon Lanier
Ken Parks	Julie Henshaw
Dewitt Hardee	Mary Combs
Chester Lowder	Lee Corum
Lisa Fine	David Knight
M. L. Damelio	Steve Bennett
Donna Stearns	Ralston James
Davis Ferguson (via WebEx)	Kristina Fischer (via WebEx)
Lewis Brandon	Herb Hendrickson
Cindy Draughon	

Summary of Actions Taken by the Commission

1. The following supervisors were **approved** for reappointment:
 - Joseph Alexander Devine of Catawba SWCD
 - Charles Mitchell of Franklin SWCD
 - Walter McGirt of Robeson SWCD
 - Eric Brown of Tyrrell SWCD
 - J.G. Clayton of Vance SWCD
 - Ray Allen of Bladen SWCD
 - Herbert Page of Carteret SWCD
 - Andrew Blankenship of Clay SWCD
 - Jerry Hilton of Davidson SWCD
 - Joanne Hendrix of Hoke SWCD
 - John Pickler of Stanly SWCD

2. The following supervisor appointments were **approved**:
 - J. Ben Knox of Rowan SWCD to fill the un-expired term of Sam Correll.
 - Herb Hendrickson of Guilford SWCD to fill a vacant seat.

3. The following supervisor was **not reappointed** by the Commission:
 - David Matthews of Sampson SWCD.

4. The following supervisor was **approved** for a one-year extension to attend Supervisor Training:
 - Bryan Smith of Brunswick SWCD.

5. The Commission **approved** supervisor contracts for the following supervisors:
 - Kent Herman of Alexander SWCD – Contract # 02-09-04-03
BMP: Waste Application Equipment – Poultry Litter Spreader - \$7,000.
 - D. Randy McDaniel of Cleveland SWCD – Contract # CS-23-09-512-01
BMP: Pasture Renovation - \$3,915.
 - Jimmy Orr of Graham SWCD – Contract # CS-38-09-06-07
BMP: Pasture Renovation - \$2,250.
 - Carroll Lambert of Graham SWCD – Contract # CS-38-09-09-07
BMP: Pasture Renovation/Fertilizer/ Seed - \$1,125.

- Allen DeHart of Graham SWCD – Contract # CS-38-09-10-07
BMP: Well/Watering Tanks/Exclusion Fencing - \$14,435.
 - Randall W. Guthrie of Granville SWCD – Contract #39-09-37-13
BMP: Pasture Renovation - \$1,575.
 - Michael L. Shepherd of Jones SWCD – Contract #52-09-06-09
BMP: Grade Stabilization Structure - \$6,412.
 - Tommy D. Houser of Lincoln SWCD – Contract #55-09-316-03
BMP: Micro-Irrigation - \$6,611.
 - Elbert Lee of Pamlico SWCD – Contract #CS-69-09-16-09
BMP: Land Smoothing - \$5,100.
 - Herman L. Collier of Warren SWCD – Contract #CS-93-09-16-13
BMP: Sod-based Rotation (41 Months) -\$2,573.
 - Herman L. Collier of Warren SWCD – Contract #DG-93-09-422-13
BMP: Water Well - \$7,138.
 - Bobby Stanley of Columbus SWCD – Contract #24-09-51-08 DG
BMP: Pasture Renovation - \$1,665.
 - Bobby Stanley of Columbus SWCD – Contract #24-09-52-08-CS
BMP: Cropland Conversion to Grass - \$3,488.
5. The Commission **approved** the following CCAP JAA Requests:
(See attachment #7D.)
- Mike Doxey of Currituck SWCD
 - Mike Bowman of Forsyth SWCD
 - Dean Parker of Gaston SWCD
 - Danon Lawson of Gaston SWCD
 - Jason Cathey of Gaston SWCD
 - Andrew Cox of New River SWCD (Ashe)
 - Teresa Furr of Wake SWCD
6. The Commission **approved** the following CCAP Supervisor Contracts:
- Charles Davenport of Pitt SWCD (dba J. P. Davenport & Sons) –
Contract #74-09-502-13 - BMP: Abandoned Well Closures - \$2250.
 - Charles Davenport of Pitt SWCD (dba J. P. Davenport & Sons)-
Contract #74-09-503-13 – BMP: Abandoned Well Closures - \$1,125.

7. The Commission **approved** the following TRC Voting Representatives:
 - Steve Harris – Supervisor, Albemarle SWCD (District Supervisor Rep.)
 - Teresa Furr – Natural Resources Conservationist, Wake SWCD (District Employee Rep.)
 - David Cash – Area 5 Coordinator (Area Coordinator Rep.)
 - Charles Hughes – Supervisor, Lenoir SWCD (Alternate District Supervisor Voting Member)
 - Kelly Whitaker – District Employee, Randolph SWCD (Alternate District Employee Voting Member)
 - Davis Ferguson – Area 1 Coordinator (Alternate Area Coordinator Voting Member)
8. The Commission **voted** to send a letter to the EMC regarding the proposed monitoring rules.
9. The Commission **approved** the addition of the following BMPs to the CCAP Average Costs List:
 - Brick - 8" – \$0.51
 - Concrete Block – 6" -8" - \$1.90
 - Concrete Block – 12" - \$2.30
 - Catch Basin – Actual Cost
10. The Commission **approved** the TRC recommendation to modify the nutrient scavenger crop practice which would modify the planting and kill dates. Wheat, barley, and oats would receive \$20/acre and, rye and triticale would receive \$25/acre.
11. The Commission **approved** the TRC recommendation to modify the policies related to stream protection systems to clarify that an applicant whose streams are already excluded livestock may still be eligible for cost share assistance to enhance the water quality protection of the current system.
12. The Commission **approved** the request from Area 5 of the NC Association of Soil and Water Conservation Districts to approve the practice of Crop Residue Management.
13. The Commission **approved** the proposed modification to the ACSP Technical Assistance Budget in the amount of \$39,694 for Stokes SWCD.
14. The Commission **approved** the recommendation to recall all appropriated funds that are not committed by May 1, 2009.
15. The Commission **approved** a Post-Approval contract for Richmond County upon receipt of a hard copy of the Cost Share contract with signature.
16. The Commission **approved** the request to review and provide input on the recommended upgrade policies for CREP.

17. The Commission **denied** the request of CREP to allow the kudzu covered land in Warren County to be accepted in the CREP program.
18. The Commission **approved** the recommendation in the Warren Miller case that Mr. David Williams would offer a settlement with Mr. Miller regarding his use of his structure.

Preliminary Items

The March 18, 2009 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.

Vice Chairman Richard Smith called the meeting to order at 9:10 a.m. He welcomed everyone to the meeting and asked that they introduce themselves.

Vice Chairman Smith 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.

Commissioner Bobby Stanley advised he had a potential conflict due to two supervisor contracts of his that needed to be considered. He stated he would refrain from discussion and voting at that time. No others were noted.

Vice Chairman Smith welcomed Commissioner James Ferguson back to the Commission.

Vice Chairman Smith also stated that we are waiting for the Governor to appoint a new chair for the Commission, and hopefully that will be accomplished before the May meeting.

ITEM 1: Approval of Agenda

Vice Chairman Smith stated that the following changes needed to be made to the agenda:

- From the Consent Agenda, reappointment of Supervisors, Mr. David Matthews of Sampson SWCD will become Item #18.
- From Supervisor Contracts, Commissioner Bobby Stanley will have his two contracts treated separately and they will become Item #19.
- The Warren Miller issue will be added and become Item #20.
- Item G of the Consent Agenda will become Item 2-A.
- Item 2-A (Approval of Minutes for January 4, 2009) will become 2-B.
- Item 2-B (Approval of Minutes for March 6, 2009) will become 2-C.

Commissioner William Pickett offered a motion to approve the agenda as amended with Commissioner Don Cox providing a second. The motion carried.

ITEM 2a: Ratification of January 4, 2009 and March 6, 2009 Actions

Commissioner Manly West made a motion to ratify the Commission's actions on the action items from the January meeting and March teleconference. Commissioner William Pickett provided a second, and the motion carried.

ITEM 2b and 2c: Approval of the Minutes

Commissioner Bobby Stanley made a motion to approve the minutes as presented for January 4, 2009 and March 6, 2009. Commissioner Don Cox provided a second, and the motion carried.

INFORMATIONAL ITEMS

ITEM 3: DENR Reports

NCDENR Assistant Secretary for Natural Resources David Knight

Soil and Water Division Director Pat Harris introduced Mr. David W. Knight, the new Assistant Secretary for Natural Resources. Mr. Knight had been the Director of Government Relations for the Nature Conservancy prior to coming to DENR.

His new job entails supervision to the Division of Soil and Water Conservation, Forest Resources, Marine Fisheries, Parks and Recreation, Conservation and Community Affairs, the Ecosystem Enhancement Program, and Natural Resources Planning and Conservation.

He received a bachelor's degree from UNC and a law degree from Wake Forest University.

He spoke about the challenges of the office due especially to the current economic situation. He looks forward to working with all DENR employees.

NCDENR Secretary Dee Freeman

Director Pat Harris introduced Secretary Dee Freeman. She stated that on January 6, 2009, Governor Beverly E. Perdue appointed Mr. Dee Freeman as the Secretary of the Department of Environment and Natural Resources. Originally from Lenoir, North Carolina, Secretary Freeman has 36 years of public service. Most recently he served as Executive Director of the Triangle J Council of Governments until he retired January 1, 2009. Over the past 27 years he has served as a city manager in four cities in North Carolina.

Secretary Freeman thanked the Commission for their support. He offered his support to help them do their job. He noted that the Governor wanted a team that wasn't vested in the review of the political roster or the contribution list. The cabinet has been meeting weekly.

Secretary Freeman stated that Soil and Water Conservation was a program that he has been in contact with throughout his career. He started working early in 1973 after graduating from NC State University.

He stated that it has been a pleasure over the past two months in his new position. He has found wonderful, innovative, professional staff in DENR and looked forward to working with everyone.

ITEM 4: Division Report

Division Director Pat Harris presented the Division Report stating the following points:

- Budget issues continue to demand a large percentage of time for 2009.
- 9% of the current FY09 budget was moved into a special reversion account.
- Webex software is being used during the meeting for teleconferencing.
- Commission policy is being gathered so it can all be in one place for reference.
- Senate Bill 523 in the amount of \$3.4M in CCAP appropriations was introduced by Senator Julia Boseman.
- Stimulus opportunities were found for 14 districts totaling \$3.5 million and submitted to DWQ's Construction Grants and Loans Section under the American Recovery and Reinvestment Act of 2009.

Director Harris requested the permission of the Commission to schedule a longer work session at a future meeting. She was hoping in either July or September that a meeting could be held to discuss the concerns the division has about compliance with cost share program requirements.

ITEM 5: Association Report

Commissioner William Pickett, Jr. reported that he had attended the National NACD meeting in New Orleans in February. He also stated that he had attended all 7 spring area meetings. An Executive Committee meeting was held on March 17, 2009 to discuss the hiring of an Executive Director for the Association.

ITEM 6: NRCS Report

State Conservationist, Ms. Mary Combs, presented the NRCS report. She reported on the following items:

(A) Section 1619 of the Farm Bill prohibits the USDA from sharing certain pieces of information within a producer's conservation plan. These items had previously been routinely shared among employees in local, state and federal agencies. The law now prohibits the release of information a client provides to, or is collected by, the USDA in order to participate in federal conservation programs or to receive assistance.

NRCS met with the Division of Soil and Water Conservation (DSWC) leadership staff and the president of the NC District Employees Association (DEA) to discuss possible solutions. The following options were considered:

(1) Option one involves the partners signing non-disclosure agreements and the customer signing a limited release whenever protected USDA information is to be disclosed.

(2) Option two is for the customer to sign a general release authorizing disclosure of the protected information.

(B) Environmental Quality Incentives Program (EQIP) – Funding allocated to date for EQIP is just over \$13 million for North Carolina. Of that, the following will be set aside:

- \$983,106 - for the Cooperative Conservation Partner Initiative.
- 5-10% - for Socially Disadvantaged and New Beginning Farmers.
- Payment rates will be at approximately 75% on all conservation practices.
- Payment limitation has been reduced in this Farm Bill from \$450,000 to \$300,000 during any six year period.
- July 15, 2009 is the target date to obligate 2009 funds.

ACTION ITEMS

ITEM 7: Consent Agenda

Commissioner Manly West offered a motion to approve the consent agenda. Commissioner William Pickett, Jr. provided a second, and the motion carried. The following items were approved as part of the consent agenda.

A. Reappointment of Supervisors Attending IOG

- Joseph Alexander Devine of Catawba SWCD
- Charles Mitchell of Franklin SWCD
- Walter McGirt of Robeson SWCD
- Eric Brown of Tyrrell SWCD
- J.G. Clayton of Vance SWCD
- Ray Allen of Bladen SWCD
- Herbert Page of Carteret SWCD
- Andrew Blankenship of Clay SWCD
- Jerry Hilton of Davidson SWCD
- Joanne Hendrix of Hoke SWCD
- John Pickler of Stanly SWCD

A1. Appointment of Supervisor

J. Ben Knox was appointed to fill the unexpired term of Sam Correll.

B. Extension Request by Supervisor from Brunswick SWCD

The Commission approved the request of Bryan R. Smith of Brunswick SWCD to extend his appointment by one year to allow him to attend supervisor training in 2010. His reappointment in 2010 would be contingent upon this.

Mr. Smith had an obligation to attend the National Rural Electric Cooperative Association meeting February 11-18, 2009 which was a conflict with supervisor training for 2009.

C. Approval of NCACSP Contracts for Supervisors

- Kent Herman of Alexander SWCD – Contract # 02-09-04-03
BMP: Waste Application Equipment – Poultry Litter Spreader - \$7,000.
- D. Randy McDaniel of Cleveland SWCD – Contract # CS 23-09-512-01
BMP: Pasture Renovation - \$3,915.
- Jimmy Orr of Graham SWCD – Contract # -S38-09-06-07
BMP: Pasture Renovation - \$2,250.
- Carroll Lambert of Graham SWCD – Contract # CS-38-09-09-07
BMP: Pasture Renovation/Fertilizer/ Seed - \$1,125.
- Allen DeHart of Graham SWCD – Contract # CS-38-09-10-07
BMP: Well/Watering Tanks/Exclusion Fencing - \$14,435.
- Randall W. Guthrie of Granville SWCD – Contract #-39-09-37-13
BMP: Pasture Renovation - \$1,575.
- Michael L. Shepherd of Jones SWCD – Contract #-52-09-06-09
BMP: Grade Stabilization Structure - \$6,412.
- Tommy D. Houser of Lincoln SWCD – Contract #-55-09-316-03
BMP: Micro-Irrigation - \$6,611.
- Elbert Lee of Pamlico SWCD – Contract #CS-69-09-16-09
BMP: Land Smoothing - \$5,100.
- Herman L. Collier of Warren SWCD – Contract #CS-93-09-16-13
BMP: Sod-based Rotation (41 Months) -\$2,573.
- Herman L. Collier of Warren SWCD – Contract #DG-93-09-422-13 BMP: Water Well - \$7,138.

D. CCAP – JAA Request

CCAP- JAA Requests for March 2009 were approved for the following district employees who have all successfully completed the CCAP Design Training:

- Mike Doxey – Currituck SWCD
- Mike Bowman – Forsyth SWCD
- Dean Parker – Gaston SWCD
- Danon Lawson – Gaston SWCD
- Jason Cathey – Gaston SWCD
- Andrew Cox – New River SWCD
- Teresa Furr – Wake SWCD

(See Attachment #7D)

E. Approval of NC-CCAP - Contracts for Supervisor

- Charles Davenport of Pitt SWCD (dba J. P. Davenport & Sons) – Contract #74-09-502-13 - BMP: Abandoned Well Closures - \$2,250.
- Charles Davenport of Pitt SWCD (dba J. P. Davenport & Sons)- Contract #74-09-503-13 – BMP: Abandoned Well Closures - \$1,125.

F. Appointment of TRC Voting Representatives

The Commission **approved** the following TRC Voting Representatives:

- Steve Harris – Supervisor, Albemarle SWCD (District Supervisor Rep.)
- Teresa Furr – Natural Resources Conservationist, Wake SWCD (District Employee Rep.)
- David Cash – Area 5 Coordinator (Area Coordinator Rep.)
- Charles Hughes – Supervisor, Lenoir SWCD (Alternate District Supervisor Voting Member)
- Kelly Whitaker – District Employee, Randolph SWCD (Alternate District Employee Voting Member)
- Davis Ferguson – Area 1 Coordinator (Alternate Area Coordinator Voting Member)

Election Report for 2008

Mr. David Cash presented the Election Report for 2008. (See Attachment 7G.)

ITEM 8: Monitoring Rule Letter to EMC

Mr. Vernon Cox presented a draft letter to the Commission members regarding the proposed monitoring rules for permitted animal operations that are currently being considered by the Environmental Management Commission (EMC).

Mr. Cox stated that the Research and Technology Committee of the NC Association of Soil and Water Conservation Districts (NCASWCD) concurred with the Ag. Task Force work group report on this topic and expressed the following concerns.

- Water monitoring of all animal waste permitted operations is beyond any reasonable research objective.
- There is minimal possibility of obtaining interpretable data.
- This effort will yield minimal results at tremendous expense.
- This effort should be abandoned. If not abandoned, the current rule should be further delayed until the EMC can consider the economic impact on agriculture and the potential of the rule.

The NCASWCD President wrote a letter to the EMC.

Commissioner William Pickett, Jr. offered a motion to approve the draft letter and include the alternatives listed in the Ag. Task Force work group report. Commissioner Manly West provided a second. The motion carried with 4 YES votes and 1 NO vote.

ITEM 9: CCAP Advisory Committee Recommendations

Ms. Shelly Baird reported that the CCAP Advisory Committee (CAC) met on February 24.

Ms. Baird stated that Orange SWCD presented a design modification to the current rain garden BMP so that they can be installed potentially around an existing storm-water drain.

The CAC supports this adaptation to the rain garden practice and recommended the Commission revise the average cost list to include the following components:

- Brick – 8 “ – \$0.51 Each
- Concrete Block – 6” or 8” -\$1.90 Each
- Concrete Block – 12” - \$2.30 Each
- Catch Basin

Commissioner Don Cox made a motion to approve this, and Commissioner Bobby Stanley gave a second. The motion carried.

ITEM 10: Guilford SWCD’s Request to Appoint Supervisor

Mr. George Teague, Chairman of the Guilford SWCD board, along with supervisors Dick Phillips, Herb Hendrickson, and Lewis Brandon came to represent Guilford SWCD regarding the selection of the candidate to fill the vacant supervisor position.

Mr. Teague stated the following regarding this situation:

- Mr. Kirk Perkins was elected to Guilford SWCD as a supervisor.

- Mr. Perkins never showed up to be sworn into office.
- Mr. Perkin's voter registration was removed by the Guilford Board of Election in February 2009.
- Mr. Teague contacted Richard Whisnant of the Institute of Government for guidance on how to handle this matter.
- Mr. Whisnant advised Mr. Teague that to legally handle this matter, it was up to the board to make a recommendation to the Commission for supervisor appointment.
- Candidates under consideration were Andrew Courts, first runner-up, and incumbent Herb Hendrickson, second runner-up.
- Mr. Courts was invited to board meetings so that the board could get to know him. He did not respond to the invitation.
- Phone calls were made to contact Mr. Courts
- Mr. Herb Hendrickson was nominated by the board to fill the vacancy.
- Mr. Hendrickson has been an elected member of Guilford Board for 8 years.
- He has attended all but two board meetings, and has attended all of the area meetings, and all of the annual meetings.

Mr. Ed Gavin, Jr., attorney for the SWCC, advised that the Commission was in charge of making the decision of whom they wanted to nominate for this position. He also stated that the Commission did not have to only consider the two people desiring the position. One requirement is that the person can vote in Guilford County.

Mr. Andrew Courts was given five minutes to tell about himself and why he would be the best candidate. He stated that he ran a serious and thoughtful campaign. He gave a handout to the Commission which listed his qualifications, education and personal information.

Mr. Courts said that he had come in second and that he should be the one to fill the seat. He stated also that he had 20% more votes and that Mr. Hendrickson who came in 3rd place. He stated that no one had notified him of the "no show" that occurred at the December meeting. He spoke with past Commission Chairman Jeff Turlington. He has tried actively to develop a relationship with the Guilford SWCD board.

Mr. Courts stated that he was not informed about the meeting in Raleigh. He then filed the Freedom of Information Act request in which the State responded promptly and courteously.

Mr. Hendrickson was also given five minutes to tell about himself and his qualifications to fill this position. He stated that it was not until January 2009 that the board realized that Mr. Perkins would not become the elected supervisor. It was his understanding that the Guilford SWCD board would be responsible for nominating an appointee to fill this vacant position. The board chose Mr. Hendrickson to fill the vacant position.

Mr. Hendrickson stated that he has been a conservationist in Greensboro and Guilford County for all of his professional life. He spent nine years on the Guilford County Advisory Board for Environmental Quality and 2 years as Chairman. He has been a supervisor with the Guilford SWCD board for 8 years and 4 months.

Vice Chairman Smith asked the Commission if they had any questions of Mr. Courts or Mr. Hendrickson.

Commissioner James Ferguson made a statement that the Board of Elections declared the position as void. The position is vacant and it was the Guilford SWCD board's responsibility to recommend a person for appointment to the Commission. To some degree the Commission is obligated to appoint who the board recommends if they are found to be fit for the job. The election itself has nothing to do with this situation. It is like there has not been an election and the position is just vacant. It is up to the board to recommend someone for appointment. Commissioner Ferguson saw no reason for the Commission to not follow the board's recommendation.

Commissioner Ferguson made a motion that the recommendation of the board be accepted. Commissioner Stanley provided a second, and the motion carried.

ITEM 11: TRC Recommendations

Mr. David Williams stated that the Technical Review Committee (TRC) met on February 10, 2009 at the J. C. Raulston Arboretum in Raleigh. The following recommendations were offered for the Commission's consideration:

- The TRC recommended that the Commission approve modifications to the nutrient scavenger crop practice. These changes would modify the planting and kill dates and extend the time for this practice to be applied. Incentive rate categories would be reduced from 3 to 2 with wheat, barley and oats receiving the same incentive of \$20 an acre. Rye and triticale would receive \$25 an acre due its superior scavenging capability.

Commissioner Manly West made a motion to accept these changes. Commissioner William Pickett, Jr. provided a second, and the motion carried.

- The TRC recommended that the Commission approve modifications to the policies related to stream protection systems to clarify that an applicant whose streams are already excluded from livestock may still be eligible for cost share assistance to enhance the water quality protection of the current system.

Commissioner Manly West made a motion to approve these modifications. Commissioner Bobby Stanley provided a second, and the motion carried.

Mr. Williams announced that the next TRC meeting will be on May 7, 2009 at 9:30 a.m. The location is to be determined.

ITEM 12: Request to Add Crop Residue Management Practice as New BMP

Mr. Charles Davenport, Area 5 Chairman of the Ag Cost Share Committee, requested that the Commission adopt Crop Residue Management Practice as a new BMP. Mr. Scott Alons, Mr. Steve Harris and Mr. Bryan Evans were also in attendance representing Area 5 districts.

This practice is being introduced to encourage the use of crop residues to decrease soil loss from wind and water erosion, nutrient loss, and carbon from burning existing crop residues in disking. Payment will be \$15.00 per/acre, per/year with a lifetime cap of \$15,000.

Mr. David Williams stated that the TRC is whole-heartedly in support of conservation cover. The concern is that the following incentive practices are out there already for districts to use to accomplish this purpose:

- ✓ Cover Crop Practice
- ✓ Nutrient Scavenger Cover Crop
- ✓ 3-Year Conservation Tillage Practice
- ✓ 3-Year Conservation Tillage for Vegetables
- ✓ Long Term – No Till

He further stated that the current incentives are intended to encourage a farmer who has not already adopted conservation tillage to try it on a limited scale. The TRC did not support approving this practice for cost share because it amounts to a continuing subsidy for conservation tillage.

Commissioner Manly West contended that the requirements for the currently approved practices do not fit certain cropping systems (e.g., cabbage production), and that this practice is needed for those situations.

Mr. Williams suggested that the Commission consider referring it back to the TRC to see if the practice can be adapted to fill a niche that is not already covered by one of the other approved practices without opening the program up to be viewed as a no-till/conservation tillage subsidy program.

Commissioner Manly West made a motion to approve this new practice. Commissioner William Pickett, Jr. provided a second, and the motion carried.

ITEM 13: Consideration of Recalling Uncommitted Appropriated Funds

Mr. David Williams reported that the State has asked the Division to come up with a \$1.3M budget reversion, and it anticipates that further reversions may be necessary before the end of the fiscal year. The Cost Share program makes up two-thirds of the Division's total budget.

Mr. Williams stated that the Division is requesting for the Commission to establish an interim deadline of May 1, 5:00 P.M. for contracts to be received in the State office. There is provision in Cost Share rules that the Commission can recall at anytime the funds that have been allocated

to a district if necessary for response to a budget or natural emergency. Mr. Williams asked that the Commission invoke that provision in its rules.

The program areas affected would be the regular Cost Share, the Drought Appropriation Funds, the Drought Earmark funds, the CREP Earmark funds, and the Impaired and Impacted Earmarked Funds.

Commissioner Don Cox moved to approve this recommendation and Commissioner William Pickett, Jr. provided a second. The motion carried.

ITEM 14: Post-Approval Contract for Richmond County

Ms. Michelle Raquet presented the contract for Richmond County that needed post- approval. Mr. Ben Cooper and Mr. Donald Richardson were in attendance representing Richmond SWCD.

Ms. Raquet stated that it is Commission policy that BMPs cannot be started until the district has received division approval.

With this particular contract, the division received the contract for review. The contract was placed in a pended status due to a signature being left off on the design approval authority application. An e-mail was sent by the district conservationist in Richmond County stating that she approved the design approval authority and she had her name on it and the date. It is Cost Share's policy that the district send a letter with signature to the Division on behalf of the contract and the district.

Ms. Raquet said it was an oversight by the Division and also by the district. The contract was for a waste application mobile system in the amount of \$7,000.

Job Approval and Design Authority approval has been received and the Cost Share staff recommends that the contract and the payment be approved by the Commission.

Commissioner Bobby Stanley made a motion to approve this contract with either a Fax Copy and a hard copy in the mail or an e-mail attachment with a scanned document with signature. Commissioner William Pickett, Jr. provided a second, and the motion carried.

ITEM 15: Policy for CREP Upgrades

Ms. Natalie Woolard requested the Commission adopt policies which would guide the Division in acquiring easements from existing contracts. Landowners are becoming more aware of what a conservation easement is and what it is not. CREP participants that initially did not want to participate in the easement options have now changed their mind.

With the support of Clean Water Management Trust Fund (CWMTF), CREP has offered such upgrades to landowners. All 10-15 year contracts and 30 year easements may be eligible for an upgrade to 30 year or Permanent Easements. (See Attachment #15).

Ms. Woolard asked that the Commission review and provide input on the recommended upgrade policies.

Commissioner Manly West made a motion to adopt the upgrade policies. A second was given by Commissioner James Ferguson, and the motion carried.

ITEM 16: Approval for Easement Acquisition – Warren County

Ms. Natalie Woolard reported that a landowner has 38 acres of property in Warren County that has a permanent easement through the CREP program. He wants to offer in some additional existing buffer that would be in between the current area that we have now and the creek, as well as, on the opposite side of the creek.

The challenge facing CREP right now is that kudzu has taken over that area. There is approximately 9 acres in kudzu and it has suffocated all the existing trees. To manage the kudzu would cost \$22,515 over a 10 year period. This cost does not include the replanting of hardwoods.

Division Staff has met on several occasions with the Division of Forest Resources, SWCD staff, DENR Stewardship Program, and NC State Property Office to discuss alternatives to eradicate the kudzu.

Ms. Woolard requested that the Commission decide if this is feasible for the state to acquire an easement on this area.

Commissioner Bobby Stanley made a motion to not allow the kudzu-covered land be accepted in the CREP program. Commissioner Manly West provided a second, and the motion carried.

Commissioner Manly West made a motion that Ms. Woolard and her staff look into allowing some type of grazing on the property. Commissioner William Pickett, Jr. provided a second, and the motion carried.

ITEM 17: Modification to ACSP Technical Assistance Allocation

Mr. David Williams stated that the Division has obtained an EPA Section 319 grant to support a Dan River Water Quality project which covers portions of Stokes, Caswell, and Rockingham Counties. Part of this grant included a position administered by the Stokes SWCD to provide project oversight and coordination.

The Division needs to amend the approved budget for the ACSP Technical Assistance to include \$39,694 to the Stokes SWCD to enable the Division to pay the district for this position. The 319 grant is funded by the Federal government.

Mr. Williams requested that the Commission authorize Cost Share to use the funds through the Technical Assistance budget.

Commissioner William Pickett, Jr. made a motion to approve this request. Commissioner Manly West provided a second, and the motion carried.

ITEM 18: David Matthews' Reappointment

Mr. David Cash stated that one supervisor from Sampson SWCD needs consideration for reappointment. Mr. Matthews has not been reappointed due to not attending Supervisor Training in Chapel Hill. due to a death in his family. However, he has not attended in the past 4 years that he has been a supervisor. Mr. Matthews did not know whether he would be able to attend next year's training if he was given an extension.

Commissioner Bobby Stanley made a motion that Mr. David Matthews not be reappointed as a supervisor. Commissioner William Pickett, Jr. provided a second, and the motion carried.

ITEM 19: Commissioner Bobby Stanley's Supervisor Contracts

Ms. Michelle Raquet presented two supervisor contracts of Commissioner Bobby Stanley. These must also be approved by the Secretary separately due to his being a member of the SWCC.

The contracts are as follows:

Contract #24-09-51-08 DG - Pasture Renovation -\$1,665.

Contract #24-09-52-08 - Cropland Conversion to Grass - \$3,488.

A letter will be sent to Secretary Dee Freeman for his approval of these two contracts.

Commissioner William Pickett, Jr. made a motion to approve these contracts and Commissioner James Ferguson provided a second. The motion carried.

Commissioner Don Cox asked Vice Chairman Smith to have the minutes indicate that Commissioner Stanley did not participate in the discussion or in the vote regarding these contracts.

ITEM 20: Mr. Warren Miller

Mr. David Williams presented the Warren Miller contract which was previously heard at the July 2008 Commission meeting. Mr. Miller is a cattleman in Ashe County and he received Cost Share support for installing a feeding and waste storage structure. The district had asked for repayment due to his not using the structure for its intended use. He was storing equipment and lumber and there was no sign that manure had ever accumulated in the structure. Mr. Miller appealed to you to not ask for repayment and he committed to get back in compliance.

Mr. Williams stated that the Commission had referred this matter to the Attorney General for a decision for Mr. Miller to either make repayment or get back in compliance.

In June Mr. Williams notified Mr. Miller that he needed to move his feeding structures away from the stream. He was also told that he was not to use the structure for other than what it was intended and he agreed to do that.

Mr. Williams met the board unofficially at the Area meeting and told them what was happening with this matter. At this point, Mr. Miller is using the structure as it was intended. The board is concerned that he got 4 years of use out of the structure in an un-intended purpose.

Mr. Williams stated that he thought one option would be to renew the maintenance obligation and start the clock anew for 10 years. He would offer this settlement option to him instead of repayment.

Mr. Williams asked the Commission to authorize him to propose this settlement and if Mr. Miller accepts this proposal, then report back to the Commission and ask for official approval at the May Commission meeting.

Commissioner Bobby Stanley made a motion that Mr. Williams negotiate a settlement with Mr. Miller. Commissioner Manly West provided a second and the motion carried.

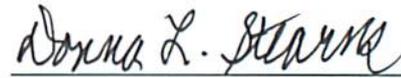
Public Comments

Public Comments were made by Ralston James.

Vice Chairman Smith adjourned the meeting at 11:39 a.m.



Patricia K. Harris, Director



Donna L. Stearns, Hearing Clerk

These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 20, 2009



Patricia K. Harris, Director