

**NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION
RALEIGH, NORTH CAROLINA
WORK SESSION AGENDA
DRAFT**

WORK SESSION

NC State Fairgrounds
Gov. James G. Martin Building
1025 Blue Ridge Road
Raleigh, NC 27607
March 19, 2019
6:00 p.m.

BUSINESS SESSION

NC State Fairgrounds
Gov. James G. Martin Building
1025 Blue Ridge Road
Raleigh, NC 27607
March 20, 2019
9:00 a.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 Statement of Economic Interests Evaluation

Mr. Phillip Reynolds

3. Approval of Meeting Minutes

Chairman John Langdon

A. January 6, 2019 Work Session Meeting Minutes

B. January 6, 2019 Business Session Meeting Minutes

4. Division Report

Director Vernon Cox

5. Association Report

Mr. Myles Payne

6. NRCS Report

Mr. Tim Beard

7. Consent Agenda

A. Supervisor Appointments

Mr. Eric Pare

B. Supervisor Contracts

Ms. Kelly Hedgepeth

C. Technical Specialist Designation

Mr. Jeff Young

8. Commission Member Contract

Ms. Kelly Hedgepeth

- 9. SWCC Hurricane Florence Disaster Response Program Allocation Update Ms. Julie Henshaw

- 10. Agriculture Cost Share Program Policy Revisions Ms. Kelly Hedgepeth
 - A. Agrichemical Pollution Preventions Measures
 - B. Waste Management Measures

- 11. CREP contract post-approvals Mr. David Williams

- 12. Cost Share Program Rules Technical Corrections Ms. Julie Henshaw

- 13. Supervisor Appointments Mr. Eric Pare
 - A. Newly Appointed Supervisors where training requirement has not been met

- 14. District Issues Ms. Kelly Hedgepeth
 - A. Consideration of post-approval contract Currituck SWCD
 - B. Request for approval for a contract on government owned property Orange SWCD

- 15. Impact of Salt Build Up on Cropland Ms. Julie Henshaw
 - A. Pamlico Contracts

IV. PUBLIC COMMENTS

V. ADJOURNMENT

**NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION
 RALEIGH, NORTH CAROLINA
 BUSINESS SESSION AGENDA
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C. Technical Specialist Designation

Mr. Jeff Young

8. Commission Member Contract

Ms. Kelly Hedgepeth

ATTACHMENT 1BS

- 9. SWCC Hurricane Florence Disaster Response Program Allocation Update Ms. Julie Henshaw

- 10. Agriculture Cost Share Program Policy Revisions Ms. Kelly Hedgepeth
 - A. Agrichemical Pollution Preventions Measures
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**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
WORK SESSION MEETING MINUTES
March 19, 2019**

NC State Fairgrounds
Gov. James G. Martin Building – Gate 9
1025 Blue Ridge Road
Raleigh, NC 27607

Commission Members	Guests	
John Langdon	Vernon Cox	Lisa Fine
Wayne Collier	David Williams	Ken Parks
Samuel Green	Julie Henshaw	Bryan Evans
Dietrich Kilpatrick	Kelly Hedgepeth	Rick McSwain
Myles Payne	Jeff Young	Josh Vetter
Derek Potter	Eric Pare	Tom Ellis
Mike Willis	Helen Wiklund	Blount Knowles
Commission Counsel	Ralston James	Rob Baldwin
Phillip Reynolds	Michael Shepherd	Gwen Minton
	Tom Hill	

Chairman John Langdon called the meeting to order at 6:11 p.m. Chairman Langdon inquired whether any Commission 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. Chairman Langdon declared a conflict of interest for Agenda Item 8 and will recuse himself from that item.

Chairman Langdon welcomed everyone to the meeting and thanked the Commission members and Division staff.

- 1. Approval of Agenda:** Chairman Langdon recognized Commission Counsel. Mr. Reynolds stated an item will be added to the end of the agenda to recommend the Commission go into close session to discuss potential litigation involving a matter in Rutherford County and the Commission's authority over watershed improvement projects. Chairman Langdon stated the closed session will be discussed after Agenda Item 15 and before the Public Comments. Director Cox suggested revising the Business Meeting Agenda and to move Agenda Item 10 to after Agenda Item 15. Both Director Cox and Deputy Director Williams must leave the Business Meeting by 11 a.m. tomorrow to attend Ag Awareness Day in Raleigh. Mr. Reynolds stated Agenda Item 10 will be discussed in the Work Session, and if further discussion is warranted, Agenda Item 10 can be moved to the May Commission Meeting.

- 2. Reading of Statement of Economic Interest Evaluation:** Chairman Langdon recognized Mr. Phillip Reynolds. Mr. Reynolds stated Commissioner Green's Statement of Economic Interest Evaluation has been received and welcomed Commissioner Green to the Commission. Mr. Reynolds stated, as required, a portion of the evaluation will be read into the minutes at tomorrow's meeting.
- 3. Approval of Meeting Minutes:** Chairman Langdon asked for comments on the minutes. Commissioner Collier stated the minutes will be ready to be approved as written at tomorrow's meeting.

3A. January 6, 2019 Work Session Meeting Minutes

3B. January 6, 2019 Business Meeting Minutes

- 4. Division Report:** Chairman Langdon recognized Director Vernon Cox to present. A copy of the report is included as an official part of the minutes. Director Cox stated the report will be presented at the Business Meeting tomorrow.
- Disaster Response Update and Hurricane Matthew Recovery Update
 - Last March, Nutrient Strategy Rule Revisions Updated for the Neuse and Tar-Pamlico River Basins; currently open for public comment
 - Identified two changes: all Agriculture Rule progress reports will be submitted to the Director of DWR and accounting for lands permanently lost to development indicates this will hinder our ability to meet our reduction goals
 - The N.C. Association of Soil & Water Conservation Districts adopted a resolution in January with regards to Job Approval Authority (JAA) and urged the Commission to consider adoption
 - A Job Approval Authority (JAA) policy for district technicians would require statutory authority and exception to the PE law; this will appear in the Farm Act being released on March 20, 2019
 - Established a JAA Workgroup including Jeff Young, Rick McSwain, Patrick Baker, Jason Byrd, and Commissioner Collier
 - Mr. Young provided a brief update from the JAA Workgroup's first meeting. Mr Young stated that the Workgroup has gotten off to a good start. Specific recommendations will be made to the Commission at a later date for establishing a system for granting JAA to qualified district and Division staff. The general process will be similar to that already implemented by NRCS. As previously mentioned, proposed legislation will need to be adopted to fully implement the proposed system for issuing JAA.
- 5. Association Report:** Chairman Langdon recognized Commissioner Payne to present. Commissioner Payne stated the report will be presented at the Business Meeting tomorrow. A copy of the report is included as an official part of the minutes.
- 6. NRCS Report:** Chairman Langdon asked if Mr. Tim Beard, State Conservationist, will be present at the Business Meeting tomorrow. Director Cox stated Mr. Beard will be in attendance to present and provided the report.

- 7. Consent Agenda:** Chairman Langdon recognized Mr. Eric Pare, Ms. Kelly Hedgepeth, and Mr. Jeff Young to present. A copy of the reports is included as an official part of the minutes.

7A. Supervisor Appointments:

- Johnny H. Denton, Gaston SWCD, filling the unexpired appointed term of Robin Armstrong for 2016-2020 with an attached resignation letter from Ms. Armstrong
- Danon J. Lawson, Gaston SWCD, filling the unexpired appointed term of Kevin Mauney for 2018-2022 with an attached resignation letter from Mr. Mauney
- Donna Jones, Madison SWCD, filling the unexpired appointed term of Jeremy Fox for 2016-2020 with an attached resignation letter from Mr. Fox
- Larry A. McDermott, Rutherford SWCD, filling the unexpired appointed term of Bill Eckler for 2016-2020 with an attached resignation letter from Mr. Eckler
- Jimmy R. South, Watauga SWCD, filling the unexpired appointed term of Rob Hunt for 2018-2022 with an attached resignation letter from Mr. Hunt

Mr. Rob Baldwin, director of the Wilkes Soil & Water Conservation District, stated Mr. Zach Myers, an appointed supervisor, moved to Pennsylvania. Ms. Gwen Minton has resigned as district chair, which opens Ms. Minton's elected seat. The Wilkes Board accepted Ms. Minton's resignation and recommends Ms. Minton fill the unexpired appointed term of Zach Myers for 2016-2020.

Supervisor Reappointments: At the January 2019 Commission Meeting, it was discussed that a total of six supervisors had been reappointed at the November Commission Meeting on the condition that they attend the UNC School of Government training to be offered in February 2019. One of the six, Mr. Kevin Mauney with the Gaston Soil & Water Conservation District, resigned. The other five supervisors (listed below) attended one of the UNC School of Government regional training events and had, therefore, fulfilled the Commission's requirement for reappointment. Director Cox stated that the Clay Soil & Water Conservation District requested an interpreter for Mr. Salvador Moreno. The NC Forest Service provided a Spanish-speaking employee to assist Mr. Moreno at the training event in Morganton, NC.

SWCD Name	First Name	Last Name
Buncombe	Louise	Scruggs
Haywood	William	Morrow
Hoke	Matthew	Lindsay
Jackson	Boyce	Deitz
Clay	Salvador	Moreno

7B. Supervisor Contracts: 10 contracts; totaling \$65,065

7C. Technical Specialist Designation: Mr. Jacob Giddens, USDA, NRCS Area Resource Conservationist, for Runoff Control (RC) category.

- 8. Commission Member Contract:** Chairman Langdon recused himself and Vice Chairman Collier presided over Agenda Item 8. Ms. Kelly Hedgepeth presented Form 1A for Commission member

Contract #51-2019-407-09 for Non-Field Farm Road Repair for \$4,556 for Chairman Langdon under the Disaster Program. The contract is in order.

Chairman Langdon resumed presiding over the meeting.

9. SWCC Hurricane Florence Disaster Response Program Allocation Update: Chairman Langdon recognized Ms. Julie Henshaw to present. A copy of the report is included as an official part of the minutes. Ms. Henshaw provided an update from the January Meeting and reminded the Commission that Director Cox was authorized by the Commission to approve allocations in between meetings. The Division has allocated almost \$400,000. One action item will be a Division recommendation for approval of the following technical assistance payment scale based on the type of BMP:

- \$500 for Agricultural Pond Repairs and Non-Field Farm Road Repairs
- \$300 for Disaster Repairs and Renovations
- \$100 for Disaster Pasture Renovations, Disaster Winter Forage Crop Incentive, and Disaster Lagoon Management Incentive

10. Agriculture Cost Share Program Policy Revisions: Chairman Langdon recognized Ms. Kelly Hedgepeth to present. A copy of the report is included as an official part of the minutes. Ms. Hedgepeth stated in July 2018 the Technical Review Committee (TRC) began an effort to review every policy with regards to the BMPs, especially the animal waste practices. Many of the proposed policy changes, particularly waste management practices, are due to subsequent rule changes. Our practice policies need to match the current rules. The updates are shown in the track changes section of each policy.

10A. Agrichemical Pollution Preventions Measures:

There are no significant changes in this section.

10B. Waste Management Measures:

The change under Policy #4 is with regards to the design requirements. It must be stipulated on the design, if it is being made larger; it must be documented and in compliance with State requirements to meet the current rules.

The next set of BMPs will be discussed at the May Commission Meeting for the next program year and can be approved at the July Commission Meeting.

Chairman Langdon requested a conference call to be scheduled between now and May, to act upon the policy revisions presented today to discuss the second set of BMPs prior to the May Commission Meeting. The Technical Review Committee will continue to review these policies and Ms. Hedgepeth will schedule a conference call for late April or early May with the Commission.

Agenda Item #10 will be removed from the Business Meeting's agenda.

- 11. CREP Contract Post-Approvals:** Chairman Langdon recognized Deputy Director Williams to present. A copy of the report is included as an official part of the minutes.

The Division recently became aware of three Conservation Reserve Enhancement Program (CREP) projects involving three local districts that had not submitted the appropriate cost share paperwork necessary to fund the planned conservation practices. The three districts have very limited experience implementing CREP program contracts. The districts were not aware that they needed to request an allocation of CREP earmark funds and develop an ACSP contract to fund the state portion of cost share for installing planned practices. There was a miscommunication in the handoff between the CREP staff, FSA, and each district. The Division is taking steps to assure that this will not happen again and will incorporate CREP training in the upcoming Cost Share Training. The Division is asking the Commission to approve these post approvals, and to waive the appearance requirement of a district supervisor to appear in person at the Business Meeting tomorrow.

Chairman Langdon asked if the Commissioners is agreeable to waive the appearance requirement of the three district supervisors at the Business Meeting tomorrow. All Commissioners were agreeable to a waiver of the appearance requirement for this specific instance.

Chairman Langdon called a break at 7:49 p.m. The meeting reconvened at 8 p.m.

- 12. Cost Share Program Rules Technical Corrections:** Chairman Langdon recognized Ms. Julie Henshaw to present. A copy of the report is included as an official part of the minutes.

Ms. Henshaw highlighted a few of the Rules that had technical corrections and asked for an effective date of January 1, 2020. As a result, the Division will not use the new allocation parameters in July 2019. Instead, the new allocation parameters will be effective for the FY 2021 allocation.

Ms. Henshaw also noted that the Commission's statutory authority with regards to the Detailed Implementation Plan (DIP) has some minor rewording to meet the recommendations of the Rules Review Commission, but there would be no substantive changes to the implementation of the program.

- 13. Supervisor Appointments:** Chairman Langdon recognized Mr. Eric Pare to present. A copy of the report is included as an official part of the minutes.

13A. Newly-Appointed Supervisors Where Training Requirement Has Not Been Met: The three newly-appointed supervisors listed below have not met the Commission's requirement to attend the UNC School of Government training. Commissioner Collier stated Mr. Ray attended the Area 4 Meeting and apologized to him for not attending the training. Mr. Stallings planned to attend the training, but he has not provided a reason. Mr. Carson stated the Morganton class was full, and he was unable to attend. Chairman Langdon directed Mr. Pare to notify the supervisors in writing and express that the Commission is sympathetic to their situation, however, the supervisor must provide a letter to the Commission before the May 15th Commission Meeting explaining why the supervisor missed the training and their plans to attend

a future training event. Deputy Director Williams stated the supervisor appointments were conditional upon attending the training and that the Commission may have to extend their conditional appointment once a letter is submitted.

District	First Name	Last Name	Start Date
Alb/Perquimans	Allen	Stallings	Dec 2018
Franklin	Patrick	Ray	Letter attached
Swain	Philip	Carson Sr.	Dec 2018

14. District Issues: Chairman Langdon recognized Ms. Kelly Hedgepeth to present. A copy of the report is included as an official part of the minutes.

14A. Consideration of Post-Approval Contract: This is a post-approval Cover Crop Contract from Currituck SWCD. A supervisor and staff member plan to present at the Business Meeting tomorrow. The issue is a staff person left the district and, after the changeover, the district technician did not know what to look for in CS2 and did not realize the contract had not been approved. A previous district employee had submitted a contract for review, which was pended by the Cost Share staff, as incomplete. The employee had e-mail conversations with the Cost Share staff prior to leaving her employment, but she did not make the necessary corrections for the contract to be approved.

14B. Request for Approval for a Contract on Government-Owned Property: This request is from the Orange district. This property is owned by NC State University and managed by the NC Cooperative Extension Service. It is a State-owned property, and based on the Commission's rules, the district must come before Commission to ask for approval of contracts on State or Federal lands. It is recommended for approval.

15. Impact of Salt Build Up on Cropland: Chairman Langdon recognized Ms. Julie Henshaw.

15A. Pamlico Contracts: Ms. Henshaw deferred to Commissioner Potter to present. Commissioner Potter explained that the cooperators has abandoned the farm because of salt water intrusion caused by Hurricane Florence. The farmer subsequently asked the district to cancel the contract. The district is concerned that their future cost share allocations will be reduced due to the cancellation of the contract.

Mr. Reynolds stated the Commission does not have the authority to waive their allocation formula that is established by rule. Ms. Henshaw stated the new parameters for the Ag Cost Share Program effective in 2021 will be based on the percentage of program funds that are actually expended for installed BMPs in the highest three of the most recent seven-year period. As a result, there should be little or no impact to the Districts allocation, as a result of one canceled contract. Commissioner Potter stated that the district did not want to get penalized for something that was clearly out of its control.

Commissioner Willis asked if the Commission can hear hardship cases and make an exception in emergency situations? Mr. Reynolds stated the Commission must have another rule spelling out

the factors that the Commission must consider, to waive any rule. There is no such provision in the current cost share rules.

Public Comments: Mr. Rob Baldwin stated Area 1 and Area 2 have held District Issues Committee meetings to discuss district issues with regards to the Western Stream Initiative, which is an NRCS Stream Restoration Project with 59 projects in the western area of the State. A division of the State Government called Program Evaluation Division (PED) did an evaluation of the Western Stream Initiative projects and found some instances where the Division of Water Resources and the Clean Water Management Trust Fund were both invoiced, and subsequently paid for the State's portion of the project. NC Policy Watch wrote an article about the findings and duplicate payments. The Program Evaluation Division (PED) found discrepancies and wrote a 45-page summary. Mr. Baldwin's direct concern is the Wilkes Soil and Water Conservation District has received an \$865,000 National Water Quality Initiative Grant from NCRS and some of those funds could possibly be used to address Stream Restoration Issues. The district would like to see these pools of money stay intact to encourage the landowners to participate in the Western Stream Initiative. The Program Evaluation Division (PED) interviewed Mr. Baldwin, and the recommendation of Mr. Baldwin is that the funds should be channeled through the districts, and the districts could possibly be given an administrative fee, but the program should not be eliminated. Mr. Baldwin encouraged the Commissioners to talk to their legislators and request that the funds continue to be available and sent through the districts.

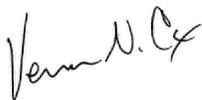
Chairman Langdon asked for a motion to go into closed session at 8:32 p.m.

Commissioner Collier moved that the Commission go into closed session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with legal counsel regarding potential litigation and a complaint received pursuant to the Commission's authority to review compliance with watershed work plans. Commissioner Potter seconded. Motion carried.

Mr. Reynolds stated by a motion and vote, the Commission has come out of closed session. During the closed session, the Commission discussed the complaint received from Mr. Del Ammons in Rutherford County regarding a PL-566 structure located partially on his property. By consensus, the Commission has instructed Mr. Reynolds to seek more information from the attorney for the Second Broad River Watershed Commission, as well as to work with staff to bring forward more information to determine whether there is a need to review the watershed workplan applicable for that structure.

At the end of the closed session, a motion was made by Commissioner Willis to go back into open session prior to adjourning the meeting and Commissioner Payne seconded. Motion carried.

Adjournment: Meeting adjourned at 8:48 p.m.



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



Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 15, 2019.



**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
BUSINESS MEETING MINUTES
March 20, 2019**

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Gov. James G. Martin Building – Gate 9
1025 Blue Ridge Road
Raleigh, NC 27607

Commission Members	Guests	
John Langdon	Kelly Hedgepeth	Joe Hudyncia
Wayne Collier	Jeff Young	Josh Vetter
Samuel Green	Eric Pare	Bill Yarborough
Dietrich Kilpatrick	Helen Wiklund	Rodney Wright
Myles Payne	Kristina Fischer	Tom Gerow, Jr.
Derek Potter	Ralston James	Rick McSwain
Mike Willis	Michael Shepherd	Ken Parks
Commission Counsel	Lisa Fine	Gail Hughes
Phillip Reynolds	Sandra Weitzel	Tim Beard
Guests	Manly West	Tom Ellis
Vernon Cox	Will Creef	Chris Hogan
David Williams	Tom Hill	Rob Baldwin
Julie Henshaw	Jason Byrd	

Chairman John Langdon called the meeting to order at 9:02 a.m. Chairman Langdon inquired whether any Commission 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. Chairman Langdon declared a conflict of interest for Agenda Item 8 and will recuse himself from that item.

Chairman Langdon welcomed everyone to the meeting and thanked the Commissioners and the Division staff. Chairman Langdon stated Agenda Item 10 has been removed from the agenda.

1. **Approval of Agenda:** Chairman Langdon asked for a motion to approve the agenda. Commissioner Payne motioned to approve the amended agenda with the removal of Item 10 and Commissioner Green seconded. Motion carried.
2. **Reading of Statement of Economic Interest Evaluation:** Chairman Langdon recognized Commission Counsel. Mr. Reynolds stated the Statement of Economic Interest has been received for newly-appointed Commission member, Mr. Green. The Governor's Office sent the

paperwork to the Division where it will be kept on file. By statute, portions of the letter must be read into the minutes and available upon request.

From the State Ethics Commission to Governor Cooper for the Evaluation of Statement of Economic Interest filed by Mr. Samuel Green, Jr., for the Soil and Water Conservation Commission, the State Ethics Commission determined the following:

Dear Governor Cooper: Our office has received Mr. Samuel Green's 2019 Statement of Economic Interest as a prospective appointee to the Soil and Water Conservation Commission. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 163A of the North Carolina General Statutes ("N.C.G.S."), also known as the Elections and Ethics Enforcement Act.

We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

Mr. Green would fill the role of a member on the Commission who is the First Vice President of the North Carolina Association of Soil and Water Conservation Districts. Because Mr. Green serves on the NCASWCD and represents the Vance County Soil and Water Conservation District, he has the potential for a conflict of interest. Accordingly, Mr. Green should exercise appropriate caution in the performance of his public duties should issues involving his district come before the Commission for official action.

- 3. Approval of Meeting Minutes:** Chairman Langdon asked for a motion to approve the amended minutes.

3A. January 6, 2019 Work Session Meeting Minutes

3B. January 6, 2019 Business Meeting Minutes

Commissioner Collier motioned to approve the January amended minutes and Commissioner Kilpatrick seconded. Motion carried.

- 4. Division Report:** Chairman Langdon recognized Director Vernon Cox to present. A copy of the report is included as an official part of the minutes.

- Personnel Update: Two positions filled and five vacancies remaining
- NCDA&CS Hurricane Florence Disaster Response Update, as of March 8, 2019
 - 1,438 payments totaling \$90,375,425.17
- Hurricane Matthew Recovery Update: Stream Debris, Non-Field Farm Roads, Pasture Renovation, and Pond Repair
- District Supervisor Training Update: a total of 101 supervisors attended one of the three regional training events
- Nutrient Strategy Rule Revisions remains open for public comments until April 16, 2019
 - Changes the reporting requirements such that all Agriculture Rule progress reports will be submitted to the Director of DWR rather than publicly presented to the EMC
 - DSWC has concern about the proposed rule change to require that the baseline nitrogen loss for agriculture must be adjusted annually to account for lands that are permanently lost to development.

- Summaries of Total Precipitation due to Hurricane Florence and Tropical Storm Michael were presented as requested at the January 6, 2019 meeting of the Commission
- Overall 2018 Precipitation Accumulation in North Carolina above normal
 - 99% of the State had rainfall totals that exceeded normal precipitation
 - 56% of the State had precipitation totals that exceeded normal precipitation by 20 inches or more
- May Commission Meeting will be in Raleigh but not at the State Fairgrounds; meeting location to be announced

Chairman Langdon emphasized the importance of the Supervisor Training Program and encourages all supervisors to continue to sign up for the training given the regional locations. Director Cox stated it is important to be an effective supervisor and encourages all supervisors to take the training.

5. Association Report: Chairman Langdon recognized Commissioner Payne to present. A copy of the report is included as an official part of the minutes.

- North American Envirothon Update
- Today is Ag Awareness Day at the General Assembly
- Area Meetings completed; attendance is up
- Supervisor Training is well attended
- Proposed legislative NC House Bill 294 was introduced last week to turn most county boards including Soil & Water District Boards into partisan elected boards
 - Legislators need to be informed to oppose the Bill
 - The Executive Committee of the NC Association of Soil & Water Conservation Districts voted to send a letter to members of the General Assembly in opposition to HB 294.

6. NRCS Report: Chairman Langdon recognized Mr. Tim Beard. A copy of the report is included as an official part of the minutes.

- 2018 Farm Bill passed and NRCS submitted a press release seeking public comments on existing national conservation practice standards with the period ending April 25, 2019
- State budget allocation is pending
- This year there were 3 EQIP sign ups; 2 more sign ups were added due to the hurricanes
 - Requested an additional \$4M and received only \$2M in October; waiting for \$2M more
 - Received over 2,000 EQIP applications; normally receive 500-600 per year
- Deadline to submit applications to the ACEP (Agricultural Conservation Easement Program) is April 5, 2019
- EWP (Emergency Watershed Protection) Program has over 50 sponsors and evaluated 300 sites
 - Requested to add Columbus and Montgomery counties to the Limited Resource Area; receiving 90%/10% cost share rate instead of 75%/25% cost share rate
 - Working to get the DSRs (Damage Survey Reports) completed so recovery projects can be funded; 75-100 reports mailed daily

- Press release issued for the Flood Plain Easement (FPE) Program accepting requests from sponsors and landowners with a deadline of April 19, 2019; deadline may be extended for 30 more days and an additional 30 days for a total of 90 days

7. Consent Agenda: Chairman Langdon asked for a motion to approve the Consent Agenda.

7A. Supervisor Appointments:

- Johnny H. Denton, Gaston SWCD, filling the unexpired appointed term of Robin Armstrong for 2016-2020 with an attached resignation letter from Ms. Armstrong
- Danon J. Lawson, Gaston SWCD, filling the unexpired appointed term of Kevin Mauney for 2018-2022 with an attached resignation letter from Mr. Mauney
- Donna Jones, Madison SWCD, filling the unexpired appointed term of Jeremy Fox for 2016-2020 with an attached resignation letter from Mr. Fox
- Larry A. McDermott, Rutherford SWCD, filling the unexpired appointed term of Bill Eckler for 2016-2020 with an attached resignation letter from Mr. Eckler
- Jimmy R. South, Watauga SWCD, filling the unexpired appointed term of Rob Hunt for 2018-2022 with an attached resignation letter from Mr. Hunt
- Gwen Minton, Wilkes SWCD, resigning from elected term for 2016-2020 with an attached resignation letter from Ms. Minton to fill the vacated unexpired appointed term of Zack Myers for 2016-2020 with an attached resignation letter from Mr. Myers

7B. Supervisor Contracts: 10 contracts; totaling \$65,065

7C. Technical Specialist Designation: Mr. Jacob Giddens, USDA, NRCS Area Resource Conservationist, for Runoff Control (RC) category.

Commissioner Collier motioned to approve the Consent Agenda and Commissioner Payne seconded. Motion carried.

8. Commission Member Contract: Chairman Langdon recused himself and Vice Chairman Collier presided over Agenda Item 8. Ms. Kelly Hedgepeth presented Commission member Contract #51-2019-407-09 for Non-Field Farm Road Repair in the amount of \$4,556 for Chairman Langdon. Form 1A was filled out, and the contract is in order. A copy of the report is included as an official part of the minutes.

Vice Chairman Collier asked for a motion to approve Commission Member Contract #51-2019-407-09. Commissioner Green motioned to approve the contract and Commissioner Willis seconded. Motion carried.

Chairman Langdon resumed presiding over the meeting.

9. SWCC Hurricane Florence Disaster Response Program Allocation Update: Chairman Langdon recognized Ms. Julie Henshaw to present. A copy of the report is included as an official part of the minutes.

The Commission's Cost Share Program is tied to the counties shown on the map. This is a different map than the area that is eligible for the Department's Agricultural Disaster Program of 2018 and for the NRCS Emergency Watershed Program (EWP) and Environmental Quality Incentives Program (EQIP).

The Commission revised the allocation of funding among BMPs at the January Commission Meeting and gave authority to Director Cox to approve additional BMP allocations in between meetings. The highlighted BMP allocations are: Lagoon Management Incentive, Pasture Renovation, and Winter Forage Crop Incentive.

- Thirty-two allocations were approved based on available funding, which totaled almost \$400,000 going to 14 districts for these different BMPs
- To date, almost 50% of the funding goes to the Lagoon Management Program with 36% of the funding going to Pasture Renovation, and 11% of funding still available
- Highlighted the proposed Technical Assistance to districts per BMP with payment made after the BMP is installed
- Will require approximately \$100,000 to support the proposed Technical Assistance allocation, with the amount increasing based on need
- Request Commission approval of the Technical Assistance allocation payment scale

Chairman Langdon asked for a motion to approve the Technical Assistance per BMP allocation payment scale. Commissioner Kilpatrick motioned to approve the BMP allocation payment scale and Commissioner Green seconded. Motion carried.

10. Agriculture Cost Share Program Policy Revisions: *This item has been removed from the agenda.*

10A. Agrichemical Pollution Preventions Measures:

10B. Waste Management Measures:

11. CREP Contract Post-Approvals: Chairman Langdon recognized Deputy Director Williams to present. A copy of the report is included as an official part of the minutes.

There are three CREP contracts that require post approvals from three districts, i.e., Onslow, Rockingham, and Washington counties.

The CREP program involves a variety of partners at the federal, state and local levels. A step-by-step flow chart has been distributed to the districts to navigate the process, with Step 25 detailing the district requesting cost share funds. The district staff is new and inexperienced with regards to CREP. The Division CREP staff did not inform the district staff of the importance of Step 25, to make a request for cost share funding, when entering into cost share agreements. CREP involves conservation easements and acquiring conservation easements and establishing planned conservation practices. In this case, the three districts failed to request an allocation out of the CREP earmark. Although there is a cost share contract for the federal portion of the practice cost, the corresponding State cost share contract was never requested.

This was a miscommunication issue. The Division is taking steps to correct this with training and emphasizing the CREP connection through the Cost Share Program.

Chairman Langdon asked for a motion to approve the three CREP Contract Post-Approvals. Commissioner Potter motioned to approve the CREP Contract Post-Approvals and Commissioner Payne seconded. Motion carried.

Chairman Langdon thanked Deputy Director Williams and emphasized the districts need to sign up for the Cost Share training workshop.

- 12. Cost Share Program Rules Technical Corrections:** Chairman Langdon recognized Ms. Julie Henshaw to present. A copy of the report is included as an official part of the minutes.

The Rules Review Commission (RRC) General Counsel provided technical corrections to the rules. The Division is working with Commission Counsel to comply with the requirements of the RRC. The proposed revisions to Rule 02 NCAC 59D.0106 involve the Detailed Implementation Plan (DIP) and the Commission's statutory authority. Rather than adopt the DIP each year, the Commission will approve a list of BMPs that are acceptable for cost sharing. The list of approved BMPs will be published annually in the DIP. This revision will not cause any substantive changes to the implementation of the program. There are also a variety of formatting revisions. The Division is recommending approval of the rules with an effective date of January 1, 2020. The Commission will continue to use the existing allocation formula to make allocations in July of 2019. The new allocation formula will be used for the first time on July 1, 2020.

Mr. Phillip Reynolds stated the Division has worked with the General Counsel to the Rules Review Commission. The General Counsel will object to the rules now, but it is a timing issue. Mr. Reynolds will attend the Rules Review Commission Meeting tomorrow and the RRC will take final action in April.

Chairman Langdon asked for a motion to approve the Cost Share Program Rules Technical Corrections. Commissioner Green motioned to approve the Technical Corrections and Commissioner Collier seconded. Motion carried.

- 13. Supervisor Appointments:** Chairman Langdon recognized Mr. Eric Pare to present. A copy of the report is included as an official part of the minutes.

13A. Newly-Appointed Supervisors Where Training Requirement Has Not Been Met: It is a Commission requirement that a newly-appointed supervisor attend the first available UNC-SOG training. Three supervisors did not attend the training that were appointed in December 2018. Mr. Patrick Ray, Franklin SWCD, provided a letter of explanation. Mr. Pare will follow-up with the other two supervisors to submit letters as to why they did not attend, what they intend to do to meet the requirements, and will present it at the May Commission Meeting.

Mr. Reynolds stated due to their conditional appointments to take the training, it will be necessary to extend the conditional appointments to give the supervisors more time attend the training and to provide the circumstances why they did not attend the training. It is

recommended the Commission defer action until the May Commission Meeting and extend their conditional appointments.

Chairman Langdon asked for a motion to approve the extension of the conditional appointments. Commissioner Collier motioned to approve the extension of the conditional appointments until the May Meeting with the assumption the Division will receive these letters and provide it to the Commission and Commissioner Payne seconded. Motion carried.

14. District Issues: Chairman Langdon recognized Ms. Kelly Hedgepeth to present. A copy of the report is included as an official part of the minutes.

14A. Consideration of Post-Approval Contract: Ms. Hedgepeth introduced Mr. Manly West and Mr. Will Creef to present the issue. Mr. West stated the request is for a post approval on Cover Crop Contract #27-2018-001. The contract was submitted by a recently-retired administrator, and the district staff thought the information was inputted into CS2. The contract was incomplete, and the new administrator and technician did not realize the clerical error in the paperwork. Mr. Creef stated the practice was put in on the ground correctly.

Chairman Langdon asked for a motion to approve the Post-Approval Contract. Commissioner Payne motioned to approve the Post-Approval Contract #27-2018-001 and Commissioner Potter seconded. Motion carried.

Mr. West interjected before leaving the podium to comment about the recent change in the supervisor training requirement from six hours every year to six hours every four-year term. Mr. West stated that training is important and expressed his belief that it was a mistake to reduce the training requirement.

14B. Request for Approval for a Contract on Government-Owned Property: Ms. Hedgepeth stated a contract from Orange SWCD is being presented. The property is on government-owned property, and according to Rule 02 NCAC 59D.0105, cost share contracts on government-owned property must be approved by the Commission.

Mr. Chris Hogan and Ms. Gail Hughes were introduced to present. Mr. Hogan stated this is a farm that a deceased supervisor, Col. William Breeze, donated to NC State University and the land was broken up into two parcels. One parcel of land, NCSU and Orange County are using as an incubator farm for new and beginning farmers. The second parcel of land is rented and farmed by a current Orange County supervisor and farmer, Mr. R. Clay Parker. The property has steep slopes and needs road stabilization to access the back 20-acre field. There are erosion issues in the field, and Mr. Parker will pay for the improvements, but the roads need repairing. Mr. Parker has asked Orange SWCD for help. Mr. Parker is looking at a ten-year maintenance contract on this no-till farm.

Ms. Hughes stated there are erosion problems on the road with sedimentation entering the streams, since it crosses two blue-lined streams. The plan is to put in grading and water berms to divert the water down the steep slope into the woodland and stabilize the road.

Chairman Langdon asked for a motion to approve the Request for a Contract on Government-Owned Property. Commissioner Willis motioned to approve Contract #68-2019-005 and Commissioner Green seconded. Motion carried.

15. Impact of Salt Build Up on Cropland: Chairman Langdon recognized Ms. Julie Henshaw.

15A. Pamlico Contracts: Ms. Henshaw stated a letter from the Pamlico SWCD was received regarding impacts related to Hurricane Florence. Mr. Reynolds stated Pamlico SWCD is asking for an exception related to the funding allocation formula for districts. However, the Commission does not have rules in place that would allow it to vary its allocation formula or to make exceptions to the rule.

Public Comments: Commissioner Kilpatrick thanked Mr. Beard for working to speed up the EWP process. Craven County has hired a consultant to fly over streams in the county and the county has put together a committee to identify potential sites. Eligible sites have been located and approved at the local level. The county is now waiting for approval at the National level. Craven County has agreed to serve as the local sponsor for these Federal contracts, and Patrick Baker is doing a great job.

Adjournment: Meeting adjourned at 10:37 a.m.



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



Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 15, 2019.



**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
WORK SESSION MEETING MINUTES
January 6, 2019**

Sheraton Imperial Hotel & Convention Center
Empire Rooms A & B
4700 Emperor Boulevard
Durham, NC 27703

Commission Members	Guests	Guests
John Langdon	Vernon Cox	Tom Ellis
Wayne Collier	David Williams	Lisa Fine
Chris Hogan	Julie Henshaw	Ken Parks
Myles Payne	Kelly Hedgepeth	Bryan Evans
Derek Potter	Helen Wiklund	Michelle Lovejoy
Dietrich Kilpatrick	Eric Pare	David Harris
Mike Willis	Tom Hill	Josh Vetter
Commission Counsel	Jeff Young	
Phillip Reynolds	Michael Shepherd	

Chairman John Langdon called the meeting to order at 9:36 a.m. Chairman Langdon inquired whether any Commission 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.

1. **Approval of Agenda:** Chairman Langdon asked for comments on the agenda. None were declared.
2. **Approval of Meeting Minutes:** Chairman Langdon asked for comments on the minutes.

2A. November 13, 2018 Work Session Meeting Minutes

2B. November 14, 2018 Business Meeting Minutes

Commissioner Collier stated Item 13 vii in the Work Session and Business Session Minutes should read as follows: "Recommendation for reappointment *when* a supervisor is a member of the Commission, where all training and attendance criteria have been met."

3. **Division Report:** Chairman Langdon recognized Director Vernon Cox to present. Director Cox stated the report will be presented at the Business Meeting at 3 p.m. today. A copy of the report is included as an official part of the minutes.
4. **Association Report:** Chairman Langdon recognized Commissioner Kilpatrick to present. Commissioner Kilpatrick stated the report will be presented at the Business Meeting at 3 p.m. today. A copy of the report is included as an official part of the minutes.
5. **NRCS Report:** Chairman Langdon asked if Mr. Tim Beard, State Conservationist, will be present this afternoon. Director Cox stated Mr. Beard will be in attendance to present.
6. **Consent Agenda:** Chairman Langdon recognized Mr. Eric Pare, Ms. Kelly Hedgepeth, and Mr. Jeff Young to present.

6A. Supervisor Appointments: Mr. Pare stated five supervisors did not submit any paperwork at the November Commission Meeting for reappointment, since that time, three of the five supervisors did submit their paperwork for supervisor reappointment.

- Supervisors (paperwork was not submitted)
 - Brian Harwell, Iredell SWCD (resigned)
 - Blount Knowles, Bertie SWCD (filled elected position; appointed position vacant)
- Supervisor Reappointments
 - Margaret Knight, Edgecombe SWCD, nomination for reappointment for term 2018-2022
 - Eric Spengler, Mecklenburg SWCD, nomination for reappointment for term 2018-2022
 - John W. Carter III, Moore SWCD, nomination for reappointment for term 2018-2022
- New Appointment
 - Gary Simmons, Columbus SWCD, filling the unexpired elected term of Harold Dean Register (deceased) for 2016-2020

6B. Supervisor Contracts: Ms. Hedgepeth stated there are four contracts totaling \$12,983.

County	Contract Number	Supervisor Name	BMP	Contract Amount
Guilford	41-2019-006	George Teague	Abandoned well closure	\$4,415
Orange	68-2019-009	Ronald Clay Parker	Cover crop	\$1,114
Union	90-2019-106	John Moore	Pasture Renovation	\$930
Union	90-2019-101	Edward Staton	Pasture Renovation	\$6,524

6C. Technical Specialist Designation: Mr. Jeff Young presented three applications.

- Ms. Ashley Smith, Wayne SWCD, is requesting to be designated as a technical specialist for the Wettable Acres (WA) category. Ms. Smith has completed the required training.

- Ms. Katie Stevens-Clarkson, Wayne SWCD, is requesting to be designated as a technical specialist for the Waste Utilization Planning/Nutrient Management (WUP/NM) and Wettable Acres (WA) categories. Ms. Stevens-Clarkson has completed the required training.
- Mr. James Cox, Smithfield Hog Production, is requesting to be designated as a technical specialist for the Waste Utilization Planning/Nutrient Management (WUP/NM) category. Mr. Cox has completed the required training.

7. Disaster Response Program: Chairman Langdon recognized Director Cox and Ms. Julie Henshaw to present.

7A. Program Update: Director Cox stated the update will be presented at the Business Meeting at 3 p.m. today. A copy of the report is included as an official part of the minutes.

7B. General Policy Considerations: Ms. Henshaw presented three policies for consideration to administer the special funding.

- Request the authority for the Director to approve additional allocations as needed in between Commission meetings for the following four Best Management Practices (BMPs): Disaster Pasture Renovation, Disaster Winter Forage Crop Incentive, Disaster Lagoon Management Incentive, and Emergency Access Restoration & Non-Field Farm Road Repair.
 - Allocations will be made based on the needs of the district and submitted through the [online request form](#)
 - Allocation reports will be presented at each Commission meeting
- Provide flexibility in the amount of funding available for the following BMPs based on district demand among Disaster Pasture Renovation, Disaster Winter Forage Crop Incentive, and Disaster Lagoon Management Incentive. The total amount available for these three BMPs is \$3,000,000.
- Wait to allocate repair and renovation funding until the Farm Service Agency Emergency Conservation Program (ECP) funding is approved. Once Federal funding is determined, all BMPs installed to standard will be eligible for post-approval funding. For urgent matters, districts may work with a cooperator and submit a letter to the Director, which includes a summary of the need, the time sensitivity of the repair, and a cost estimate. The Director is delegated authority to approve an allocation for these urgent requests.

Deputy Director Williams stated NRCS is offering EQIP assistance for the counties affected by the hurricane. The Division will urge the districts to encourage landowners to apply.

7C. Lagoon Management Incentive Policy Revisions: Ms. Henshaw presented the updates.

Ms. Henshaw stated a revised policy is being distributed. In the Definition/Policy Section, any underlined text is new, and in the second bullet, the words, “*by a contractor*” have been removed. The date has been changed in Policy #4 to extend the deadline from March 1, 2019 to June 1, 2019. Policy #8 is being added, which reaffirms the purpose of these funds.

7D. Fund Allocations: Ms. Henshaw presented the Disaster Response Program Allocations.

Ms. Henshaw stated all districts were given until December 31, 2018 to encumber the Disaster Response Program Fund Allocations the districts received. On January 1, 2019, the funds were returned to the state for reallocation based on district requests though CS2. Ms. Henshaw stated the pie chart shows the proposed allocations funds are broken down by practice. The four BMPs were highlighted: Non-Field Farm Road Repairs, Lagoon Management Incentive Funding, Disaster Pasture Renovation Funding, and Disaster Winter Forage Incentive.

- 8. FY2018 Commission Programs Annual Reports:** Chairman Langdon recognized Ms. Julie Henshaw to present.

8A. Cost Share Programs Annual Report for Fiscal Year 2018:

Ms. Henshaw will present the consolidated annual report for all the Commission Cost Share Programs as required by Session Law 2017-10 at the Business Meeting at 3 p.m. today. A copy of the report is included as an official part of the minutes.

8B. Conservation Reserve Enhancement Program Report: Eric Galamb was not in attendance at the work session but will be available to present his report at the business session. A copy of the report is included as an official part of the minutes.

- 9. Supervisor Training Registration Status of Conditional Reappointments:** Chairman Langdon recognized Mr. Eric Pare to present.

Mr. Pare stated as of December 20, 2018, there were 58 supervisors that registered for the School of Government in the three locations. The deadline to register for the School of Government is January 25, 2019.

- Fifteen district staff have registered
- Two of six district supervisors, as of the November Commission Meeting, were conditionally reappointed have registered for the training
- Three newly-appointed supervisors out of eleven supervisors have registered for the training

There was a good amount of discussion with regards to one Clay SWCD appointed supervisor that has not attended the UNC School of Government. The District had sent a letter explaining that the supervisor is bilingual, and not fluent in English, and he may have some difficulties comprehending the information.

Commission Counsel Reynolds stated the Commission does not have the authority to select supervisors based on their ability to read, write or speak Spanish. Director Cox stated the Division will reach out to the Clay District and seek to identify resources to address the issue.

- 10. District Issues:** Chairman Langdon recognized Ms. Kelly Hedgepeth. A copy of the issues is included as an official part of the minutes. Ms. Hedgepeth stated there are two district issues.

10A. Request for Approval for a Contract on Government-owned Property:

This request is from Mecklenburg SWCD for Cost Share Program Contract 60-2018-001 for a combination project for Barger Farms, LLC, which includes a stream restoration on Mecklenburg County property and a livestock (cattle) exclusion system for an adjacent landowner.

10B. Request for Exception to ACSP Component on Average Cost List:

This request is from the Alleghany SWCD for the Joines Dairy to install a push-off ramp. The cost exceeds what the Commission has approved on its average cost list, but the proposed design is reasonable and necessary. The district is asking for permission to reimburse 75% of actual cost as opposed to the current cap of \$4,000 allowed as the average cost for a push-off ramp.

Public Comments: Mr. Bryan Evans passed out business cards, which provides information for supervisors about the 2018 Cost Share Program benefits.

Ms. Lovejoy stated the NC Foundation was asked by the NC Farm Bureau to help with providing funds towards the Hurricane Disaster Relief Program. The Foundation will provide more information in February, which will supplement the recovery efforts of the Commission.

Commissioner Willis asked how many counties exceeded the total annual rainfall last year and was it a statewide occurrence or more localized? Commissioner Willis stated Watauga County exceeded 90" of rain. Director Cox stated Wilmington would have exceeded their annual precipitation record without the rainfall of Hurricane Florence. Chairman Langdon asked Director Cox to report the annual rainfall in 2018 for each county at the March Commission Meeting.

Chairman Langdon stated as President of the NC Cattlemen's Association he was informed the Kansas Cattlemen's Association is donating \$50K towards NC Hurricane Relief and the money will go through the NC Farm Bureau.

Commissioner Kilpatrick commented that he had only two more days to serve as President of the Association and that it has been an enjoyable opportunity. Chairman Langdon stated that Commissioner Kilpatrick has risen to the challenge as Association President and has served the Commission well.

Adjournment: Meeting adjourned at 10:53 a.m.



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



Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on March 20, 2019.



**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
BUSINESS SESSION MEETING MINUTES
January 6, 2019**

Sheraton Imperial Hotel & Convention Center
Imperial Rooms 4 - 7
4700 Emperor Boulevard
Durham, NC 27703

Commission Members	Guests	Guests	Guests
John Langdon	Donald Heath	Josh Myers	Candace Pearce
Wayne Collier	Charlie Bass	Michelle Raquet	W. Chester Lowder
Chris Hogan	Josh Vetter	Patrick Ray	Denny Norris
Dietrich Kilpatrick	Jessica Hodgson	Chris Hughes	Brian Parker
Myles Payne	Andrew Cox	Heather Main	Matthew Kinane
Derek Potter	Maggie Osborne	Daniel McClellan	Matt Canoy
Mike Willis	Dena Sheets	Lloyd Ransom	Ann Williams
Commission Counsel	Rick McSwain	James Malpass	Richard Peed
Phillip Reynolds	Jeff Joyner	Gary Simmons	Tracy Warren
Guests	Tommy Deese	James Sarvis	Franklin Williams
Vernon Cox	Jim Chandler	Wayne S. Moser	Kyleene Rooks
David Williams	Yancy Sparks	Eddie Staton	Betsy Gerwig
Julie Henshaw	David Harris	Gerald Dorsett	Caroline Wicker
Jeff Young	Craig Myers	Esther Scott	Doug Harrell
Kelly Hedgepeth	Tommy Houser	David Morrow	Kevin Dixon
Helen Wiklund	Tyler Ross	Mamie Caison	Walter Moore
Bryan Evans	Jason Byrd	Ben Knox	Scott Sheffield
Ralston James	Michael Shepherd	Drew Brannon	Vincent Lewis
Eric Pare	Ricky May	Russell Blevins	Rod Smith
Tim Beard	Brent Strickland	Jonathan Wallin	David Spruill
Richard Smith	Harold L. Hunter	April Hoyt	Clifton McNeill Jr.

Chairman John Langdon called the meeting to order at 3:02 p.m. Chairman Langdon inquired whether any Commission 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.

1. **Approval of Agenda:** Chairman Langdon asked for a motion to approve the agenda. Commissioner Potter motioned to approve the agenda and Commissioner Payne seconded. Motion carried.
2. **Approval of Meeting Minutes:** Chairman Langdon asked for a motion to approve the minutes.

2A. November 13, 2018 Work Session Meeting Minutes

2B. November 14, 2018 Business Session Meeting Minutes

Commissioner Collier motioned to approve the amended November minutes and Commissioner Willis seconded. Motion carried.

3. **Division Report:** Chairman Langdon recognized Director Vernon Cox to present. A copy of the report is included as an official part of the minutes.

- Personnel Updates
- Hurricane Florence Update & Disaster Response Update
- Field training available for district staff due to Hurricane Florence
- Swine Floodplain Buyout Program sign-up closed November 30, 2018
 - 24 farms applied; totaling \$25M in requests; will begin site evaluations in January
- District supervisor training is available for tracking
 - Annual Meeting: 9 hours available
 - UNC-SOG: 6 hours in February located in three regions
- March 19-20, 2019 SWCC Meeting: location to be determined

Chairman Langdon thanked Director Cox for his report.

4. **Association Report:** Chairman Langdon recognized Commissioner Kilpatrick to present. A copy of the report is included as an official part of the minutes.

- President's theme is Changing with the Future and Florence brought many changes, which are presently being worked on
- NCASWCD has raised almost \$120K for the 2019 North American Envirothon, primarily through the contributions of districts.
- Annual Meeting in 2020 will be in Charlotte hosted by incoming President Myles Payne

Chairman Langdon stated the Commission appreciates Commissioner Kilpatrick's service as president of the Association and for a job well done. Chairman Langdon congratulated Commissioner Payne as the first vice president and incoming president of the Association, and thanked Commissioner Collier for a great job serving as the Piedmont Representative to the Commission.

5. **NRCS Report:** Chairman Langdon recognized Mr. Tim Beard, State Conservationist, to present. A copy of the report is included as an official part of the minutes.

- Federal government shutdown on December 22, 2018, due to a lapse in appropriations

- NRCS is exempt from the shutdown and will pay employees from carryover funds from unused Farm Bill appropriations
- Not all sister agencies under the Farm Production and Conservation (FPAC) mission area are working. FSA is closed, which affects some programs.
- U. S. Secretary Sonny Perdue announced on December 3, 2018, the appointment of Matthew Lohr to serve as Chief of the USDA Natural Resources Conservation Service
- Associate Chief Leonard Jordan retired last week, and the new Acting Associate Chief is Kevin Norton
- President Trump signed the Farm Bill on December 20, 2018
- USDA has established a cap of 133 NRCS employees in NC. Today, there are 116 NRCS employees in the State.
- Deadline to request assistance for the Emergency Watershed Protection (EWP) Program has been extended from December 31, 2018 to January 18, 2019
- NRCS EWP site visits currently total 140
- Cutting back on outreach and focusing on meeting with individuals, counties, and municipalities to discuss the Emergency Watershed Protection (EWP) Program
- Damage Survey Reports (DSR) have begun, with 12 completed (2 exigency) and 15 in progress

Chairman Langdon and Mr. Beard discussed the loss of institutional knowledge when employees with years of experience retire; noting that training new employees that do not have the experience, technical expertise, and do not come from a rural background is challenging.

6. Consent Agenda: Chairman Langdon asked for a motion on the Consent Agenda.

6A. Supervisor Appointments:

- Gary Simmons, Columbus SWCD, filling the unexpired elected term of Harold Dean Register (deceased) for 2016-2020
- Margaret Knight, Edgecombe SWCD, nomination for reappointment for term 2018-2022
- Eric Spengler, Mecklenburg SWCD, nomination for reappointment for term 2018-2022
- John W. Carter III, Moore SWCD, nomination for reappointment for term 2018-2022

6B. Supervisor Contracts: Four contracts; totaling \$12,983

6C. Technical Specialist Designation:

- Ms. Ashley Smith, Wayne SWCD, is requesting to be designated as a technical specialist for the Wettable Acres (WA) category. Ms. Smith has completed the required training.
- Ms. Katie Stevens-Clarkson, Wayne SWCD, is requesting to be designated as a technical specialist for the Waste Utilization Planning/Nutrient Management (WUP/NM) and Wettable Acres (WA) categories. Ms. Stevens-Clarkson has completed the required training.
- Mr. James Cox, Smithfield Hog Production, is requesting to be designated as a technical specialist for the Waste Utilization Planning/Nutrient Management (WUP/NM) category. Mr. Cox has completed the required training.

Commissioner Payne motioned to approve the Consent Agenda and Commissioner Kilpatrick seconded. Motion carried.

- 7. Disaster Response Program:** Chairman Langdon recognized Director Cox and Ms. Julie Henshaw to present.

7A. Program Update: Director Cox presented an update.

- In October, the General Assembly established the Hurricane Florence Agriculture Disaster Assistance Program to provide relief to farmers adversely affected by Hurricane Florence and Hurricane Michael
- In December, \$240M was appropriated for this program
- Eligibility covers 70 counties under Presidential and Secretarial declared-disaster announcements
- Application deadline was extended from December 10, 2018 to December 20, 2018
- The Department is working with USDA-Farm Service Agency (FSA), NC Cooperative Extension, and NC DEQ – Division of Marine Fisheries (DMF)
 - Priority is to make payments to farmers as quickly as possible after January 1, 2019
 - 8,000 applications received from 70 affected counties, with 7,000 applications appearing to be complete
 - FSA is shutdown, the challenge is to get the checks mailed out

7B. General Policy Considerations: Ms. Henshaw presented three policies for consideration.

The policy considerations are related to the Disaster Response Program to improve administration. These items will build upon actions taken at the October 23rd meeting of the Commission.

- Request authority for the Director to approve additional allocations as needed in between Commission meetings for the following four Best Management Practices (BMPs): Disaster Pasture Renovation, Disaster Winter Forage Crop Incentive, Disaster Lagoon Management Incentive, and Emergency Access Restoration & Non-Field Farm Road Repair
 - Allocations will be submitted through the [online request form](#)
 - Allocation reports will be presented at each Commission meeting
- Provide flexibility in the amount of funding available based on district demand among the following BMPs: Disaster Pasture Renovation at \$500K, Disaster Winter Forage Crop Incentive at \$500K, and Disaster Lagoon Management Incentive at \$2M
- Wait to allocate repair and renovation funding until Farm Service Agency Emergency Conservation Program (ECP) funding is approved (\$2M has been set aside)

Chairman Langdon asked for a motion. Commissioner Collier motioned to approve the changes to the General Policy Considerations and Commissioner Willis seconded. Commissioner Potter stated that not all counties are participating in the ECP funding and it is important to leverage the federal funds before coming to the State. Motion carried.

7C. Lagoon Management Incentive Policy Revisions: Ms. Henshaw presented the updates.

The proposed language change was presented, and the deadline date in Policy #4 has been extended from March 1, 2019 to June 1, 2019, due to all the wet weather.

Chairman Langdon asked for a motion. Commissioner Potter motioned to approve the changes to the Lagoon Management Incentive Policy Considerations and Commissioner Payne seconded. Motion carried.

7D. Fund Allocations: Ms. Henshaw presented the proposed Disaster Response Program Allocations.

The pie charts show the categories of funding. The four BMPs were presented for these allocations.

- Non-Field Farm Road Repair Allocation - \$1.6M

Chairman Langdon asked for a motion. Commissioner Willis motioned to approve the Non-Field Farm Road Repair Allocation and Commission Kilpatrick seconded. Motion carried.

- Lagoon Management Incentive Funding - \$329,500

Chairman Langdon asked for a motion. Commissioner Collier motioned to approve the Lagoon Management Incentive Funding and Commissioner Potter seconded. Motion carried.

- Disaster Pasture Renovation Funding - \$356,611

Chairman Langdon asked for a motion. Commissioner Collier motioned to approve the Disaster Pasture Renovation Funding and Commissioner Payne seconded. Motion carried

- Disaster Winter Forage Incentive - \$15,500

Chairman Langdon asked for a motion. Commissioner Payne motioned to approve the Disaster Winter Forage Incentive and Commissioner Potter seconded. Motion carried.

8. FY2018 Commission Programs Annual Reports: Chairman Langdon recognized Ms. Julie Henshaw to present.

8A. Cost Share Programs Annual Report for Fiscal Year 2018:

Ms. Henshaw presented the consolidated annual report for all the Commission Cost Share Programs as required by Session Law 2017-10. The report highlighted each program with the following: total BMP funding allocated, funding for technical assistance, program accomplishments, regional application process, current goals, and BMP practices funded across the state in 2018. From 2013 to 2018, the Cost Share Program's funding has increased from \$4.9M to \$8.2M. A copy of the report is included as an official part of the minutes.

8B. Conservation Reserve Enhancement Program Report: Mr. Eric Galamb presented the CREP Report for the Federal fiscal year from October 1, 2017 to September 30, 2018. A copy of the report is included as an official part of the minutes.

The program covers 75% of the state. The program is in 76 counties from the Yadkin Pee-Dee River basin to the coast. The following accomplishments were highlighted:

- Eleven contracts closed on 531 acres
- Ten permanent conservation easements were added, which includes adding 38 new acres and 67 acres of existing buffer plus one 30-year easement of 14 acres
- Added 12.9 miles of stream protection to 951 stream miles
- Program's effectiveness comes from being heavily involved in nine river basins, six conservation practices, and protected streams
- Continue to focus on livestock producers, pollinator habitats, and sentinel lands
- To date, total program funding is more than \$94M, with the State expenses for CREP enrollments totaling \$29.9M.

9. Supervisor Training Registration Status of Conditional Reappointments: Chairman Langdon recognized Mr. Eric Pare to present.

Mr. Pare gave an update of the UNC-School of Government and supervisor conditional reappointments.

- As of December 20, 2018, only 58 supervisors and 15 district staff have signed up for the UNC-SOG training offered at the three regional locations
- Of the six supervisors conditionally reappointed at the November Commission Meeting, only two are registered to attend the UNC-SOG. The deadline to register is January 25, 2019, which can be done on-line
- Of the eleven supervisors appointed at the November Commission Meeting, only three are registered to attend the UNC-SOG
- Sign-up cards can be found at the Registration Desk and first-time supervisors have received sign-up cards
- An update will be provided at the March Commission Meeting

10. District Issues: Chairman Langdon recognized Ms. Kelly Hedgepeth. A copy of the issues is included as an official part of the minutes. Ms. Hedgepeth introduced the two district issues.

10A. Request for Approval for a Contract on Government-owned Property:

Ms. Nancy Carter stated this request is from Mecklenburg SWCD for Cost Share Program Contract 60-2018-001 for Barger Farms, LLC to restore a section of the South Fork of the West Branch of the Rocky River. Mecklenburg County is a 3rd party on the contract. The restoration project will exclude animals from all surface water (streams and a pond) that feed into the main stream, three watering facilities, pipeline, and two stream crossings for the project. The landowners are participating with the county on the stream restoration. The property includes approximately 2,000 linear feet of stream. The total project for the tributary will cost

approximately \$1.9M and \$200,000 for this section. The county reached out to the district and identified an additional unnamed tributary and pond that requires additional fencing.

Chairman Langdon asked for a motion. Commissioner Payne motioned to approve the Request for Approval on Contract #60-2018-001 on Government-owned Property and Commissioner Kilpatrick seconded. Motion carried.

10B. Request for Exception to ACSP Component on Average Cost List:

Mr. Yancy Sparks stated this request is from Alleghany SWCD to approve to pay 75% of actual cost, as opposed to the cap allowed through the average cost list, for a push-off ramp for Mr. Steve Joines of Joines Dairy.

Ms. Hedgepeth stated the cap has not been looked at or adjusted for some time, since the practice has not been requested. The cap will be revisited this year. The Commission has Jeff Young's letter of recommendation.

Chairman Langdon asked for a motion. Commissioner Collier motioned to approve the Request for Exception to ACSP Component on the Average Cost List and Commissioner Potter seconded. Motion carried.

Public Comments:

Chairman Langdon thanked Commissioner Kilpatrick for his service and welcomed Commissioner Payne as the incoming president of the Association. Chairman Langdon also commended Director Cox and the staff, and the Commissioners, for their comradery, professionalism, and dedication.

Commissioner Hogan stated it has been a privilege and honor to be on the Commission, as he enters his 34th year of service as a district supervisor. Commissioner Hogan added it is very exciting that there is a group of people in leadership that work together and get things done. There is an opportunity for our state to move forward, and Mr. Beard should have an open discussion with the National office that there is so much North Carolina can do and to figure out how to make it happen. Commissioner Hogan appreciates having served on the Commission, as he moves into the past-president's position.

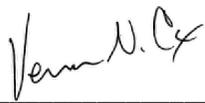
Chairman Langdon presented Commissioner Hogan a plaque from the North Carolina Soil and Water Conservation Commission in recognition of his distinguished leadership, outstanding accomplishments, and dedication of excellence in public service for the years of service January 2016 - January 2019. Chairman Langdon stated it has been his honor and privilege to serve with Commissioner Hogan and to present this plaque on behalf of the Commission.

Mr. Leroy Smith is the chairman of the Pitt County Soil and Water Conservation District and a supervisor for 15 years. Mr. Smith stated that he is upset that the Commission is requiring District Supervisors to participate in continuing education. Mr. Smith believes many supervisors will leave their job; he will not serve another term. Mr. Smith humbly asked the Commission to reflect on the continuing education issue. Chairman Langdon stated the training time has been cut down to 6 hours of training for a 4-year term; it is not an annual training. Mr. Smith appreciates all the work the Commission is doing.

Mr. Brad Moore is a district technician with the Alamance Soil and Water Conservation District and agrees great things are being done with regards to conservation and the disaster program, however, there are many problems. Mr. Moore expressed concern about being the intermediary between NRCS and the farmer, and a loss of respect. Mr. Moore expressed his hope that a new direction is taken to lead ourselves and not stay under NRCS.

Ms. Danielle Adams is a district supervisor with the Durham Soil and Water Conservation District. Ms. Adams stated she received a 10-year plaque and thanked the Commission for their work. Ms. Adams stated she was the only black woman elected in 2008 among all the supervisors, but now there are 5 black women working in the districts across the state. Ms. Adams stated that while there have been changes in this area, there is still a long way to go.

Adjournment: Meeting adjourned at 4:54 p.m.



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



Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on March 20, 2019.



STATE ETHICS COMMISSION

POST OFFICE BOX 27685

RALEIGH, NC 27611

PHONE: 919-814-3600

Via Email

January 23, 2019

The Honorable Roy A. Cooper III
Governor of North Carolina
20301 Mail Service Center
Raleigh, North Carolina 27699-0301

**Re: Evaluation of Statement of Economic Interest Filed by Mr. Samuel Green
Prospective Appointee – Soil and Water Conservation Commission**

Dear Governor Cooper:

Our office has received **Mr. Samuel Green's** 2019 Statement of Economic Interest as a prospective appointee to the **Soil and Water Conservation Commission ("Commission")**. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 163A of the North Carolina General Statutes ("N.C.G.S."), also known as the Elections and Ethics Enforcement Act (the "Act").

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 163A-193(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 163A-157.

We did not find an actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Soil and Water Conservation Commission was established to approve petitions for and assist supervisors of soil conservation districts, review applications for planning assistance, and approve, supervise and review small watershed work plans. In addition, the Commission has the authority to develop and implement programs for the approval of water quality and animal waste management systems technical specialists and water quality protection programs. The Commission is also responsible for the Agriculture Cost Share Program for Nonpoint Source Pollution Control, including the review and approval of applications of district supervisors that apply for a grant from this program, as well as the Community Conservation Assistance Program.

The Act establishes ethical standards for certain public servants, including conflict of interest standards. N.C.G.S. § 163A-211 prohibits public servants from using their positions for their financial benefit or for the benefit of a member of their extended family or a business with which they are associated. N.C.G.S. §

The Honorable Roy A. Cooper III
January 23, 2019
Page 2 of 2

163A-216 prohibits public servants from participating in certain official actions from which the public servant, his or her client(s), a member of the public servant's extended family, or a business or non-profit with which the public servant or a member of the public servant's immediate family is associated may receive a reasonably foreseeable financial benefit.

Mr. Green would fill the role of a member on the Commission who is the First Vice President of the North Carolina Association of Soil and Water Conservation Districts (the "NCASWCD"). Because Mr. Green serves on the NCASWCD and represents the Vance County Soil and Water Conservation District he has the potential for a conflict of interest. Accordingly, Mr. Green should exercise appropriate caution in the performance of his public duties should issues involving his district come before the Commission for official action.

In addition to the conflicts standards noted above, N.C.G.S. § 163A-212 prohibits public servants from accepting gifts, directly or indirectly (1) from anyone in return for being influenced in the discharge of their official responsibilities, (2) from a lobbyist or lobbyist principal, or (3) from a person or entity which is doing or seeking to do business with the public servant's agency, is regulated or controlled by the public servant's agency, or has particular financial interests that may be affected by the public servant's official actions. Exceptions to the gifts restrictions are set out in N.C.G.S. § 163A-212(e).

Pursuant to N.C.G.S. § 163A-159(c), when an actual or potential conflict of interest is cited by the Board under N.C.G.S. § 163A-189(e) with regard to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act.

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 163A-158. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: Samuel Green

Attachments: Ethics Education Flyer and Guide

Personnel

- **New Hire:**

- **Envir. Specialist (CREP –Raleigh) – Corey Klamut**
- **Engineer Tech II (Fletcher) – Bob Dennis (*Internal*)**

- **Vacancies:**

- **Engineer II (Raleigh) – Re-Advertising**
- **Engineer Tech. I (Fletcher) – Advertise**
- **Engineer Tech. I (Raleigh – Jason Lee) – Re-Advertise**
- **Envir. Specialist (CREP – Chuckie Bass) – Re-Advertise**
- **Regional Coordinator (Louise Hart) – Interviews Scheduled**



NCDA&CS Disaster Response Program Update (3/8/19)

- Payments: 1,438
- Total Amount: \$90,375,425.17



Hurricane Matthew Recovery Update: Stream Debris

- 57 Local Sponsors
- 9,282,182 Feet Planned
- 4,230,194 Feet Completed
- \$22,922,983 Contracted
- \$6,791,446 Completed



Hurricane Matthew Recovery Update: Non-Field Farm Roads

- 205 Applications Received
- 151 Contracted
- 102 Completed
- \$ Contracted: \$498,293
- \$ Expended: \$342,353



Hurricane Matthew Recovery Update: Pasture Renovation

- 259 Applications received
- 4,585 Acres Planned
- 2,655 Acres Completed
- \$ Contracted: \$993,814
- \$ Expended: \$567,008



Hurricane Matthew Recovery Update: Pond Repair

- 92 Applications Received
- 52 Assessments Completed
- 9 Contracted
- 5 Completed
- \$ Contracted: \$1,079,082
- \$ Expended: \$654,338



District Supervisor Training Update

- 3 Regional Training Events (Morganton, Raleigh, Greenville)
 - Total Supervisors attended: 101
 - First-term (elected): 43
 - First-term (appointed): 10
 - First-time attendees (not newly elected/appointed): 32
 - Previously Attended: 16

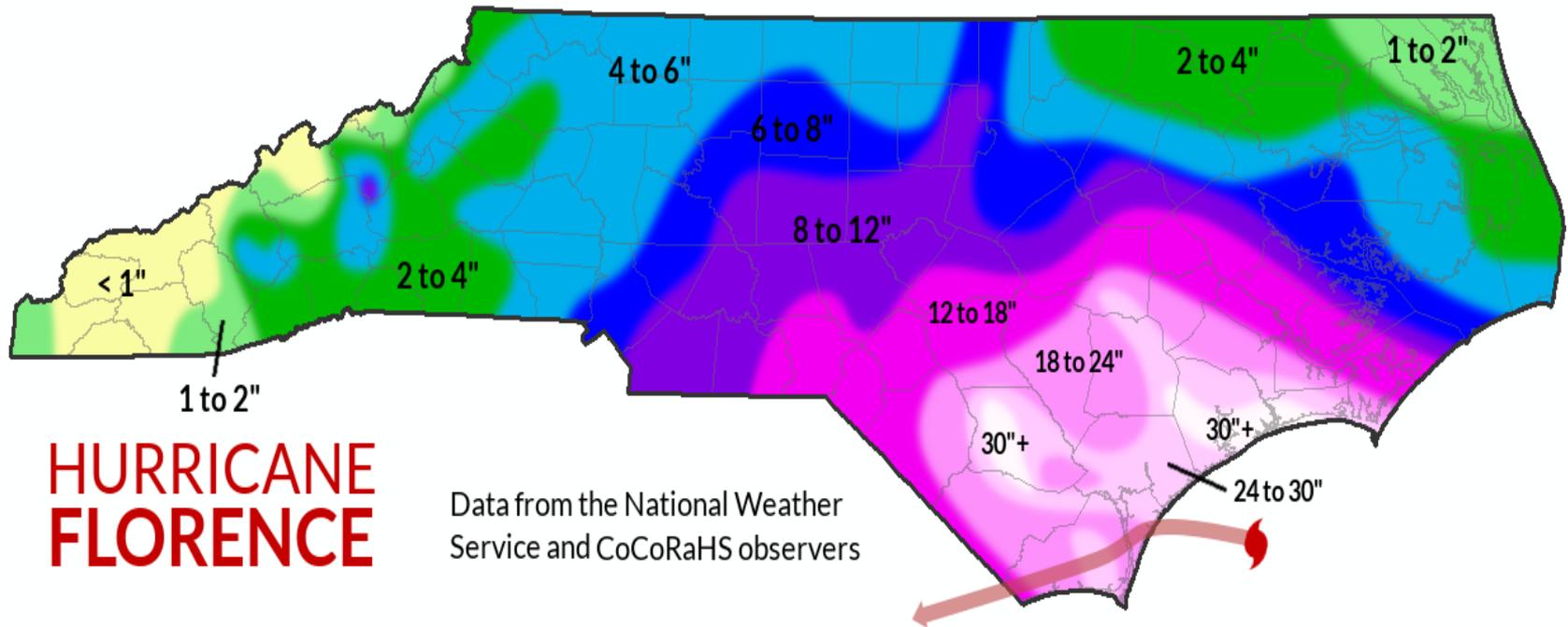


Nutrient Strategy Rule Revisions

- Public Comment period for Neuse and Tar-Pamlico NSW rules is open until April 16, 2019
- All Agriculture Rule progress reports will now be submitted to the Director of DWR, rather than publicly presented to the EMC, and a biannual basin health report will describe all regulated entities to the EMC
 - DSWC supports this change
- Baseline nitrogen loss to be adjusted annually to account for lands permanently lost to development
 - No methodology currently exists for this kind of adjustment
 - DSWC has continuing concerns about the impact of this change on our ability to meet our reduction goals
- Public Hearings (6:00 p.m.): Lenoir Community College (3/26); Clayton Town Hall (3/28)
- Comments can be submitted to nps-comments@ncdenr.gov

Total Precipitation (in.)

Sep. 13-17, 2018



NCD&CS Division of Soil and Water Conservation
Vernon Cox, Director
March 20, 2019

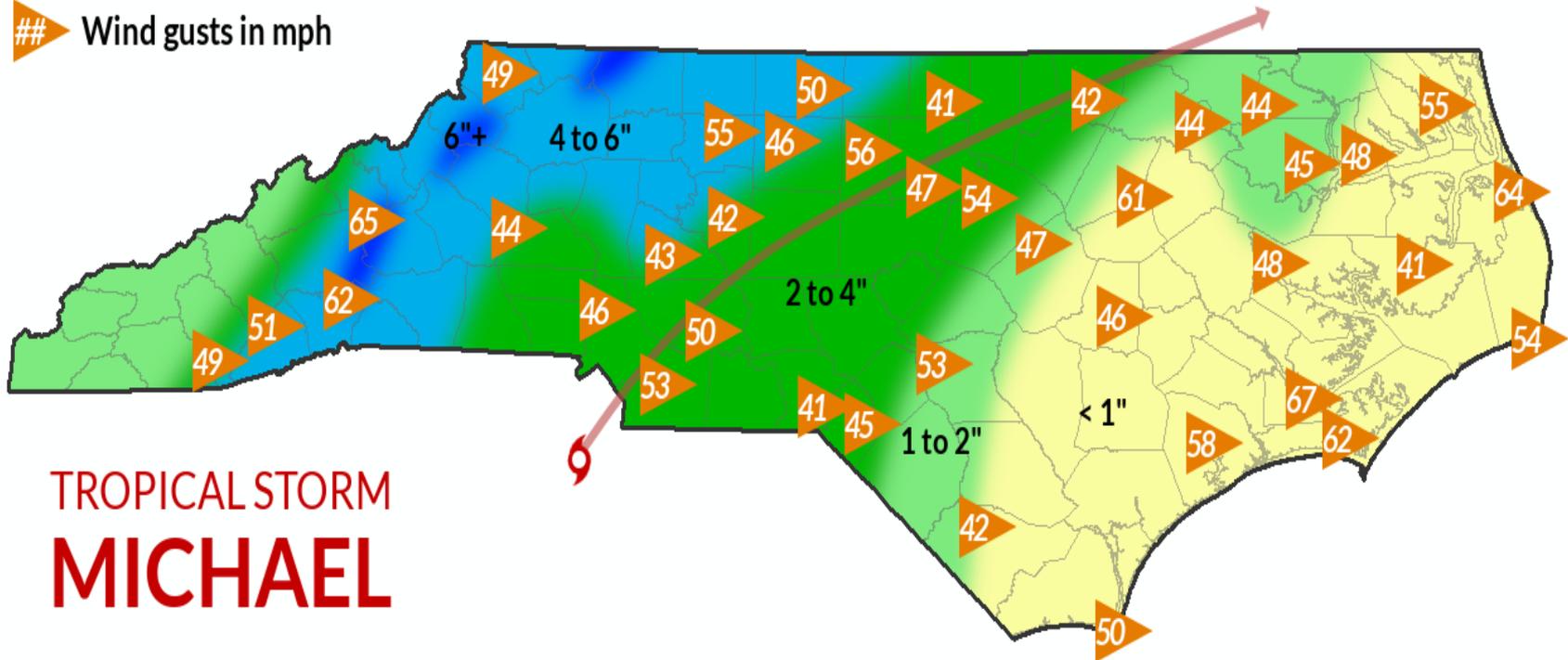


Total Precipitation

October 10-11, 2018



Wind gusts in mph



TROPICAL STORM MICHAEL

NCD&CS Division of Soil and Water Conservation
Vernon Cox, Director
March 20, 2019

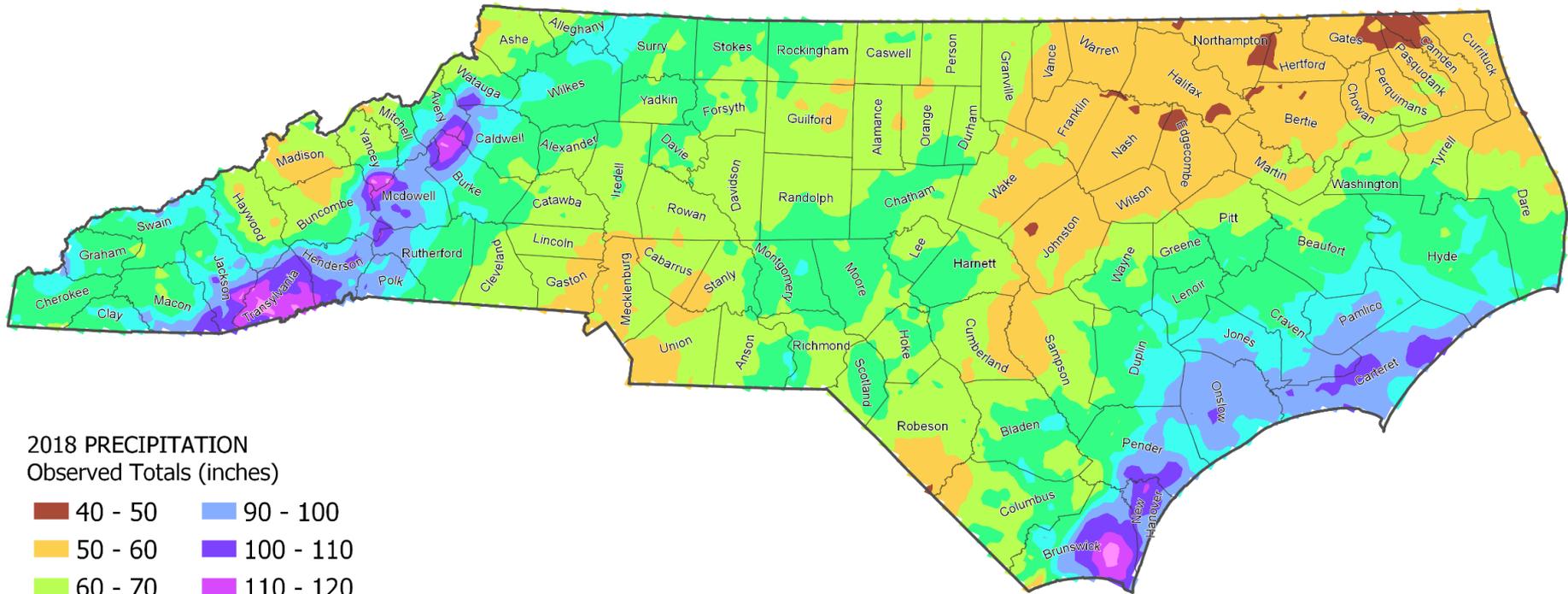




2018 Precipitation Accumulation in North Carolina

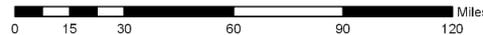
Observed Precipitation

January 2019



2018 PRECIPITATION
Observed Totals (inches)

- | | |
|--|---|
|  40 - 50 |  90 - 100 |
|  50 - 60 |  100 - 110 |
|  60 - 70 |  110 - 120 |
|  70 - 80 |  120 - 130 |
|  80 - 90 |  130 - 140 |

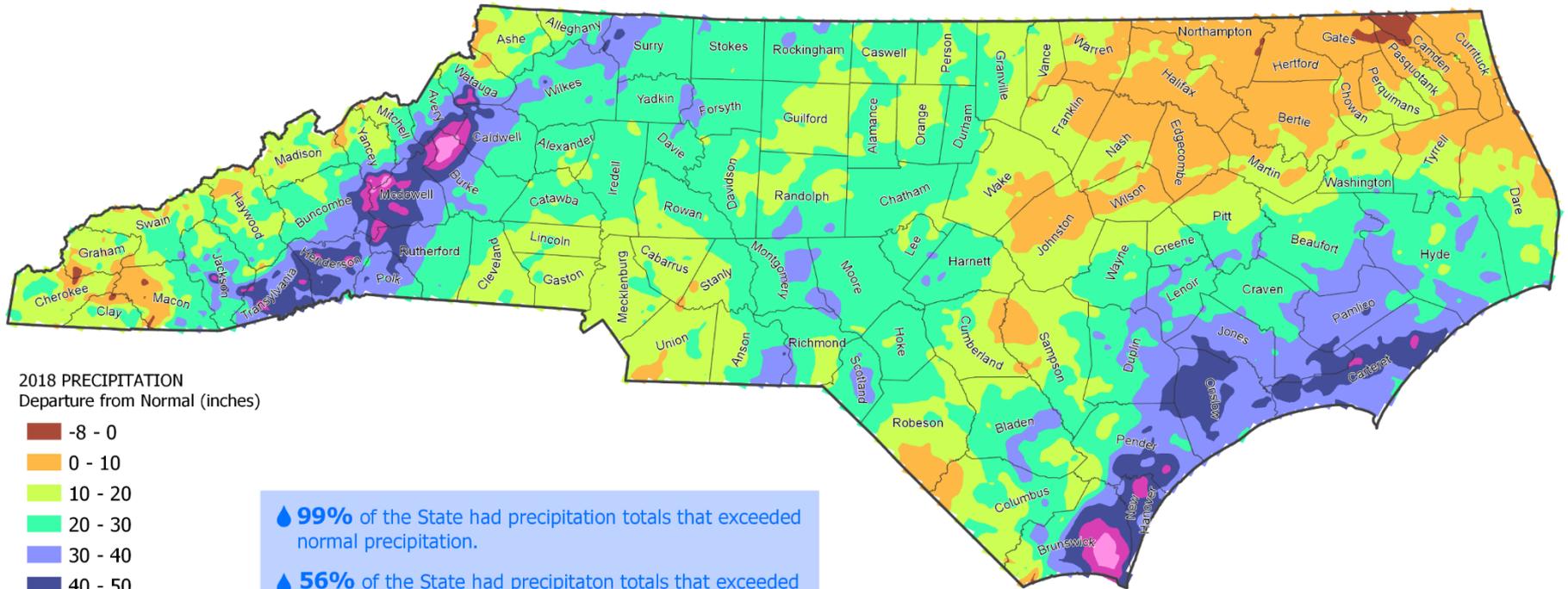




2018 Precipitation Accumulation in North Carolina

Departure from Normal Precipitation

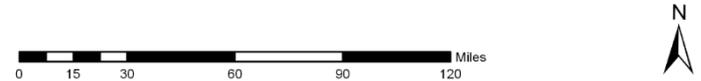
January 2019



2018 PRECIPITATION
Departure from Normal (inches)

- 8 - 0
- 0 - 10
- 10 - 20
- 20 - 30
- 30 - 40
- 40 - 50
- 50 - 60
- 60 - 70

💧 **99%** of the State had precipitation totals that exceeded normal precipitation.
💧 **56%** of the State had precipitation totals that exceeded normal precipitation by **20 inches** or more.

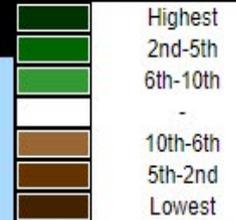


Annual Precipitation Rankings for 2018

(from the Climate Perspectives tool: <http://www.sercc.com/perspectives>)



Legend Rank



* Indicates tied ranking

Climate Perspectives

Powered by



NCDA&CS Division of Soil and Water Conservation
 Vernon Cox, Director
 March 20, 2019



May SWCC Meeting

- Location: TBD
- Work Session: May 14th
- Meeting: May 15th



Southeast Regional Climate Center

Regional Climate Perspectives product generated on 2019-01-11 at 10:03AM

Total Precipitation for Monday, January 1st, 2018 to Monday, December 31st, 2018 (365 day)

Station Name	City	County	Year Count	Total Precip. (in)	Dep. From Normal (in)	Total Precip. Rank
Mt Mitchell	Mount Mitchell	Yancey	39	140.19	66.03	1st
Wilmington 7 N	Wilmington	New Hanover	65	113.26	55.68	1st
Brevard	Brevard	Transylvania	71	111.54	45.71	1st
Marion 2 Nw	Marion	McDowell	93	104.61	52.36	1st
Wilmington Intl Ap	Wilmington	New Hanover	85	102.4	44.79	1st
Transou	Laurel Springs	Alleghaney	71	90.16	35.4	1st
Boone 1 Se	Boone	Watauga	37	89.71	37.22	1st
Bayboro 3 Sw	Bayboro	Pamlico	38	81.96	27.07	1st
Jefferson 2 E	Jefferson	Ashe	83	79.54	79.54	1st
Asheville Ap	Fletcher	Henderson	65	79.49	33.91	1st
New Bern - Asos	New Bern	Craven	63	79.18	26.43	1st
W Kerr Scott Rsvr	Wilkesboro	Wilkes	53	77.84	27.31	1st
Morganton	Morganton	Burke	118	76.46	28.12	1st
Statesville 2 Nne	Statesville	Iredell	105	76.04	32.11	1st
Asheboro 2 W	Asheboro	Randolph	90	74.67	29.79	1st
North Wilkesboro	North Wilkesboro	Wilkes	63	74.3	24.99	1st
Reidsville 2 Nw	Reidsville	Rockingham	55	69.33	22.96	1st
Danbury	Danbury	Stokes	50	68.89	22.08	1st
Concord	Concord	Cabarrus	83	68.48	22.67	1st
Roxboro 7 Ese	Roxboro	Person	61	67.43	22.32	1st
Salisbury 9 Wnw	Salisbury	Rowan	61	65.39	22.83	1st
Rowan Rsch Stn	Cleveland	Rowan	63	65.26	22.7	1st
Yadkinville 6 E	Yadkinville	Yadkin	61	65.03	20.42	1st
Greensboro Ap	Greensboro	Guilford	116	64.11	21.91	1st
Elizabeth City C.G. Air Stn	Elizabeth City	Pasquotank	53	63.95	17.37	1st
Jackson	Jackson	Northampton	65	62.73	16	1st
Raleigh Ap	Morrisville	Wake	74	60.29	16.95	1st
Cape Hatteras Ap	Buxton	Dare	61	90.07	32.03	2nd
Mt Airy 2 W	Mount Airy	Surry	117	69.33	22.54	2nd
Lincolnton 4 W	Lincolnton	Lincoln	61	68.73	21.76	2nd
Clayton Wtp	Clayton	Johnston	49	67.62	21.2	2nd
Whiteville 7 Nw	Whiteville	Columbus	64	66.66	18.85	2nd
Banner Elk	Banner Elk	Avery	97	69.1	19.76	3rd
Cullowhee	Cullowhee	Jackson	108	68.86	17.69	3rd
Plymouth 5 E	Plymouth	Washington	73	68.78	16.88	3rd
Edenton	Edenton	Chowan	114	65.25	17.14	3rd
Raleigh State Univ	Raleigh	Wake	122	62.58	16.68	3rd
Charlotte Douglas Ap	Charlotte	Mecklenburg	77	59.13	17.5	3rd
Enka	Enka	Buncombe	45	55.36	16.19	3rd
Tryon	Tryon	Polk	97	88.44	27.31	4th
Henderson 2 Nnw	Henderson	Vance	110	59.83	15.36	4th
Gastonia	Gastonia	Gaston	81	57.93	15.21	4th
Marshall	Marshall	Madison	107	52.25	12.63	4th
Murphy	Murphy	Cherokee	47	71.61	14.31	5th
Greenville	Greenville	Pitt	85	66.4	17.45	5th
Williamston 1 E	Williamston	Martin	62	63.66	14.04	5th
Shelby 2 Nne	Shelby	Cleveland	79	63.61	15.72	5th

ATTACHMENT 4

Waynesville 1 E	Waynesville	Haywood	106	60.02	12.3	6th
Hickory Faa Ap	Hickory	Catawba	66	61.12	14.86	7th
Lumberton Area	Lumberton	Robeson	105	58.18	14.66	7th
Louisburg	Louisburg	Franklin	110	56.42	10.79	T-7th
Franklin	Franklin	Macon	70	63.09	9.09	9th
Roanoke Rapids	Roanoke Rapids	Halifax	45	52.54	6.83	11th
Fayetteville Pwc	Fayetteville	Cumberland	112	56.09	10.87	14th
Longwood	Longwood	Brunswick	45	56.69	2.81	15th
Murfreesboro	Murfreesboro	Hertford	37	50.35	2.45	16th



Association Report to the Commission

March 20, 2019

2020 Annual Meeting

We will soon be planning for the 2020 Annual meeting which will be held at the University Hilton in Charlotte, NC. As with the past meeting, topics will center around training for Supervisors to assist with meeting credit hours training requirement.

2019 Regional Basic Training for Soil and Water Conservation Districts

This year, the Association hosted the first regional training for Supervisors delivered by Richard Whisnant of the UNC School of Government. Participation far exceeded previous years and feedback was positive. Division Director Cox will provide greater detail about the accomplishments of the trainings.

Training Workgroup

The training workgroup collectively developed a list of the most common best management practices per Association area. Through an agreement between NC USDA/NRCS, Pilot View RC&D is delivering training for Certified Conservation Planner and Job Approval Authority (JAA). The JAA training to be delivered will be done per area and based on the common practices identified by the Training Workgroup.

Strategic Planning/Long Range Visioning

Our Strategic Planning retreats have been plagued by weather events. We have not lost focus and are using the delay to strengthen the exposure of the benefits of this process. To further the progress, development of the strategic directions was done at the Area Spring meetings.

Conservation Education License Plate

The Association is still collecting applications for a new specialty license plate for North Carolina. We did not make our goal of 500 by this month, but will continue this effort. Additional information on the plate can be found at:

www.ncaswcd.org/index.php/conservation-education/specialty-conservation-license-plate/



2019 North American Envirothon

Fund raising efforts are continuing. We have received close to \$135k, primarily through the contributions of Districts in NC. Other outside entities have expressed an interest in assisting and we are working with those now. The dates are July 28 – August 2 and will be on the campus of NC State University. Volunteers are being recruited at this time. We encourage District Supervisors to assist if possible and to allow their employees to volunteer.

2019 Ag Day

March 20, today, is Ag Day at the General Assembly. Bryan Evans will be there and not attending the Commission meeting. We have encouraged Supervisors to meet with their legislators and carry our request of 2 million additional dollars for Ag Cost Share and 1.5 million additional dollars for CCAP. There will be a rally on the Halifax Mall starting at 11:30.

Other Legislative Actions

Per our Policies, Positions and Action Items, Bryan and Vernon have met with the NCDOT engineer to discuss issues associated with roadside drainage and District signage at county boundaries. These 2 topics appear to not need official legislation.

The requested positions for the Division and for drainage assistance in pilot eastern counties is going to need some pre-work before presenting to legislators.

NC Forever is still working with our Association and will likely assist with the CCAP funding request.

NC Foundation for Soil and Water Conservation

Our Association has been encouraging Districts to support the Foundation through contributions at the Area Spring meetings. The Foundation has brought over 15 million dollars into Conservation Districts and leveraged an additional 16 million.

New Building at State Fairgrounds

The Commissioner has announced plans to build a new building on the State Fairgrounds that will house Soil and Water Conservation and the NC Forestry Service (NCFS). Plans are for it to be complete by the 2019 opening. The Association will be working with the NCFS to insure the areas complement one another.

Natural Resources Conservation Service

North Carolina - The Update



Farm Bill Update

Farm Bill Quick Highlights, State Conservationist, Timothy Beard

The 2018 Farm Bill, like the others before it, demonstrates strong congressional support for private lands conservation. It will help NRCS continue its work to streamline, target and simplify our programs, and will help us fulfill the Secretary's additional goal of improving overall customer service. There were no new NRCS programs added under the new bill, and none were eliminated, so we will continue to offer the types of assistance producers have come to expect, and even improve upon them. The benefits of conservation are clear to us, because we've seen it on our farms and on our ranches. But we need to let other producers know about how conservation can help their operation. And, this Farm Bill supports ways for us to do that, through on farm demonstration trials, and collaboration with community colleges, commercial enterprises, and other partnerships. It supports NRCS conservation programs and innovative technologies as well as ways for producers to assess their economic impacts before incorporating them within their own operations.

Below are a few key bulleted details on the new Farm Bill:

- The Conservation Title increases funding for EQIP, ACEP, and direct funding for RCPP.
- Robust support for CSP remains, despite a reduction of funding levels over a budgetary baseline, essentially replacing an acreage cap in favor of yearly funding authorizations.
 - ACEP Agricultural Land Easements will provide entities who will hold easements more flexibility and control over land stewardship requirements and other management actions.



- Regional Conservation Partnership Program contains improvements to make it more efficient and effective. Impediments are removed, enabling NRCS and partners to better manage funding throughout the duration of projects.
- **Wildlife** resource concerns are supported through the Working Lands for Wildlife effort, through ACEP-WRE, and through increased funding levels through EQIP.
- **Organic and transitioning to organic producers** no longer have an annual payment limitation under EQIP and are able to receive \$140,000 over the course of the Farm Bill compared to \$80,000 on a rolling 6-year period under the 2014 Farm Bill. Additionally, CSP provides a special allocation to States based upon the extent of organic production occurring within the State.
- **Urban growers'** concerns will receive increased consideration under the Conservation Innovations Grants and the availability of additional funding for soil tests and related activities.
- **Soil health and water quality and quantity** are priorities of the agricultural community, and the Conservation title of the Farm Bill underscore congressional support for these areas of focus.
- **For soil health:**
 - ◇ EQIP expands opportunities for Conservation Activity Plans to include soil health planning, planning for resource conserving crop rotations, and precision conservation management planning. Soil testing was also added as an eligible practice under EQIP.

North Carolina
Natural
Resources
Conservation
Service



USDA is an equal opportunity provider, employer, and lender.

- ◇ CSP expands conservation activities to include soil health planning, and highlights building soil organic matter through the adoption of resource conserving crop rotations.
- **For water quantity:**
 - ◇ EQIP modifications improve water conservation and irrigation efficiency by allowing payments for scheduling, distribution efficiency, and soil moisture monitoring; irrigation related structural or other measures that conserve surface or ground water; and making assistance available for producers who want to transition to water conserving crops and crop rotations.
- **For water quality:**
 - ◇ NRCS will continue to address water quality concerns through EQIP, CSP and RCPP.
 - ◇ This Conservation Title also requires collaboration with community water systems and state technical committees.
 - ◇ A minimum level of 10 percent of conservation program funding, other than CRP, is to be used for source water protection.
- **New and Anticipated Concerns:**
 - ◇ The Conservation Title also expands NRCS’s ability to assist APHIS with resource concerns creating by the growing feral swine population in several regions of the country.

Thank you for being part of this partnership with NRCS, and I look forward to serving you.

State News

Assistance Offered to Landowners Affected by Hurricanes

North Carolina farmers with privately owned lands in the 70 Federal Emergency Management Agency (FEMA) declared disaster counties had until February 1, 2019, to sign-up for financial assistance to address resource concerns that were caused by 2018 hurricanes. Financial assistance opportunities were made available to eligible applicants through the

Environmental Quality Incentives Program (EQIP). Interested applicants had to document damages to cropland, pastureland or forestland, or confined animal operations caused by flooding or wind. NRCS received a total of 51 applications under this special EQIP sign-up. For more information on EQIP or assistance offered through EQIP to landowners affected by the 2018 hurricanes, please contact Greg Walker at Greg.Walker@nc.usda.gov.

Environmental Quality Incentives Program— Timeline

Every year, NRCS establishes a detailed timeline for program management to complete obligations for fiscal year 2019 in a timely and accountable manner. Below are the key benchmark dates for EQIP Fiscal Year 2019.

- Applications Reception Deadline: November 2, 2018
- Ranking of Eligible Applications: March 8, 2019
- Obligations Deadline: May 17, 2019

Emergency Watershed Protection Program (EWP)

Emergency Watershed Protection Program (EWP) was offered in North Carolina until January 18, 2019, to help communities protect eligible infrastructure such as roads, bridges, houses, and businesses from erosion and watershed hazards caused by Hurricane Florence and associated flooding. The State Conservationist received 51 request for assistance through EWP.

Number of EWP Identified Sites By County

Bladen—4, Brunswick—60, Carteret—7, Columbus—50, Craven—62, Cumberland—40, Davidson—2, Duplin—4, Durham—6, Forsyth—5, Hoke—20, Johnston—1, Jones—3, Lee—1, Lenoir—1, Montgomery—1, Moore—6, New Hanover—20, Onslow—10, Pamlico—7, Pender—10, Richmond—3, Robeson—1, Scotland—17, Wayne - 2, Yancey—1

Contacts:

State Conservationist—Timothy A. Beard
(Tel) 919.873.2100
State Public Affairs—Stuart Lee
(Tel) 919.873.2107
(Email) Stuart.Lee@nc.usda.gov





DIVISION OF SOIL AND WATER CONSERVATION
 North Carolina Department of Agriculture & Consumer Services
 1614 Mail Service Center • Raleigh, NC 27699-1614
 919.707.3770 • www.ncagr.gov/swc/

INTERNAL USE ONLY:
 Appointed / Elected Seat
 Current Term: 16-20

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Gaston Soil and Water Conservation District of Gaston County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing December 2016 and ending December 7, 2020 to fill the expired or un-expired term of Robin Armstrong.

Name of nominee: Johnny H Denton
 Address of nominee, City, State, Zip: 2610 Cherokee Ct, Gastonia, NC 28056
 Email address of nominee: johnnydiamondl@hotmail.com
 Home phone: 704-913-0899
 Mobile phone: _____
 Business phone: _____
 Occupation: Civil Engineer
 Age: 52
 Education: _____
 Positions of leadership NOW held by nominee: _____
 Former occupations or positions of leadership contributing to nominee's qualifications: _____
 Other pertinent information: _____

Dates of previous attendance at UNC School of Government training, if applicable: _____
 Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"
 Has the nominee been contacted to determine their willingness to serve? Check for "Yes"
 Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"
 Is the nominee willing to attend and participate in local district meetings? Check for "Yes"
 Is the nominee willing to attend and participate in Area meetings? Check for "Yes"
 Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X
 SWCD Chair (or Vice Chair if Chair is being nominated)
 Printed name: Esther Scott

26 Feb 2019
 Date

I hereby certify that the above information is true and accurate.

X
 Individual recommended for appointment
 Printed name: Johnny H Denton

2/7/19
 Date

January 2, 2019

To whom it may concern,

Regretfully, I am resigning my position as Board Supervisor due to my lack of time to carry out my duties. I work for a small, family run nursery, and we are, like many others, struggling to find suitable employees. From June to December we went from 7 full-time & 2 part-time employees to 3 full-time and 2 part-time. This has increased my work responsibility and my inability to take time off from my job.

I have enjoyed my time as Board Supervisor and learned a lot more about the programs that are offered. Thank you for your time and understanding.

Sincerely,

A handwritten signature in cursive script that reads "Robin Armstrong". The signature is written in black ink and is positioned above the printed name.

Robin Armstrong



DIVISION OF SOIL AND WATER CONSERVATION
 North Carolina Department of Agriculture & Consumer Services
 1614 Mail Service Center • Raleigh, NC 27699-1614
 919.707.3770 • www.ncagr.gov/swc/

INTERNAL USE ONLY:
 Appointed/Elected Seat
 Current Term: 18-22
 8.

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Gaston Soil and Water Conservation District of Gaston County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing 3/20/19 and ending 12/2022 to fill the expired or un-expired term of Kevin Mauney. 8. 8.

Name of nominee: Danon J. Lawson
 Address of nominee, City, State, Zip: 4315 Timberwood Dr, Gastonia 28056
 Email address of nominee: lawsondanon@hotmail.com
 Home phone: _____
 Mobile phone: 704-860-9643
 Business phone: _____
 Occupation: City of Gastonia Stormwater Utility Admin
 Age: 43
 Education: Masters of environmental Assessment - NCSU 2012
 Positions of leadership NOW held by nominee: City Administrator
 Former occupations or positions of leadership contributing to nominee's qualifications: Gaston Natural Resources Programs Administrator / USDA - NRCS Resource Conservationist
 Other pertinent information: Administrative NC Ag Cost share Program, Administered NRCS Partnership Programs, Erosion Control Inspector (2003-2006)
 Dates of previous attendance at UNC School of Government training, if applicable: NONE
 Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"
 Has the nominee been contacted to determine their willingness to serve? Check for "Yes"
 Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"
 Is the nominee willing to attend and participate in local district meetings? Check for "Yes"
 Is the nominee willing to attend and participate in Area meetings? Check for "Yes"
 Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X [Signature]
 SWCD Chair (or Vice Chair if Chair is being nominated)
 Printed name: Esther Scott

26 Feb 2019
 Date

I hereby certify that the above information is true and accurate.

X [Signature]
 Individual recommended for appointment
 Printed name: Danon Lawson

02/25/2019
 Date

January 15, 2019

To District Board of Gaston County Supervisors,

I, Kevin G. Mauney resign my position, after our meeting as of today, January 15, 2019. I am not going to attend the training that is being required to be a Supervisor. I have not missed a meeting since I have been on board, but I am not running all over the State for one or two hours of training. I have enjoyed serving and working with the Staff in Gaston County. I have learned a lot and got to know some really good, hard working people. I wish them all the best of luck in the years to come. Thank you for the opportunity to serve the past couple of years.

A handwritten signature in black ink that reads "K. G. Mauney". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.



DIVISION OF SOIL AND WATER CONSERVATION
North Carolina Department of Agriculture & Consumer Services
1614 Mall Service Center • Raleigh, NC 27699-1614
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INTERNAL USE ONLY:
Appointed, Elected Seat
Current Term: 16-20

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Madison County Soil and Water Conservation District of Madison County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing 12/3/2018 and ending 12/7/2018 to fill the expired or un-expired term of Jeremy Fox. 3/2019 J. 12/2020 J.

Name of nominee: Donna Jones
Address of nominee, City, State, Zip: 1323 Hwy 212, Marshall, NC 28753
Email address of nominee: n.a
Home phone: 828 6 56800
Mobile phone: 82 820 611 3
Business phone: _____
Occupation: Farm e
Age: 68
Education: _____
Positions of leadership NOW held by nominee: District Supervisor
Former occupations or positions of leadership contributing to nominee's qualifications: District Supervisor

Other pertinent information: Donna has been a Supervisor for our District for sometime and her insight for agricultural practices and needs for conservation practices on the landscape are invaluable to the Board.

Dates of previous attendance at UNC School of Government training, if applicable: _____

Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"

Has the nominee been contacted to determine their willingness to serve? Check for "Yes"

Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"

Is the nominee willing to attend and participate in local district meetings? Check for "Yes"

Is the nominee willing to attend and participate in Area meetings? Check for "Yes"

Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X Clyde Haggard
SWCD Chair (or Vice Chair if Chair is being nominated)
Printed name: Clyde Haggard

12-18-18
Date

I hereby certify that the above information is true and accurate.

X Donna R. Jones
Individual recommended for appointment
Printed name: Donna R. Jones

12-18-18
Date

To the Soil and Water Board of Commissioners,

I offer this letter as resignation of my appointment as a Supervisor for the Madison County Soil and Water Conservation District. At the November 2018 Board meeting, the Madison County SWCD Board of Supervisors accepted my resignation and voted to replace my seat with Donna Jones.



Jeremy Fox

1-22-19

Date



Clyde Hagan, Chairman Madison County SWCD

1-22-19

Date



DIVISION OF SOIL AND WATER CONSERVATION
North Carolina Department of Agriculture & Consumer Services
1614 Mail Service Center • Raleigh, NC 27699-1614
919.707.3770 • www.ncagr.gov/swc/

INTERNAL USE ONLY:
Appointed / Elected Seat
Current Term: 16-20

CS

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page: keep original for your file

The supervisors of the Rutherford Soil and Water Conservation District of Rutherford County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing 11/18 and ending 12/20 to fill the expired or un-expired term of Bill Exler. 3/20/19 EA

Name of nominee: Harry A. McDermott
Address of nominee, City, State, Zip: 150 Rabbit Maffitt Rd. Rutherfordton, NC. 28139
Email address of nominee: 1mcdermott@aol.com
Home phone: 828-980-1071
Mobile phone: 413-530-7544
Business phone: _____
Occupation: Farmer
Age: 70
Education: BS
Positions of leadership NOW held by nominee: None
Former occupations or positions of leadership contributing to nominee's qualifications: _____

Other pertinent information: Pick your own blueberry farm, have dairy goats.

Dates of previous attendance at UNC School of Government training, if applicable: None

Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"

Has the nominee been contacted to determine their willingness to serve? Check for "Yes"

Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"

Is the nominee willing to attend and participate in local district meetings? Check for "Yes"

Is the nominee willing to attend and participate in Area meetings? Check for "Yes"

Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X Shannon Buckley
SWCD Chair (or Vice Chair if Chair is being nominated)
Printed name: Shannon Buckley

11-06-18
Date

I hereby certify that the above information is true and accurate.

X Harry A. McDermott
Individual recommended for appointment
Printed name: Harry A. McDermott

11-1-18
Date

7/26/2018

Shannon

Over the last several weeks I have had some serious structural issues, especially with my feet. My mobility has been greatly reduced, but is returning very slowly with time and therapy. Full recovery time is undetermined at this point.

Because of these issues, I feel I should resign from the Soil and Water Board. I apologize for any inconvenience that this may cause, but feel that restoring my health must take precedence.

Sincerely,

Bill Eckler



DIVISION OF SOIL AND WATER CONSERVATION
 North Carolina Department of Agriculture & Consumer Services
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INTERNAL USE ONLY:
 Appointed Elected Seat
 Current Term: 18-22
 P.

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

Complete and submit online on your district's SharePoint page; keep original for your file

The supervisors of the Watauga Soil and Water Conservation District of Watauga County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing 12/31/18 and ending 12/31/22 to fill the expired or un-expired term of Rob Hunt MARCH 2019

Name of nominee: Jimmy South
 Address of nominee, City, State, Zip: 595 Ches Grove Road Watauga NC 28692
 Email address of nominee: _____
 Home phone: 828-292-5254
 Mobile phone: 828-964-6609
 Business phone: _____
 Occupation: retired NC DOT and a Cattle Farmer
 Age: 59
 Education: _____
 Positions of leadership NOW held by nominee: _____
 Former occupations or positions of leadership contributing to nominee's qualifications: DOT SUPERVISOR

Other pertinent information: _____

Dates of previous attendance at UNC School of Government training, if applicable: _____

Is nominee willing to attend a training session at the UNC School of Government within the first year after appointment? Check for "Yes"

Has the nominee been contacted to determine their willingness to serve? Check for "Yes"

Has the program and purpose of the soil and water conservation district been explained to the nominee? Check for "Yes"

Is the nominee willing to attend and participate in local district meetings? Check for "Yes"

Is the nominee willing to attend and participate in Area meetings? Check for "Yes"

Is the nominee willing to attend and participate in State meetings? Check for "Yes"

Signatures

I hereby certify that the board of supervisors considered the Guiding Principles for Supervisor Nomination for Appointment shown on the reverse of this nomination form when selecting the above supervisor candidate for nomination. I also certify that this recommendation has been considered and approved by a majority of the members of the board of supervisors and entered in the official minutes of the board.

X Denny Hou 1-23-19
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: _____

I hereby certify that the above information is true and accurate.
 X Jimmy R. South 2-5-2019
 Individual recommended for appointment Date
 Printed name: Jimmy R. South

January 18, 2019

This letter is to inform the Soil & Water Board and the Division of SWCD that I will be stepping down from my position as Soil & Water Supervisor for Watauga County. I have purchased some property in Florida and will be living down there during the winter months. Being away during that time and my Christmas Tree Business would make me miss too many meetings to be an effective Soil Supervisor. It has been a privilege to serve as Supervisor for the last four years and I wish you only the best.

Sincerely,

A handwritten signature in black ink that reads "Rob Hunt". The signature is written in a cursive style with a long, sweeping underline.

Rob Hunt

Wilkes Soil & Water Conservation District

416 Executive Drive, Suite A • Wilkesboro, NC 28697 • (336) 838-3622 Ext. 3

WILKES COUNTY



— **SOIL & WATER** —
CONSERVATION DISTRICT

BOARD OF SUPERVISORS

GWEN T. MINTON
CHAIR

DR. BILL H. DAVIS, JR.
VICE CHAIR

CLAUDE SHEW, JR.
SEC. - TREASURER

BRIAN PARKER
MEMBER

STAFF

ROBERT C. BALDWIN
DIRECTOR

BRYAN COLVARD
NATURAL RESOURCE CONSERVATIONIST

BARRY GREER
NATURAL RESOURCE CONSERVATIONIST

JULIA HARDY
CONSERVATION EDUCATION SPECIALIST

March 11, 2019

To Whom It May Concern,

We the Board of Supervisors of the Wilkes County Soil and Water Conservation District respectfully request that The North Carolina Soil and Water Commission install Ms. Gwen T. Minton into the appointed seat on The Wilkes County Soil and Water Conservation Board which was formerly held and vacated by Mr. Zack Myers. This appointment will take effect March 20, 2019. This position will be up for reappointment in December of 2020.

Sincerely;

Dr. Bill H. Davis Jr.
Vice- Chair

Wilkes Soil & Water Conservation District

416 Executive Drive, Suite A • Wilkesboro, NC 28697 • (336) 838-3622 Ext. 3

WILKES COUNTY



— SOIL & WATER —
CONSERVATION DISTRICT

BOARD OF SUPERVISORS

GWEN T. MINTON
CHAIR

DR. BILL H. DAVIS, JR.
VICE CHAIR

CLAUDE SHEW, JR.
SEC. - TREASURER

BRIAN PARKER
MEMBER

STAFF

ROBERT C. BALDWIN
DIRECTOR

BRYAN COLVARD
NATURAL RESOURCE CONSERVATIONIST

BARRY GREER
NATURAL RESOURCE CONSERVATIONIST

JULIA HARDY
CONSERVATION EDUCATION SPECIALIST

March 11, 2019

To Whom It May Concern,

We the Board of Supervisors of the Wilkes County Soil and Water Conservation District respectfully request that The North Carolina Soil and Water Commission allow Mr. Matt Miller to fulfill the balance of the unexpired term in the elected seat on our board, which was formerly held and vacated by Ms. Gwen T. Minton. This position is up for re-election in 2020. This change will take effect March 20, 2019, upon the approval of The North Carolina Soil and Water Commission.

Sincerely;

Dr. Bill H. Davis Jr.
Vice- Chair

Wilkes Soil & Water Conservation District

416 Executive Drive, Suite A • Wilkesboro, NC 28697 • (336) 838-3622 Ext. 3

WILKES COUNTY



**— SOIL & WATER —
CONSERVATION DISTRICT**

BOARD OF SUPERVISORS

**GWEN T. MINTON
CHAIR**

**DR. BILL H. DAVIS, JR.
VICE CHAIR**

**CLAUDE SHEW, JR.
SEC. - TREASURER**

**BRIAN PARKER
MEMBER**

STAFF

**ROBERT BALDWIN
DIRECTOR**

**BRYAN COLVARD
NATURAL RESOURCE CONSERVATIONIST**

**BARRY GREER
NATURAL RESOURCE CONSERVATIONIST**

**JULIA HARDY
CONSERVATION EDUCATION SPECIALIST**

March 11, 2019

To Whom It May Concern,

I Gwen T. Minton respectfully tender my resignation from my current elected position on the Wilkes County Board of Soil and Water Supervisors. I do this in order to assume the vacated appointed seat on the Wilkes County Board of Soil and Water Supervisors, formerly held by Zack Myers. This change should be made effective March 20, 2019 upon the approval of the members of The North Carolina Soil and Water Commission.

Thank You,

Gwen T. Minton

Zachary H. Myers
711 Hanover Manor, Apt F-204 Carlisle, PA 17013

December 28, 2018

Gwyn Minton and Board Supervisors
Wilkes County Soil and Water Conservation
416 Executive Dr.
Wilkesboro, NC 28697

Dear Gwyn and Wilkes County Board of Supervisors,

I would like to inform you that I am resigning from the Wilkes County Soil and Water Conservation Board of Supervisors, effective immediately. Two and half weeks ago, I started a new chapter of my life in Pennsylvania and no longer meet the requirements to be on the Wilkes Soil and Water Board. I was offered and accepted the position of Risk Education Manager at the Center for Dairy Excellence in Harrisburg, PA. The Center is an organization that works closely with the Pennsylvania Department of Agriculture and with the state and regional dairy industry. I will be working closely with dairy farmers and other dairy support professionals doing education programs and consulting work for the PA dairy industry. Sybil and the kids will remain in NC until after the school year and will then be relocating to PA this summer. The address listed above is where I will be for the next 6 months. I will share my permanent address when I have one. I don't have any plans to change my cell number. So, you can still reach me at 336-468-0726.

It has been a pleasure and honor over the last 10 or so years, to be on the Board with each of you. It has also been a pleasure working with each of the staff members. I believe that you have an extremely talented staff. With your staff and board, Wilkes County Soil and Water is one of the premier districts in the state. I have enjoyed your friendship and camaraderie and hope that we can stay in touch through the future. Keep up the great work! Wilkes County is where I will always call home.

Warmest Regards,



Zach Myers

<http://centerfordairyexcellence.org/>

Supervisor Reappointments

At the January 2019 Commission meeting it was recommended to conditionally reappoint these Individuals based on their attendance at the 2019 Basic Training Course for Soil and Water Conservation District Supervisors at the UNC School of Government. The Division was asked to confirm their participation at the School of Government.

The following attended the School of Government and will be considered fully appointed:

SWCD Name	First Name	Last Name
Buncombe	Louise	Scruggs
Haywood	William	Morrow
Hoke	Matthew	Lindsay
Jackson	Boyce	Deitz
Clay	Salvador	Moreno

Mr. Kevin Mauney of Gaston has resigned.

**NC Cost Share Programs Supervisor Contracts
Soil and Water Conservation Commission**

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Beaufort	07-2019-009	Stephen Lilley	filter strip	\$2,407	Supervisor in Martin SWCD
Cabarrus	13-2019-502	Jeff Goforth	cistern repair contract	\$750	
Chatham	19-2019-205	Jesse Mann	Disaster - non-field farm road	\$7,494	
Duplin	31-2018-818	Louis Howard	AgWRAP well	\$5,000	
Duplin	31-2019-004	Ann H. Herring	field border/grassed waterway	\$4,529	
Henderson	45-2019-002	David Mc Connell, McConnell Farms Inc.	heavy use area	\$4,737	
Orange	68-2019-005	R. Clay Parker	ag road repair/stabilization	\$11,380	
Pamlico	69-2019-111	Elbert Lee	Disaster - pasture renovation and winter forage crop incentive	\$26,400	
Transylvania	88-2019-005	Dick Bragg	ag road repair/stabilization	\$1,528	

Total Number of Supervisor Contracts: **9**

Total **\$64,225**

NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the _____Martin_____Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: Filter Strip

Contract number: 07-2019-009

Contract amount: \$2,407

Score on priority ranking sheet: 25

Cost Share Rate : 90% If different than 75%, please list % percent:

Reason:

New Farmer

Relative rank (e.g., ranked 8th out of 12 projects considered):

3 out of 7 projects considered

Were any higher or equally ranked contracts denied? No

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Stephen Lilley, Martin SWCD

Stephen Lilley
(District Supervisor's signature)

2-15-19
Date

Approved by:

Jerry Allen
(District Chairperson's signature)

2-25-19
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

**ADDENDUM TO APPLICATION FOR ASSISTANCE
NORTH CAROLINA COMMISSION COST SHARE PROGRAMS**

As a Soil and Water District Supervisor, for the Cabarrus 13-2019-502 Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: CCAP

Best management practice: Cistern repair contract

Contract number: 13-2019-502 Contract amount: \$ 750

original # 13-2016-502

Score on priority ranking sheet: 32

Cost Share Rate : 75% If different than 75%, please list % percent: ~~75%~~
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 1 out of 1

Were any higher or equally ranked contracts denied? NO

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Jeff Goforth

Jeff N. Goforth
(District Supervisor's signature)

1-30-19
Date

Approved by:

Vicki Orler
(District Chairperson's signature)

2-8-19
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Chatham Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP Hurricane Florence Disaster Program

Best management practice: Non-field Farm Road Repair

Contract number: 19-2019-205 Contract amount: \$ 7,494

Score on priority ranking sheet: N/A

Cost Share Rate : 75 % If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): N/A

Were any higher or equally ranked contracts denied? NO - disaster funds allocated on as-needed basis

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Jesse Mann

[Signature]
(District Supervisor's signature)

12/20/2018
Date

Approved by:

[Signature]
(District Chairperson's signature)

12-20-18
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Duplin Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: Agwcap

Best management practice: Well

Contract number: 31-2018-818 Contract amount: \$ 5,000

Score on priority ranking sheet: 225pts

Cost Share Rate : % If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): #7 of 7 at ranking

Were any higher or equally ranked contracts denied? NO

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Louis Howard

Louis Howard
(District Supervisor's signature)

3-1-19
Date

Approved by:

Franklin D. William
(District Chairperson's signature)

3-1-19
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

DupNCDA&CS
 CSPs-1B
 DSWC

NC -

(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Duplin County Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: NCACSP

Best management practice: Field Border / Grass Waterway

Contract number: 31-2019-004

Contract amount: \$ 4,529

Score on priority ranking sheet: 53

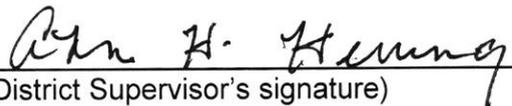
Cost Share Rate : 75 % If different than 75%, please list % percent:
 Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 7th out of 162

Were any higher or equally ranked contracts denied? no

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Ann H. Herring


 (District Supervisor's signature)

3-1-19
 Date

Approved by: Franklin O. Williams


 (District Chairperson's signature)

3-1-19
 Date

The Soil & Water Commission has approved the subject application for a contract.

 (SWCC Chairperson's signature)
 (Pursuant G.S. 139-8(b)(2))

 Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Henderson County Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: Heavy Use Area Treatment

Contract number: 45-2019-002 Contract amount: \$ 4,737⁰⁰

Score on priority ranking sheet: 1 of 7 on 11/5/18 49.24

Cost Share Rate : 75 % If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 1 of 7 on 11/5/18

Were any higher or equally ranked contracts denied? No

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: David McConnell, McConnell Farms Inc.

David R. McConnell
(District Supervisor's signature)

01/04/19
Date

Approved by:

Andrew C. Brannon
(District Chairperson's signature)

1-23-2019
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Orange Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: Agriculture Cost Share Program

Best management practice: Agriculture Road Repair and Stabilization

Contract number: 68-2019-005 Contract amount: \$ 11,380

Score on priority ranking sheet: 370 points

Cost Share Rate : 75% If different than 75%, please list % percent:

Reason: n/a

Relative rank (e.g., ranked 8th out of 12 projects considered): 2nd out of 2 projects

Were any higher or equally ranked contracts denied? No

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: R. Clay Parker

(Parker is operator on this parcel of land, not landowner, but paying for the BMP)



(District Supervisor's signature)

3-1-19

Date

Approved by:



(District Chairperson's signature)

3-4-19

Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Pamlico Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: Ag Cost Share

Best management practice: Emergency Pasture Repair and emergency winter forage

Contract number: 69-2019-111 Contract amount: \$26,400

Score on priority ranking sheet: 1

Cost Share Rate : 75 % If different than 75%, please list % percent:
Reason:

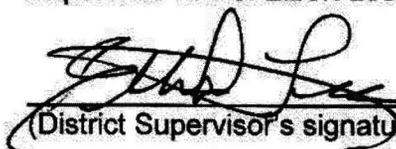
Relative rank (e.g., ranked 8th out of 12 projects considered): 1

Were any higher or equally ranked contracts denied? no

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Elbert Lee

January 3, 2019



(District Supervisor's signature)

Date

Approved by:



(District Chairperson's signature)

01-03-19

Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

NCDA&CS
DSWC

NC -CSPs-1B
(11/2012)

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Transylvania Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: North Carolina Agriculture Cost Share Program

Best management practice: Ag. Road Repair/Stabilization

Contract number: 88-2019-005

Contract amount: \$1,528

Score on priority ranking sheet: 6

Cost Share Rate : 75 % If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 5th out of 9

Were any higher or equally ranked contracts denied? No

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name:

Deak Bray
(District Supervisor's signature)

1/30/19
Date

Approved by:

Robert D. Turmony (Vice Chair)
(District Chairperson's signature)

2/21/19
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

**NC Cost Share Programs Supervisor Contracts
Soil and Water Conservation Commission**

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Beaufort	07-2019-009	Stephen Lilley	filter strip	\$2,407	Supervisor in Martin SWCD
Cabarrus	13-2019-502	Jeff Goforth	cistern repair contract	\$750	
Chatham	19-2019-205	Jesse Mann	Disaster - non-field farm road	\$7,494	
Duplin	31-2018-818	Louis Howard	AgWRAP well	\$5,000	
Duplin	31-2019-004	Ann H. Herring	field border/grassed waterway	\$4,529	
Henderson	45-2019-002	David Mc Connell, McConnell Farms Inc.	heavy use area	\$4,737	
Hertford	46-2019-006	Stuart Pierce	abandoned well closure	\$840	
Orange	68-2019-005	R. Clay Parker	ag road repair/stabilization	\$11,380	
Pamlico	69-2019-111	Elbert Lee	Disaster - pasture renovation and winter forage crop incentive	\$26,400	
Transylvania	88-2019-005	Dick Bragg	ag road repair/stabilization	\$1,528	

Total Number of Supervisor Contracts: **10**

Total **\$65,065**

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Hertford Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: NCACSP

Best management practice: Abandoned Well Closure

Contract number: 46-2019-006 Contract amount: \$ 840.00

Score on priority ranking sheet: 40

Cost Share Rate : 75 % If different than 75%, please list % percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 6 out of 6

Were any higher or equally ranked contracts denied? No

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: Stuart Pierce
S. Stuart Pierce
(District Supervisor's signature)

2/19/19
Date

Approved by:

John D. [Signature]
(District Chairperson's signature)

2/19/19
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.



Technical Specialist Designation Recommendations

March 20, 2019

1. The Soil and Water Conservation Commission has authority to designate water quality technical specialists based upon specific criteria and procedures (02 NCAC 59G). This authority extends to individuals who have been assigned approval authority by USDA NRCS, professional engineers subject to the "The NC Engineering and Land Surveying Act", or individuals that have completed the training requirements and demonstrated proficiency in a technical specialist category. Individuals must submit an application with evidence of expertise, skills and training required for each designation category.

Mr. Jacob Giddens, USDA, NRCS Area Resource Conservationist, has requested to be designated technical specialist for the Runoff Control (RC) category. He has successfully completed the required training and holds the required NRCS job approval authority. Therefore, I recommend this designation for approval.

NCDA&CS
DSWC

NC-CSPs-1A
(11/12)

**ADDENDUM TO APPLICATION FOR ASSISTANCE
NORTH CAROLINA COMMISSION COST SHARE PROGRAMS**

As a Soil & Water Conservation Commission Member, I have applied for or stand to benefit* from a contract under the commission's cost share programs. I did not vote on the approval, or denial, of the application, or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices to improve water quality or water resources.

Program: NCACSP

Best management practice: Now Field Farm Road Repair

Contract number: 51-2019-407-09 Contract Amount: \$4,556⁰⁰

Score on priority ranking sheet: 50

Cost share rate: 75% If different than 75%, please list percent:
Reason:

Relative rank (e.g., ranked 8th out of 12 projects considered): 1st out of 1

Were any higher or equally ranked contracts denied? No

If yes, give an explanation as to why the commission member's contract was approved over the other contracts:

Commission member name:

[Signature]
(Commission member's signature)

2-12-19
Date

Approved by:

[Signature]
(District Chairperson's signature)

2-12-19
Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

Approved by:

(Commissioner of Agriculture)
(Pursuant G.S. 139-4(e)(2))

Date

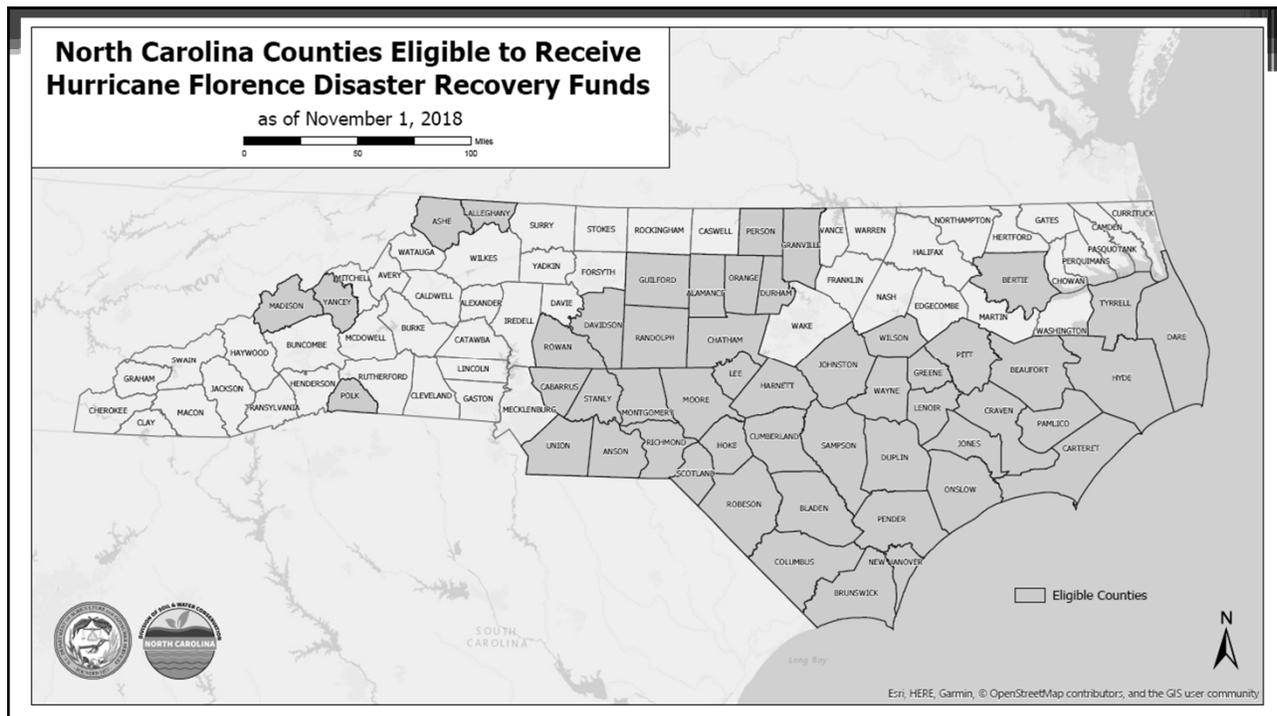
*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.

ATTACHMENT 9

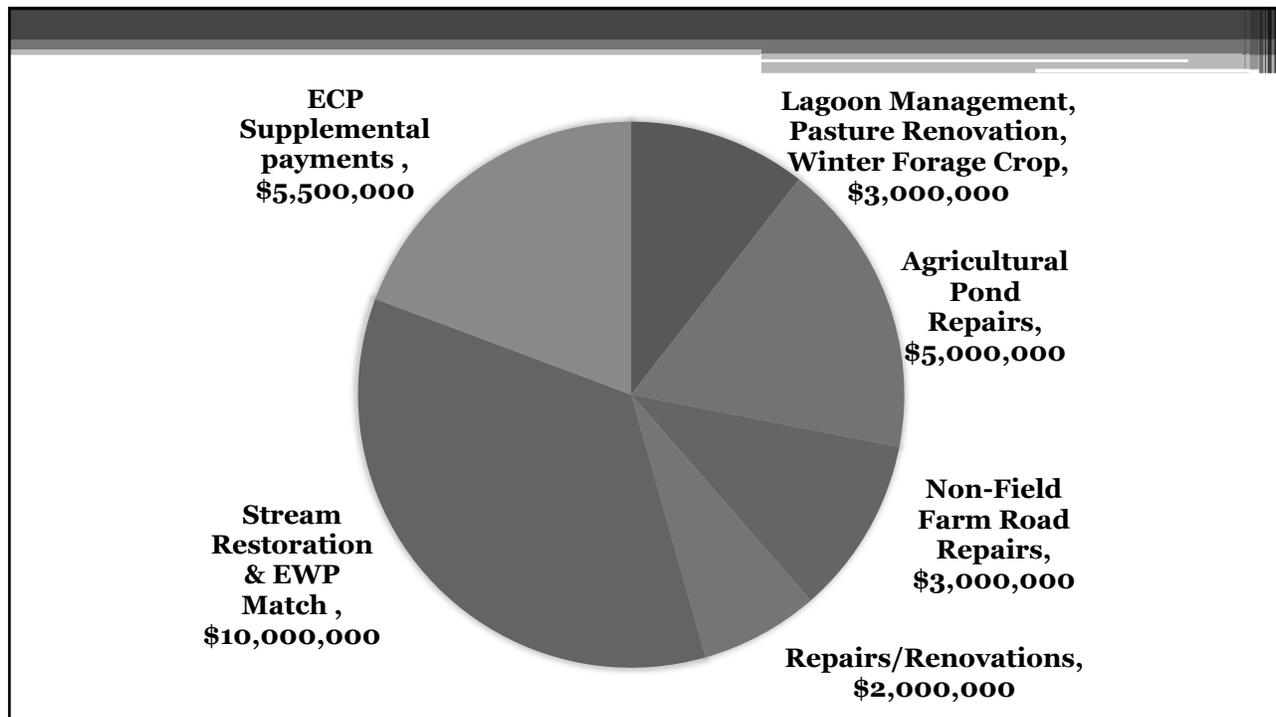
District	BMP	Amount
Duplin	Lagoon Management Incentive	\$ 50,000
Greene	Lagoon Management Incentive	\$ 11,500
Guilford	Lagoon Management Incentive	\$ 50,000
Robeson	Lagoon Management Incentive	\$ 20,000
Robeson	Lagoon Management Incentive	\$ 20,000
Sampson	Lagoon Management Incentive	\$ 150,000
Sampson	Lagoon Management Incentive	\$ 10,000
Sampson	Lagoon Management Incentive	\$ 10,000
Wayne	Lagoon Management Incentive	\$ 30,631
Wayne	Lagoon Management Incentive	\$ 8,689
Wayne	Lagoon Management Incentive	\$ 69,450
Wayne	Lagoon Management Incentive	\$ 14,153
Alleghany	Non-field Farm Road Repair	\$ 21,194
Alamance	Pasture Renovation	\$ 70,000
Cumberland	Pasture Renovation	\$ 10,463
Duplin	Pasture Renovation	\$ 40,000
Duplin	Pasture Renovation	\$ 40,000
Johnston	Pasture Renovation	\$ 10,800
Lenoir	Pasture Renovation	\$ 20,233
Moore	Pasture Renovation	\$ 15,000
Pamlico	Pasture Renovation	\$ 4,950
Pamlico	Pasture Renovation	\$ 4,950
Richmond	Pasture Renovation	\$ 70,000
Wayne	Pasture Renovation	\$ 9,320
Wayne	Pasture Renovation	\$ 9,320
Wayne	Pasture Renovation	\$ 1,825
Wayne	Pasture Renovation	\$ 4,500
Cumberland	Winter Forage Crop Incentive	\$ 284
Duplin	Winter Forage Crop Incentive	\$ 25,000
Duplin	Winter Forage Crop Incentive	\$ 25,000
Duplin	Winter Forage Crop Incentive	\$ 7,000
Moore	Winter Forage Crop Incentive	\$ 3,240

Hurricane Florence Disaster Response Program Update

March 20, 2019



ATTACHMENT 9



Additional Fund Allocations: January 7, 2019 - March 11, 2019

Best Management Practice	Allocations
Agricultural Pond Repairs	0
Non-Field Farm Road Repairs	\$21,194
Disaster Pasture Renovation	157,125
Disaster Winter Forage Crop Incentive	10,240
Disaster Lagoon Management Incentive	155,103
Disaster Repairs and Renovations	\$55,836

District Technical Assistance Consideration of payment BMP in each contract

Best Management Practice	Draft TA funding per BMP in each contract
Agricultural Pond Repairs	\$500
Non-Field Farm Road Repairs	\$500
Disaster Pasture Renovation	\$100
Disaster Winter Forage Crop Incentive	\$100
Disaster Lagoon Management Incentive	\$100
Disaster Repairs and Renovations	\$300

AGRICHEMICAL POLLUTION PREVENTION MEASURES

Agrichemical Pollution Prevention Measures means a planned system to prevent chemical delivery to water courses for water quality improvement.

Policies

1. A WIN-PST environmental risk evaluation of the interactions of predominant farm soil types and selected pesticides (or active ingredients) may be considered to assess potential water quality impacts.
2. Producers are encouraged to develop a Pest Management Plan utilizing the NC NRCS 595 Pest Management Job Sheet.
3. Information on the use of WIN-PST is available on the NC NRCS website at: <http://www.nc.nrcs.usda.gov/technical/TechRef/techref-water.html> and in the NC NRCS 595 Pest Management Standard

Agriculture Cost Share Program**Precision Agrichemical Application****Definition/Purpose**

Precision Agrichemical Application means using a system of components that enable reduction and greater control of fertilizer and pesticide application. This is accomplished through avoidance of excessive overlapping, unnecessary application to end/turn rows, and more precise control of application rates (DIP).

Policies

1. Cost share for this practice shall be based upon actual cost with a cap. The cap for each tier is additive upon the previous tier. It is acceptable for an applicant who has already adopted a lower tier to receive cost share to adopt higher tiers and receive cost share up to the incremental cap(s).
2. This practice can be used to either retrofit existing application equipment or to replace existing equipment with new equipment with precision technology.
3. The applicable cost share cap for this practice shall be based upon the capabilities of the system according to the following tiers (To qualify for the higher tiers, the applicant must also implement or have already adopted all of the lower tiers):
 - a. Tier 1: GPS guidance system
 - i. Guidance system must have at least sub-meter pass-to-pass accuracy
 - ii. System must include capability to compensate for tilt if used on slopes > 4%.
 - b. Tier 2: Automatic Application Rate Control
 - i. Rate control system must be capable of recording application rate data and producing application map
 - ii. Must include automatic correction for ground speed and number of boom sections being used.
 - c. Tier 3: Boom section control
 - i. Guidance system must have at least sub-meter pass-to-pass accuracy
 - ii. The system must have enough controls that the average length of each independently-controlled section is no more than 12 feet.
4. Before applicant can receive payment for this practice, he must demonstrate operation of properly calibrated equipment while applying agrichemicals.
5. For spot checks the district staff should either observe the cooperator using the equipment for agrichemical application or view the data stored or downloaded by the control system to insure the system is being used.
6. The cooperator may upgrade any component of the precision application system without additional cost share during the maintenance period, as long as the upgraded system has components that are equivalent or better than the system originally cost shared.

Agriculture Cost Share Program

7. This practice is limited to one system per cooperator. However, a cooperator is free to utilize components of the system on multiple pieces of equipment, provided the cooperator can produce the cost shared components for spot checks with adequate advance notice.

8. Cooperator is eligible to receive the precision nutrient management incentive while using this practice.

9. The life of the practice is 5 years.

10. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.

Standards Specifications

The applicant must supply manufacturer documentation to verify system components must meet ISO 12188 Tractors and machinery for agriculture and forestry — Test procedures for positioning and guidance systems in agriculture. We need to better define how JAA is determined. Nutrient Management (#590) and manufacturer specifications showing the equipment meets the policy.

Agriculture Cost Share Program

Abandoned Tree RemovalDefinition/Purpose

Abandoned Christmas and/or Apple Tree Removal means removal of Christmas and/or Apple tree fields for integrated pest management and for reducing sedimentation. An abandoned tree field can be of any size or age trees where standard management practices (e.g., maintaining groundcover, insect and disease control, fertilizer applications and annual shearing practices) for the production of the trees are discontinued or abandoned. The field must have been abandoned for at least 5 years. Abandonment leads to adverse soil erosion formations such as gullies and to production of disease inoculums and increased pest population. Conversion to perennial vegetation ~~grass, hardwoods, or white pine~~ on abandoned fields further protects soil loss by preventing runoff on steep slopes due to a better groundcover thereby providing additional water quality protection. Benefits include water quality protection, prevention of soil erosion, and wildlife habitat establishment.

Policies

1. Trees are not to be completely removed but cut to an appropriate level, not to exceed 3 inches. All side branches are to be removed.
2. Debris is to be processed onsite by chipping, windrowing and/or burning as deemed legal by the Division of Air Quality. Windrowing is not allowed when applicable diseases would remain onsite. Onsite disposal is not allowed in drainage ways.
3. Offsite processing or disposal costs will not be covered under this BMP.
4. Re-vegetation with grasses, forbs, perennial wildlife plantings or trees ~~pin~~~~es~~~~—or~~ ~~hardwoods~~ is required and needs to correspond to species specific planting date guides. Temporary seeding is allowed on an as needed basis. All NRCS Standards and ACSP policies relative to vegetation are to be followed. ~~(See Section V for guidance).~~
5. Payments will be based on actual costs per acre for clearing, chipping/wind rowing), not to exceed the cap. Receipts are required. See conservation cover and cropland conversion for reseeding costs.
6. If a cooperator is going to graze livestock on cost shared fields, then he/she must provide at his or her own cost livestock exclusion, watering facilities, stream crossings, etc., to protect water quality. The cooperator must not allow cost shared fields to be overgrazed.
7. When determining acreage for which payment can be made, only the acreage actually planted shall be considered. ~~—The entire abandoned stand must be removed to be eligible for cost share assistance. The area occupied by farm roads, road ditches, etc. shall be included in the cropland conversion. This includes stabilizing existing ag roads.~~
8. An operator shall only receive cost share for this practice once on the same acreage. Minimum life of BMP is 10 years.

Agriculture Cost Share Program

9. The abandoned tree fields cannot be replanted into Christmas and/or Apple Trees within the maintenance period. The BMP is considered out of compliance if the land-use changes out of the replanted trees or grasses to another use within the maintenance period.

9.10. Total charge to NCACSP is restricted for all components to no more than the maximum cost share for this practice listed in the NCACSP average cost list.

Standards

N. C. Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), Section IV Conservation Cover #327, Pasture and Hay Planting #512, Critical Area Planting #342, Tree / Shrub Establishment #612 and Tree / Shrub Site Preparation #490, Brush Management #314.

The seeding rates and nutrient requirements as listed in the FOTG, Section 4 under Pasture and Hay Planting (Code 512) or as recommended by N.C. State University will be used.

Agrichemical Containment and Mixing Facility

Definition/Purpose

Agrichemical Containment and Mixing Facility means a system of components that provide containment and a barrier to the movement of agrichemicals. The purpose of the system is to provide secondary containment to prevent degradation of surface water, groundwater, and soil from unintentional release of pesticides or fertilizers. ~~Cost share for this practice is limited to the amount listed in the NCACSP average cost list.~~ (DIP)

Policies

1. This practice applies where current methods of storage, loading, and mixing of agrichemicals and rinsing of equipment have the potential to impair soil, water, air, plant, and animal resources.
2. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.
- ~~4.~~
- 2-3. Components must include those components necessary to properly handle chemical mixtures and prevent pollution of the environment. Components of a complete facility may include:
 - a. Secondary containment for fertilizer and pesticide storage areas.
 - b. A curbed, sealed concrete chemical mixing and loading pad
 - c. All weather access pad/lane to the containment facility
 - d. A chemical collection sump and sump pump, including safety devices
 - e. An adequate water supply for mixing chemicals, rinsing tanks, and containers, and for emergency health and safety needs including water supply pump, pipeline, hoses, backflow prevention devices and other hardware as needed.
 - e.f. Emergency response health and safety equipment must be on site and accessible per the NRCS standard.
 - f.g. Tanks for storage of rinsate and potentially contaminated runoff.
- 3-4. Secondary containment for pesticides shall be separate from containment for fertilizers.
- 4-5. Operation and Maintenance Plan Statement (NC-ASCP-OMP) is required.
- 5-6. BMP acres affected are required on the contract.
- 6-7. Minimum life of BMP is ten (10) years.

Agriculture Cost Share Program

~~7.8.~~_____ This practice is limited to one facility per cooperator.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #309 (AgriChemical Handling Facility).

Agrichemical Handling Facility

Definition/Purpose

An Agrichemical Handling Facility means a permanent structure that provides an environmentally safe means of mixing agrichemicals and filling tanks with agrichemicals for the application and storage of agrichemicals to improve water quality. Benefits may include prevention of accidental degradation of surface and ground water.

Policies

1. Limited to one facility per cooperator.
- ~~2. _____ Receipts are required for reimbursement for those components for which reimbursement is based on 75% or 90% of actual cost. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list. Total charge to NCACSP is restricted to amount listed on the NCACSP average cost list.~~
2. _____
3. Operation and Maintenance Plan Statement (NC-ACSP-OMP) is required.
4. BMP acres affected are required on the contract.
5. Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #309 (Agrichemical Handling Facility).

Chemigation Backflow Prevention

Definition/Purpose

Chemigation Backflow Prevention is a combination of devices (valves, gauges, injectors, drains, etc.) to safeguard water sources from contamination by chemicals used during the irrigation of agricultural crops. The practice is intended to modify or improve chemical injection systems with components necessary to prevent backflow or siphoning of contaminants into the water supply thereby improving and protecting the state's waters.

Policies

1. NCACSP will only fund chemigation systems conforming to North Carolina Pesticide Board regulations.
2. Injection point on any chemigation system shall be downstream of the filtration system.
3. As a minimum, systems will include the following components:
 - a. Double Check Valves installed between the pump discharge and the point of injection.
 - b. Inspection Port located between the irrigation pump and check valves.
 - c. Vacuum Relief Valve located between the pump and check valves.
 - d. Automatic Low Pressure Drain located between the pump and check valves.
 - e. Flow Interruption Device installed on the pesticide supply line.
 - f. Check Valve located on the pesticide injection line.
 - g. Functional Systems Interlock (capable of shutting down the pesticide injection unit when irrigation water flow stops.)
4. Other BMPs such as critical area planting, field border, filter strip, grassed waterway and nutrient management may further support this practice.
5. ACSP funds can be used to fund retrofitting or installing injection equipment, check valves, gauges, drains and vacuum breakers.
6. Items that are unrelated to backflow prevention (e.g., tanks, mixers, or filters) are not eligible for funding.
7. Funding is limited to 75% of actual costs. Receipts are required for reimbursement. ~~Total charge to NCACSP is restricted to a total listed in NCACSP average cost list per system~~ Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.-

Agriculture Cost Share Program

8. Systems must be designed by a technical specialist with an "I" designation or a professional engineer.
9. Approval of installation shall be limited to NRCS, Division or District technical specialist with an "I" designation.
10. BMP acres affected are required on the contract.
11. Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #441 (Irrigation System, Microirrigation), #449 (Irrigation Water Management), #430 (Irrigation Pipeline), ~~ASAE EP409.1 MAR1989 (R2013) Safety Devices for Chemigation~~, ~~ASAE EP409.1 MAR1989 (R2013) Safety Devices for Chemigation~~, ~~ASAE Engineering Practice Standard #EP 409.1 (Backflow Safety Devices for Chemigation)~~.

Fertigation Backflow Prevention

Definition/Purpose

Fertigation Backflow Prevention is a combination of devices (valves, gauges, injectors, drains, etc.) to safeguard water sources from contamination by fertilizers used during the irrigation of agricultural crops. The practice is intended to modify or improve fertilizer injection systems with components necessary to prevent backflow or siphoning of contaminants into the water supply thereby improving and protecting the state's waters.

Policies

1. Other BMPs such as critical area planting, field border, filter strip, grassed waterway and nutrient management may further support this practice.
2. As a minimum, systems will include the following components:
 - a. **Check Valve** installed between the pump discharge and the point of injection.
 - b. **Vacuum Relief Valve** located between the pump and check valve.
 - c. **Automatic Low-Pressure Drain** located between the pump and check valves.
3. ACSP funds can be used to fund retrofitting or installing injection equipment, check valves, gauges, drains and vacuum breakers.
4. Items that are unrelated to backflow prevention (e.g., tanks, mixers, or filters) are not eligible for funding.
5. Funding is limited to 75% of actual costs. Receipts are required for reimbursement. ~~Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.~~ ~~Total charge to NCACSP is restricted to a total listed on the NCACSP average cost list.~~
6. Systems must be designed by a technical specialist with an "I" designation or a professional engineer.
7. Approval of installation shall be limited to NRCS, Division or District technical specialist with an "I" designation.
8. BMP acres affected are required on the contract.
9. Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #441 (Irrigation System, Microirrigation), #449 (Irrigation Water Management), #430 (Irrigation Pipeline), [ASAE EP409.1 MAR1989 \(R2013\) Safety Devices for Chemigation. ASAE Engineering Practice Standard #EP 409.1 \(Backflow Safety Devices for Chemigation\).](#)

|

Portable Agrichemical Mixing Station

Definition/Purpose

A portable device to be used in the field to prevent the unintentional release of agrichemicals to the environment during mixing and transferring of agrichemicals. Benefits may include prevention of accidental degradation of surface and ground water.

Policies

1. Limited to one station per cooperator.
2. Receipts are required for reimbursement for those components for which reimbursement is based on 75% or 90 % of actual cost. ~~Total charge to CACSP is restricted to a total listed in the NCACSP average cost list. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.~~
3. Operation and Maintenance Plan Statement (NC-ACSP-OMP) is required. ~~(Under development)~~
4. ACSP funds can be used to fund retrofitting or installing check valves, gauges, drains, vacuum breakers and mixing cones as part of a complete system.
5. BMP acres affected are required on the contract.
6. Minimum life of BMP is five (5) years.

Standards

~~Alabama NRCS Technical Guide, Section IV, Code #703 (Interim Standard Portable Agrichemical Mixing Station). N. C. NRCS Technical Guide, Section IV, Standard #309 (Agrichemical Handling Facility)~~

AGRICHEMICAL POLLUTION PREVENTION MEASURES

Agrichemical Pollution Prevention Measures means a planned system to prevent chemical delivery to water courses for water quality improvement.

Policies

1. A WIN-PST environmental risk evaluation of the interactions of predominant farm soil types and selected pesticides (or active ingredients) may be considered to assess potential water quality impacts.
2. Producers are encouraged to develop a Pest Management Plan utilizing the NC NRCS 595 Pest Management Job Sheet.
3. Information on the use of WIN-PST is available on the NC NRCS website at: <http://www.nc.nrcs.usda.gov/technical/TechRef/techref-water.html> and in the NC NRCS 595 Pest Management Standard

Agriculture Cost Share Program**Precision Agrichemical Application****Definition/Purpose**

Precision Agrichemical Application means using a system of components that enable reduction and greater control of fertilizer and pesticide application. This is accomplished through avoidance of excessive overlapping, unnecessary application to end/turn rows, and more precise control of application rates (DIP).

Policies

1. Cost share for this practice shall be based upon actual cost with a cap. The cap for each tier is additive upon the previous tier. It is acceptable for an applicant who has already adopted a lower tier to receive cost share to adopt higher tiers and receive cost share up to the incremental cap(s).
2. This practice can be used to either retrofit existing application equipment or to replace existing equipment with new equipment with precision technology.
3. The applicable cost share cap for this practice shall be based upon the capabilities of the system according to the following tiers (To qualify for the higher tiers, the applicant must also implement or have already adopted all of the lower tiers):
 - a. Tier 1: GPS guidance system
 - i. Guidance system must have at least sub-meter pass-to-pass accuracy
 - ii. System must include capability to compensate for tilt if used on slopes > 4%.
 - b. Tier 2: Automatic Application Rate Control
 - i. Rate control system must be capable of recording application rate data and producing application map
 - ii. Must include automatic correction for ground speed and number of boom sections being used.
 - c. Tier 3: Boom section control
 - i. Guidance system must have at least sub-meter pass-to-pass accuracy
 - ii. The system must have enough controls that the average length of each independently-controlled section is no more than 12 feet.
4. Before applicant can receive payment for this practice, he must demonstrate operation of properly calibrated equipment while applying agrichemicals.
5. For spot checks the district staff should either observe the cooperator using the equipment for agrichemical application or view the data stored or downloaded by the control system to insure the system is being used.
6. The cooperator may upgrade any component of the precision application system without additional cost share during the maintenance period, as long as the upgraded system has components that are equivalent or better than the system originally cost shared.

Agriculture Cost Share Program

7. This practice is limited to one system per cooperator. However, a cooperator is free to utilize components of the system on multiple pieces of equipment, provided the cooperator can produce the cost shared components for spot checks with adequate advance notice.

8. Cooperator is eligible to receive the precision nutrient management incentive while using this practice.

9. The life of the practice is 5 years.

10. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.

Standards

The applicant must supply manufacturer documentation to verify system components meet ISO 12188 Tractors and machinery for agriculture and forestry — Test procedures for positioning and guidance systems in agriculture. Nutrient Management (#590) and manufacturer specifications showing the equipment meets the policy.

Agriculture Cost Share Program

Abandoned Tree RemovalDefinition/Purpose

Abandoned Christmas and/or Apple Tree Removal means removal of Christmas and/or Apple tree fields for integrated pest management and for reducing sedimentation. An abandoned tree field can be of any size or age trees where standard management practices (e.g., maintaining groundcover, insect and disease control, fertilizer applications and annual shearing practices) for the production of the trees are discontinued or abandoned. The field must have been abandoned for at least 5 years. Abandonment leads to adverse soil erosion formations such as gullies and to production of disease inoculums and increased pest population. Conversion to perennial vegetation on abandoned fields further protects soil loss by preventing runoff on steep slopes due to a better groundcover thereby providing additional water quality protection. Benefits include water quality protection, prevention of soil erosion, and wildlife habitat establishment.

Policies

1. Trees are not to be completely removed but cut to an appropriate level, not to exceed 3 inches. All side branches are to be removed.
2. Debris is to be processed onsite by chipping, windrowing and/or burning as deemed legal by the Division of Air Quality. Windrowing is not allowed when applicable diseases would remain onsite. Onsite disposal is not allowed in drainage ways.
3. Offsite processing or disposal costs will not be covered under this BMP.
4. Re-vegetation with grasses, forbs, perennial wildlife plantings or trees is required and needs to correspond to species specific planting date guides. Temporary seeding is allowed on an as needed basis. All NRCS Standards and ACSP policies relative to vegetation are to be followed.
5. Payments will be based on actual costs per acre for clearing, chipping/wind rowing), not to exceed the cap. Receipts are required. See conservation cover and cropland conversion for reseeding costs.
6. If a cooperator is going to graze livestock on cost shared fields, then he/she must provide at his or her own cost livestock exclusion, watering facilities, stream crossings, etc., to protect water quality. The cooperator must not allow cost shared fields to be overgrazed.
7. When determining acreage for which payment can be made, only the acreage actually planted shall be considered. The entire abandoned stand must be removed to be eligible for cost share assistance. The area occupied by farm roads, road ditches, etc. shall be included in the cropland conversion. This includes stabilizing existing ag roads.
8. An operator shall only receive cost share for this practice once on the same acreage. Minimum life of BMP is 10 years.
9. The abandoned tree fields cannot be replanted into Christmas and/or Apple Trees within the maintenance period. The BMP is considered out of compliance if the land-use

Agriculture Cost Share Program

changes out of the replanted trees or grasses to another use within the maintenance period.

10. Total charge to NCACSP is restricted for all components to no more than the maximum cost share for this practice listed in the NCACSP average cost list.

Standards

N. C. Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), Section IV Conservation Cover #327, Pasture and Hay Planting #512, Critical Area Planting #342, Tree / Shrub Establishment #612 and Tree / Shrub Site Preparation #490, Brush Management #314.

The seeding rates and nutrient requirements as listed in the FOTG, Section 4 under Pasture and Hay Planting (Code 512) or as recommended by N.C. State University will be used.

Agrichemical Containment and Mixing Facility

Definition/Purpose

Agrichemical Containment and Mixing Facility means a system of components that provide containment and a barrier to the movement of agrichemicals. The purpose of the system is to provide secondary containment to prevent degradation of surface water, groundwater, and soil from unintentional release of pesticides or fertilizers. (DIP)

Policies

1. This practice applies where current methods of storage, loading, and mixing of agrichemicals and rinsing of equipment have the potential to impair soil, water, air, plant, and animal resources.
2. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.
3. Components must include those components necessary to properly handle chemical mixtures and prevent pollution of the environment. Components of a complete facility may include:
 - a. Secondary containment for fertilizer and pesticide storage areas.
 - b. A curbed, sealed concrete chemical mixing and loading pad
 - c. All weather access pad/lane to the containment facility
 - d. A chemical collection sump and sump pump, including safety devices
 - e. An adequate water supply for mixing chemicals, rinsing tanks, and containers, and for emergency health and safety needs including water supply pump, pipeline, hoses, backflow prevention devices and other hardware as needed.
 - f. Emergency response health and safety equipment must be on site and accessible per the NRCS standard.
 - g. Tanks for storage of rinsate and potentially contaminated runoff.
4. Secondary containment for pesticides shall be separate from containment for fertilizers.
5. Operation and Maintenance Plan Statement (NC-ASCP-OMP) is required.
6. BMP acres affected are required on the contract.
7. Minimum life of BMP is ten (10) years.
8. This practice is limited to one facility per cooperator.

Agriculture Cost Share Program

Standards

N. C. NRCS Technical Guide, Section IV, Standard #309 (AgriChemical Handling Facility).

Agrichemical Handling Facility

Definition/Purpose

An Agrichemical Handling Facility means a permanent structure that provides an environmentally safe means of mixing agrichemicals and filling tanks with agrichemicals for the application and storage of agrichemicals to improve water quality. Benefits may include prevention of accidental degradation of surface and ground water.

Policies

1. Limited to one facility per cooperator.
2. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.
3. Operation and Maintenance Plan Statement (NC-ACSP-OMP) is required.
4. BMP acres affected are required on the contract.
5. Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #309 (Agrichemical Handling Facility).

Chemigation Backflow Prevention

Definition/Purpose

Chemigation Backflow Prevention is a combination of devices (valves, gauges, injectors, drains, etc.) to safeguard water sources from contamination by chemicals used during the irrigation of agricultural crops. The practice is intended to modify or improve chemical injection systems with components necessary to prevent backflow or siphoning of contaminants into the water supply thereby improving and protecting the state's waters.

Policies

1. NCACSP will only fund chemigation systems conforming to North Carolina Pesticide Board regulations.
2. Injection point on any chemigation system shall be downstream of the filtration system.
3. As a minimum, systems will include the following components:
 - a. Double Check Valves installed between the pump discharge and the point of injection.
 - b. Inspection Port located between the irrigation pump and check valves.
 - c. Vacuum Relief Valve located between the pump and check valves.
 - d. Automatic Low-Pressure Drain located between the pump and check valves.
 - e. Flow Interruption Device installed on the pesticide supply line.
 - f. Check Valve located on the pesticide injection line.
 - g. Functional Systems Interlock (capable of shutting down the pesticide injection unit when irrigation water flow stops.)
4. Other BMPs such as critical area planting, field border, filter strip, grassed waterway and nutrient management may further support this practice.
5. ACSP funds can be used to fund retrofitting or installing injection equipment, check valves, gauges, drains and vacuum breakers.
6. Items that are unrelated to backflow prevention (e.g., tanks, mixers, or filters) are not eligible for funding.
7. Funding is limited to 75% of actual costs. Receipts are required for reimbursement. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.

Agriculture Cost Share Program

8. Systems must be designed by a technical specialist with an "I" designation or a professional engineer.
9. Approval of installation shall be limited to NRCS, Division or District technical specialist with an "I" designation.
10. BMP acres affected are required on the contract.
11. Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #441 (Irrigation System, Microirrigation), #449 (Irrigation Water Management), #430 (Irrigation Pipeline), ASAE EP409.1 MAR1989 (R2013) Safety Devices for Chemigation.

Fertigation Backflow Prevention

Definition/Purpose

Fertigation Backflow Prevention is a combination of devices (valves, gauges, injectors, drains, etc.) to safeguard water sources from contamination by fertilizers used during the irrigation of agricultural crops. The practice is intended to modify or improve fertilizer injection systems with components necessary to prevent backflow or siphoning of contaminants into the water supply thereby improving and protecting the state's waters.

Policies

1. Other BMPs such as critical area planting, field border, filter strip, grassed waterway and nutrient management may further support this practice.
2. As a minimum, systems will include the following components:
 - a. **Check Valve** installed between the pump discharge and the point of injection.
 - b. **Vacuum Relief Valve** located between the pump and check valve.
 - c. **Automatic Low-Pressure Drain** located between the pump and check valves.
3. ACSP funds can be used to fund retrofitting or installing injection equipment, check valves, gauges, drains and vacuum breakers.
4. Items that are unrelated to backflow prevention (e.g., tanks, mixers, or filters) are not eligible for funding.
5. Funding is limited to 75% of actual costs. Receipts are required for reimbursement. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.
6. Systems must be designed by a technical specialist with an "I" designation or a professional engineer.
7. Approval of installation shall be limited to NRCS, Division or District technical specialist with an "I" designation.
8. BMP acres affected are required on the contract.
9. Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #441 (Irrigation System, Microirrigation), #449 (Irrigation Water Management), #430 (Irrigation Pipeline), ASAE EP409.1 MAR1989 (R2013) Safety Devices for Chemigation.

Portable Agrichemical Mixing Station

Definition/Purpose

A portable device to be used in the field to prevent the unintentional release of agrichemicals to the environment during mixing and transferring of agrichemicals. Benefits may include prevention of accidental degradation of surface and ground water.

Policies

1. Limited to one station per cooperators.
2. Receipts are required for reimbursement for those components for which reimbursement is based on 75% or 90 % of actual cost. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.
3. Operation and Maintenance Plan Statement (NC-ACSP-OMP) is required.
4. ACSP funds can be used to fund retrofitting or installing check valves, gauges, drains, vacuum breakers and mixing cones as part of a complete system.
5. BMP acres affected are required on the contract.
6. Minimum life of BMP is five (5) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #309 (Agrichemical Handling Facility)

WASTE MANAGEMENT MEASURES

Waste Management System means a planned system in which all necessary components are installed for managing liquid and solid waste to prevent or minimize degradation of soil and water resources. (DIP)

Policies

1. N. C. Soil and Water Conservation Districts are not authorized to approve contracts on agricultural operations that are not in place and therefore are not causing a water quality problem.

The N. C. Soil and Water Conservation Commission reserves the authority to approve contracts on new operations and will review each contract developed on operations that were established less than 3 years prior to the date of cost share application.

2. If a Confined Animal Operation (CAO) is not meeting the 15A NCAC 02T .13002H.0200 Non-discharge certification requirements and the most practical option is to move the animals off the present site to a completely new site where 15A NCAC 02T .1300.0200 can be met, this would not constitute a NEW operation under the Commission policy. This is considered —the same as providing a Waste Management System for the existing operation. However, if a confined animal operation which meets the 15A NCAC 02T .13002H.0200 Non-discharge certification requirements and the cooperator must move the operation because the property has been sold or the cooperator no longer is able to lease the property, then the operation is not eligible for cost share assistance.
3. **A statement, signed by the technician, certifying that the operation has an approved waste management plan is required for all contracts—(see section VI for form NC-ACSP-WMP).** An approved waste management plan means a plan, signed by the cooperator and the technician, to properly collect, store, treat, and/or apply animal waste to the land in an environmentally safe manner. The waste management plan must follow NRCS standards and must be revised, if necessary, to meet any changes in the operation which alter the waste management needs of the operation.
4. With regard to approved waste management plans for operations receiving cost –share funds the following requirements must be met:

- a. A contract waste applicator hauler is one who either buys the waste from the producer or is paid by the producer ~~and charges other landowners~~ to spread the waste on ~~their land in the waste management plan~~. If waste is being applied by a contract waste applicator hauler, the name and address of the contract waste applicator, a copy of maps of the fields to be applied and soil loss of these fields hauler must be included in the waste management plan.
- b.—A ~~third party applicator~~ manure hauler is one who receives the waste from the producer and applies to someone else's land. If the waste is being applied by a manure hauler ~~third party applicator~~ for the cooperator, ~~a copy of maps of the fields to be applied and soil loss of these fields must be included in the waste~~

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~~management plan, the name and address of the manure hauler must be included in the waste management plan.~~

b.

c. If sludge or waste is removed for closure or retrofitting by a ~~licensed~~ contractor who is paid for this service, the name and address of the contractor along with the operator in charge must be included in the waste closure/sludge management management plan.

5. By signing the Cost Share Agreement (NC-~~ACSP-2~~), the cooperator and/or landowner acknowledges and agrees that they are responsible for the maintenance and/or replacement of all equipment cost shared as a component of waste management measure(s) at their expense and that any cost shared component will not be sold or used as collateral for the life of the practice. ~~must be included in the CPO CONTRACT.~~
6. To better coincide with the allowances under the ~~n~~Non-discharge rules, contracts for animal waste management systems can be pulled from the pending file in order to receive payment for one item in the contract (i.e. lagoons, holding ponds, dry stacks, etc.) even though a later ~~to~~ to ~~be~~ be installed ~~item~~ (i.e. irrigation system) is ~~p~~Pending approval of engineer, Area Office or other.
7. Waste Management Systems not subject to 15A NCAC 02T .1300-0200 certification will receive annual status reviews (spot checks) for five years following implementation. (See Rule 02 NCAC 59D .0107 (e) ~~06E.0107 (e)~~ in Section IV of this manual.)
8. Silt fences are to be used only in conjunction with Animal Waste Management facilities and Sediment Control Structures. Silt fences and any retained sediment must be removed from the site once vegetation has been established. All silt fence installation shall conform to standards and specifications contained in the North Carolina Sedimentation Control Commission manual, "Erosion and ~~Sediment Control Planning and Design Manual~~", section 6.62. Silt fence posts will be a maximum of 8 feet apart with fabric trenched in a minimum of 8 inches deep. All silt fences must be maintained in working order until satisfactory vegetation is established.
9. Cost share of earth fill is only allowed where it is necessary to haul fill material in ~~dump~~ trucks on public roads. It should not normally be used where fill is moved by scraper pans.
10. Technical staff shall have the responsibility for determining appropriate set-backs for cost shared fencing in accordance with Agriculture Cost Share Program policy and NRCS standards as follows:
 - a. Cost shared tank, heavy use area, etc. is located a minimum of one hundred (100) feet from the top of the stream bank, the set-back for cost shared fencing shall be ten (10) feet.
 - b. If stream riparian areas have been damaged or destroyed, then fencing should be set-back far enough to permit establishment of woody vegetation on the stream banks.

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- c. If the stream bank or channel erosion is such that there exists the potential for the fence posts to be undermined by the stream during the life of the fence, then set-backs should be increased significantly (field determination).
 - d. For all cost shared BMPs that require fencing, a statement indicating the set back distance from the stream bank must be included in the ~~CPOCONTRACT~~contract. Also, the fencing set-back distance should be indicated on the sketch included with the ~~CPOCONTRACT~~contract. The sketch should also indicate the distance from the top of the bank to the tank, heavy use area, etc., if applicable. (Note: "Meets set-back requirements" is not acceptable. Actual set-back distances must be indicated.)
 - e. ~~If significantly less fencing than planned in the CPOCONTRACT is cancelled, expires _____ or is not installed, a statement signed by the technician must be submitted to the Division explaining why the fencing was not installed, why significantly less fencing was installed, or indicating that fencing was installed at the applicant's expense. The statement should indicate that a site visit was performed, along with the date of the site visit to establish the status of the required fencing. Failure to install required fencing constitutes non-compliance and procedure relative theto non-compliance policy must be followed.~~
11. For waste management measures that include vegetation the following policies are applicable:
- a. ~~Fescue is used as base vegetation for establishing average cost. -Other vegetative types may be used if they meet site specifications but cannot be paid at more than average cost.but must use base average cost developed for fescue.~~
a.
 - b. ~~Cooperator may use other than 10-10-10 fertilizers and the NC Agriculture Cost Share Program will pay 75% of \$.22 per lb. of plant food based on soil test.~~
 - c. ~~Cost share payments for stripcropping or cropland conversion are limited to the bulk rate average cost.~~
 - d. ~~Mulch includes the cost of materials and labor for installing any approved mulch material from the NRCS Technical Guide, Section IV, standard 342-II, at a rate of 2 tons per acre. Use of clean small grain straw is highly recommended. The average cost used is based on 125 bales of small grain straw per acre at 32 lbs. per bale. Hydro mulch used by hydro seeders is not to be used as a substitute for small grain mulch at any rate.~~
 - b.
 - c. ~~Where mulch netting is required, use as needed 10, 12, or 15 feet wide netting. The Area Office will decide if respective NRCS Area is approved to use 10 feet wide netting and overlap in channels exceeding 10 feet (any overlap must exceed 18 inches). Netting must be wide enough to cover at least 6 inches from the bottom of the waterway up the side slopes. Average cost includes cost of netting, staples, and labor for installation.~~
e.

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- ~~f.d.~~ Where mulch is not required as a part of the vegetation, netting may be used at the discretion of the person planning the practice.
12. The ~~CPO~~CONTRACT contract must include a ~~map that detailed sketch of the structure/system that~~ indicates the location of the stream system being protected.
13. In addition, the following components, if utilized in the waste management measure, must meet the indicated conditions and/or policies:
- a. Collection tanks for temporary storage and transfer of liquid animal waste must meet state specifications.
 - b. Average cost is for pressure treated lumber and includes fasteners and labor.
 - c. Pumps and motors must be used for the intended purpose or CONTRACT contract will be out of compliance permanent set and are for waste handling only^[K11].
 - ~~d.~~ Pump housing protection should be fiberglass. Site built protection may be used in lieu of fiberglass housing- but the payment will be based average cost with approval from the Division of Soil and Water Conservation Technical Services or NRCS Area Office. Cost share shall be 75% of actual cost not to exceed the current rate for fiberglass pump housings.
 - ~~d.~~
 - ~~e.~~ Cost share for guttering for existing structures is limited to structures that were in place at least 3 years prior to the date of cost share application. Guttering for a new structure is limited to that listed in the plan that is cost shared at the time of construction. The average cost for guttering includes all material and labor.
14. For all structural practices, any additional volume needed to accommodate the producer's equipment and/or desires will be at the producer's expense. ~~Therefore, if the cooperator stores equipment (other than waste handling equipment) in the structure and the plan did not stipulate that the volume of the designed structure was increased at the producer's expense, then the cooperator is out of compliance.] The design must stipulate the additional volume that was increased at the producer's expense.~~
15. For other components required as an integral part of a BMP, use cost values for ~~the~~ appropriate component provided elsewhere in the average cost.

Lagoon Biosolids Removal Practice

Definition/Purpose

Lagoon Biosolids Removal means removing accumulated biosolids from active lagoons. The biosolids will be properly utilized on farmland or forestland or processed to a value-added product, including energy production, to reduce nutrient impacts from nitrogen only based planning and impacts of phosphorus accumulation on application land. (DIP)

Policies

1. The *generator* of the waste product will be the applicant. A *generator* is an independent or contract poultry or livestock grower.
2. This practice shall only be used to remove biosolids when a biosolids survey indicates that accumulation needs to be managed.
3. This practice shall not be used to apply biosolids at a rate exceeding the following maximums:
 - a. No application is allowed for sites with a phosphorus loss potential (per PLAT) of high and very high.
 - b. For sites with a phosphorus loss potential (per PLAT) of low or medium, biosolids shall be applied in accordance to the Lagoon Biosolids Removal P Calculation Spreadsheet. This calculation limits the phosphorus application rate to 50% of what may be applied under a nitrogen based biosolids application plan, unless otherwise recommended by NCDA&CS soil test recommendations.
 - c. Planning shall project the impact of the biosolids application to heavy metal critical levels based on soil index.
 - d. In addition, the application shall not exceed the nitrogen requirement of the ~~next~~ receiving crop. If additional nitrogen is needed, consideration must be given to limit additional phosphorus application.
4. It is highly recommended that biosolids not be applied to fields that are used for continual animal waste application due to increases in metals and nutrient levels.
5. If required, a Manure/Litter Shared Responsibility Agreement must be used with each entity receiving transported biosolids.
6. Applicants who engage in value-added processing onsite are eligible for this practice. However, a cooperator who receives state cost share for any components of their value-added processing system (e.g., litter or manure compost, pelletizer) is not eligible for this practice.
7. An applicant may receive cost share for waste storage structures, waste treatment structures, and solids separation systems and remain eligible for this practice. An applicant, who received cost share for application systems previously, ~~are still~~ may be eligible for this practice.

8. An applicant ~~who may not~~ receives cost share for this BMP ~~and is not still be~~ eligible for the manure litter transport incentive BMP on the same operation.
9. Payments will be based upon the amount of biosolids transported for land application or processing. Requirements for payment include:
- a. The applicant must present a record of the amount of manure transported to each receiving entity using the appropriate ~~NC~~ form approved by the Division of Water Resources.
 - b. If the biosolids are being transferred to a manure hauler or other third party applicator or processor, the applicant must present:
 - i. NMP from each entity receiving biosolids for land application compliant with the NRCS Standard 590 and in accordance with the 1217 Interagency Committee Guidance and/or other applicable rules. A Technical Specialist with the Waste Utilization Planning/ Nutrient Management designation must approve the nutrient management plan.
 - ii. The receiving entity must also provide the applicant with records using appropriate ~~NC~~ forms approved by the Division of Water Resources indicating the fields to which biosolids has been applied and any other records required by 1217 Interagency Committee Guidance and/or other applicable rules. (Receiving entity must be in compliance with all applicable requirements)
 - iii. Certification from each entity receiving biosolids for processing that the waste has been processed and that the product has been transported from the processing facility for use.
- ~~10.~~ 10. Biosecurity measures outlined by the NC Department of Agriculture and Consumer Services must be followed for all transported biosolids.
- ~~10.~~ 11. BMP life is one year. Cooperators are ineligible to reapply for assistance for this practice on the receiving fields for 5 years and are not to exceed the cap per operation.
- ~~11-12.~~ 11-12. Soil loss is not required. Include the amount of ~~waste~~ nitrogen and ~~waste~~ phosphorous units that will be properly managed under the ~~transportation~~ incentive.

Specifications

N.C. NRCS Technical Guide, Section IV, Specification #590 (Nutrient Management), 1217 Interagency Committee Guidance.

NCDA&CS
ACSP-1C
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_____ NC-

(03/2019~~12/2012~~)

ADDENDUM TO NC-ACSP-2 (CONTRACT AGREEMENT)

TO: DIVISION OF SOIL AND WATER CONSERVATION

FROM:

SUBJECT: ABANDONED CONFINED ANIMAL OPERATION

- 1. The abandoned system has a potential for creating a water quality problem, if the lagoon leaks or overflows or the dam is breached and the effluent is allowed to discharge directly into a water course of the state. The applicant has requested both technical and financial assistance from the District to ensure water quality protection.
- 2. The effluent will be applied at agronomic rates in accordance with all local, state, and federal requirements, and a waste analysis will be taken to determine the application rate. A waste management plan will be developed and followed in accordance with NRCS specifications. Any areas disturbed by the removal of effluent (liquid or sludge) will be seeded to permanent vegetation.
- 3. In signing this addendum, the applicant agrees that the lagoon/storage facility will not never again be used for storing or treating animal waste for the life of the contract.

(Applicant Signature)

DATE: _____

(District Chair Signature)

DATE: _____

Closure - Waste Impoundments

Definition/Purpose

A Closure of Waste Impoundments Practice means the safe removal of existing waste and waste water and the application of this waste on land in an environmentally safe manner. This practice is only applicable to waste storage ponds and lagoons. (DIP)

Policies

1. The Commission agrees that both technical and financial assistance from the District may be appropriate to ensure water quality protection in situations where farmers are going out of business or where a landowner who was not an operator has an abandoned waste impoundment on his/her property.

Therefore, the District may enter into a contract to offer Cost Share Program financial assistance for a waste impoundment closure. Applicants must follow these guidelines:

- a. The District must verify the system is not under active maintenance requirements for an ACSP contract.
- b. The District demonstrates clearly in the contract provided to the Division that the waste impoundment is in a condition that is creating a water quality problem or presents a potential water quality problem if not corrected.
- c. Each ~~CPO~~CONTRACT contract must contain the following information and must be received by the Division prior to approval:
 - i. Length of time system has been abandoned.
 - ii. Indication of status with the Department of Environmental Quality with Division of Water Quality (i.e. has farm received a Notice of Violation.)
 - iii. Name of watershed in which system is located.
 - iv. Name of receiving waters (stream, river).
 - iv-v. Volume of system based on length, width, depth of liquid/sludge and slopes.
 - ~~v.~~Volume of system based on length, width, depth of liquid/sludge and slopes.
 - ~~vi.~~Number of contractors who can do the work available to the District.
 - ~~vii-vi.~~ Two estimates from established contractors, using entire volume of system as determined by the District and as included in the lagoon-waste impoundment closure plan. In situations where pumping is impractical because of consistency of sludge (i.e. solid), sludge may be excavated. Estimates should include information regarding how waste is to be removed (i.e. drag line, agitate and pump, etc.)

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~~viii-vii.~~ Surface area (acres) of the lagoon.

~~ix-viii.~~ A profile of the dam and how it is to be breached, if applicable.

~~x-ix.~~ A statement signed by the applicant/landowner that he/she will not re-implement the system and that no confined animal operation will be restarted on that farm. The completion of **NC-ACSP-1C** (07/02) meets this requirement.

~~xi-x.~~ **A statement, signed by the technician, certifying that the operation has an approved waste management plan is required for all contracts (see section VI for form NC-ACSP-WMP and policies for additional guidance).**

- d. The District or a Technical Specialist shall prepare the waste impoundment closure plan in accordance with the current standards promulgated by the United States Department of Agriculture, Natural Resource Conservation Service and the State, using the latest version of NC Nutrient Management Software program, ~~version 3.0.9 or later~~. The plan must address removal of transfer pipes and installation of a spillway, if needed. The planned waste application may not cause excessive zinc or copper soil levels nor exceed the crops' timely nitrogen uptake.
- e. Cost Share Program funds will be used for the removal of waste and stabilization of site only (not for fill materials). Removal of foreign materials will be at the landowner's expense and must be removed according to state and federal guidelines.
- f. Breaching of any diked or dammed structures is optional; however all disturbed areas will be vegetated to permanent grass, trees, or wildlife plantings. NCACSP policies and NRCS Standards will apply to all vegetated areas.

1. Districts may write contracts for waste impoundment closures based on the lowest bid that is technically acceptable. Payments will be based on actual cost based on receipts. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list.

~~g.~~ Receipts and a copy of the waste analysis report must accompany Requests for Payment.

~~h.g.~~ A subcommittee of the TRC will review lagoon/pond closure contracts that exceed \$50,000. The District will be notified of the subcommittee's decision. Closure activities covered by the contract shall not begin until the District has received the approval ~~card~~ from the Division.

2. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
3. Minimum life of BMP is ten (10) years.

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4. If the ~~tract including the former~~ waste impoundment is converted to residential or commercial ~~structures uses~~ during the maintenance period, the cost share contract shall be considered out of compliance.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #342 (Critical Area Planting), #633 (Waste Utilization), and # 360 (Closure of Waste Impoundments); DSWC Guidelines for Lagoon Closure Plan Development

Concentrated Nutrient Source Management System

Definition/Purpose

A Concentrated Nutrient Source Management System is a system of vegetative and structural measures used to manage the collection, storage, and/or treatment of areas where agricultural products may cause an area of concentrated nutrients. Examples could include sweet potato culls and silage leachate. (DIP)

Policies

1. Concentrated Nutrient Source Management System components must adhere to existing policies and standards.
2. Elements and items already a part of the NCACSP Average Cost Guide will be paid at 75% of average cost; includes grading, vegetation, and pipe. Other approved BMPs (e.g., filter strip, critical area planting, and diversion) may be incorporated into the Concentrated Nutrient Source Management System. For components not found in the Average Cost Guide cost will be based on 75% of actual cost with area office approval required.
3. Where nutrients are land applied, the application must be in accordance with a nutrient management plan that conforms to the NRCS standard.
4. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
5. Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #590 (Nutrient Management), ~~#393 (Filter Strip), #342 (Critical Area Planting), #362 (Diversion)~~. NRCS Area Office or Division of Soil and Water Conservation engineer must approve engineering designs.

Facilitating Practices: #393 (Filter Strip), #342 (Critical Area Planting), #362 (Diversion).

Constructed Wetlands

Definition/Purpose

A Constructed Wetlands for land application practice means an artificial wetland area into which liquid animal waste from a waste storage pond or lagoon is dispersed over time to lower the nutrient content of the liquid animal waste. (DIP)

Policies

1. Cooperator is responsible for appropriate local, state and federal permits. Changes to an existing waste treatment system will require approval from the Division of Water Resources.
2. Division of Soil and Water Conservation Technical Services or Area office approval required until a final NRCS Standard is developed and approved.
3. Cost share payments will be based on actual cost and copies of invoices must be attached to the Request for Payment.
4. Waste Management Plan Statement (NC-ACSP-WMP) is required.
5. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
6. Minimum life of BMP is ten (10) years.

Standards

Contact the Division of Soil and Water Conservation or your ~~your~~ NRCS Area Office.

Dry Stack

Definition/Purpose

A Dry Stack means a fabricated structure for temporary storage of animal waste. (DIP)

Policies

1. Waste Management Plan Statement (NC-ACSP-WMP) is required.
2. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
3. Minimum life expectancy is ten (10) years.
4. Maximum size cost shared is based on storage volume required in waste —utilization plan, average stacking height of 5 feet. Additional volume needed to accommodate the producer's equipment and/or desires will be at the producer's expense and must be stipulated on the design and visually marked within the structure.-
5. If metal fabrication is utilized, the average cost includes all structural steel, concrete for footings, framing, grading, and all other necessary components of the dry stack.
6. Dry stacks ~~and composters~~ may be installed on non-producing (of litter) farms for applicants who plan to use litter on their crop or pasture lands but must obtain the litter from another individual that has poultry. Records must be kept verifying compliance with state requirements for the movement of litter.
7. A signed statement is required stating the cost shared portion of the dry stack will be used only for waste storage. (Waste handling equipment may be stored in the dry stack provided it does not cause a displacement of waste.)

SpecificationsStandards

N. C. NRCS Technical Guide, Section IV, Specification Standard #313 (Waste Storage Facility).

Feeding/Waste Storage Structure

Definition/Purpose

The feeding/waste storage structure is designed for the purpose of improving the collection/storage of animal waste and to reduce runoff of nutrients and fecal coliform to adjacent water bodies. The practice is intended to be used where livestock feeding areas are in close proximity to streams and where relocation or rotation of feeding areas is infeasible due to physical limitations (e.g., slope) and where other stream protection measures are insufficient to address water quality concerns.

Policies

1. Waste Management Plan Statement (NC-ACSP-WMP) is required.
2. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
3. Minimum life expectancy is ten (10) years.
4. Maximum size cost shared is based on storage volume required in waste utilization plan, average stacking height of 5 feet and a feed area necessary to accommodate the current herd size. Additional volume needed for the producer's equipment and/or desires will be at the producer's expense and must be stipulated on the design.
5. If metal fabrication is utilized, the average cost includes all structural steel, concrete for footings, framing, grading, and all other necessary components of the feed/waste storage structure. Feeding panels or feeding wagons are not cost shareable components.
6. BMPs (stock trails, watering systems, etc.) that are offered in the NCACSP as standard practices are not included under the cap listed on the average cost list.
7. A signed statement is required stating the cost shared portion of the structure will be used only for animal feeding and waste storage.
8. This practice must be in conjunction with the exclusion of livestock and alternative watering sources, where applicable.
9. A 100 foot setback from streams, creeks and lakes will be required.
10. The installation of the feed/waste storage structure will be contingent on design approval from the Division of Soil and Water Conservation Technical Services -or NRCS area engineer.

Standard

NRCS Technical Guide, Section IV, Standard #313 (Waste Storage Facility).

Heavy Use Area Protection

Definition/Purpose

A Heavy Use Area Protection means an area used frequently and intensively by animals which must be stabilized by surfacing with suitable materials to improve water quality. Benefits may include reduced erosion, sedimentation and pollution from dissolved, particulate, and sediment-attached substances. (DIP)

Policies

1. When Heavy Use Protection Area is employed in conjunction with feeding areas and barn lots, a filter strip must be established before the practice is eligible for cost-sharing. **Heavy Use Area Protection is not approved for access roads.**
2. The requirement of fencing around a heavy use area is to be left to the technical staff as to whether it is needed.
3. Livestock exclusion in conjunction with heavy use area protection measures **(loafing lots, barns, feeding stations, watering facilities, stock trails, etc.) will be required to have a minimum set-back of 20 feet from the top of the stream bank.** A statement must be included on the contract indicating the established setback distance from the stream bank and must also indicate distance on sketch included with contract.
4. Heavy use areas that are components of ~~.0200~~ **15A NCAC 02T .1300** waste management plans must meet additional buffer requirements as prescribed in the **1217** Interagency Guidance Memorandum.
5. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
6. Minimum life of BMP is ten (10) years.
7. Structural geotextiles shall meet the requirements of "Construction Specification 217 - Geotextiles" and "Interim Material Specification 592 - Geotextiles". Drainage geotextiles shall meet the requirements of N.C. Technical Guide, Section IV Practice Standard 606, as shown in paragraph 606-8-5.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #561 (Heavy Use Area Protection) and #382 (Fence).

Insect Control Practice

Definition/Purpose

An Insect Control system means a practice or combination of practices (planting windbreaks, pre-charging structures, incorporation of waste into soil, etc.) which manages or controls insects from confined animal operations, waste treatment and storage structures, and waste applied to agricultural land. (DIP)

Policies

1. Unproven technology or techniques must be approved or recommended by the NCSU Animal and Poultry Waste Management Center.
2. Consideration will be given to practices to minimize insects as listed in Attachment 10 of the Fourth Guidance Memo dated January 2, 1997.
3. Each insect control BMP or ~~contract-GPO~~ with an insect control BMP must be approved by the Technical Review Committee ~~ee Subcommittee~~.
4. Life of BMP is five (5) years.
5. ~~The practice will be Average Cost Guide:~~ paid at the rate of 75% of actual costs with receipts.
6. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.

Standards

NRCS Technical Guide as appropriate.

Agriculture Cost Share Program**Livestock Mortality Management System**Definition/Purpose

A livestock mortality management system is a facility for managing livestock mortalities such as to minimize water quality impacts or to produce a material that can be recycled as a soil amendment and fertilizer substitute. Cost shareable mortality management system components include: composter, rotary drum composter, forced aeration static pile composter, mortality freezer/refrigeration unit and, mortality incinerator ~~and mortality gasification~~ system.

A composter means a facility for the biological treatment, stabilization and environmentally safe storage of organic waste material (such as manure from poultry and livestock and dead animal carcasses) to produce a material that can be recycled as a soil amendment and fertilizer substitute.

A freezer/refrigeration unit means a unit capable of freezing and storing poultry and other small animal carcasses until such time they can be moved offsite for rendering.

An incinerator ~~or gasifier~~ means a piece of equipment used to cremate dead poultry, swine, or other small animals.

Policies

1. ACSP funds will only be used to fund one mortality management system for each operation. Operations that have already received cost share for one mortality management system and are still in the required maintenance period for the practice have the option of repaying the prorated portion of their cost share to buy back eligibility. Recipients of cost share for composters have the additional option of converting the composter to a dry stack, provided the dry stack was of sufficient volume to meet NRCS standards. Cost share funds cannot be used to replace the same type of mortality management system.
2. A permit is required from the North Carolina Department of Agriculture, State Veterinarian for all composters, and all state regulations must be followed.
3. If a composter is approved, then a Waste Management Plan will be completed for the entire confined animal operation and not just the acreage associated with composter and compost. The Waste Management Plan must address storage of litter needs for the entire confined animal operation. If compost or waste is land applied by the cooperators on any land under his/her control (owned, rented, etc.), then a detailed site location map delineating the fields applied is required. If compost/waste is moved off the farm by a commercial contract hauler, the name and address of the hauler is required with the contract. Waste Management Plan Statement (NC-ACSP-WMP) is required.
4. A composter shared by landowners is eligible for cost share if a landowner agreement is being attached to the contract. This agreement must be signed and dated by all

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landowners sharing the facility and must state that the facility may be used by each landowner for a minimum period of ten (10) years.

5. Landowners requesting commercial composters may receive 75% of treatment and storage volume. Payment will then be limited to the minimum volume required using the design criteria of the Division of Soil and Water Conservation, NRCS ~~and~~ the Cooperative Extension Service.
6. Payment will be made for the minimum volume required using NRCS and Extension Service design criteria for primary and secondary treatment, and/or storage of composted material in one structure. Storage volume is equal to a maximum of four (4) times the primary volume^[K11]. Additional volume needed to accommodate the producer's equipment and/or desires will be at the producer's expense and must be indicated on the design.
7. Pursuant to 15A NCAC 02T .130315A-NCAC 2H.0100 and 2H.0200 regulations, poultry waste storage structures must be located at least 100 feet from perennial streams and groundwater wells.
8. All NRCS and NC Agriculture Cost Share Program standards and policies relative to vegetation of critical areas must be followed, if applicable.
9. North Carolina Division of Air Quality exempts incinerators used to dispose of dead animals or poultry under the following conditions:
 - a. The incinerator is located on a farm and is owned and operated by the farm owner or by the farm operator.
 - b. The incinerator is used solely to dispose of animals or poultry originating on the farm where the incinerator is located.
 - c. The incinerator is not charged at a rate that exceeds its design capacity.
 - d. The incinerator complies with visible emissions and odorous emissions requirements.
10. An Operation and Maintenance Plan Statement (NC-ACSP-OMP) is required ~~for mortality incinerators, gasifiers and freezers~~.
11. A Waste Management Plan Statement (NC-ACSP-WMP) is required.
12. A mortality management system can only be used to dispose of mortalities associated with the planned operation(s).
13. Farmers with freezers must include in their waste management plans the name and telephone number of the rendering plant or recycling plant responsible for handling animal carcasses.

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14. When a roof is installed on an incinerator, regardless of whether or not cost share is received, the size and other clearances as recommended by the incinerator manufacturer must be followed as described in the NRCS standard^[K12].
15. BMP soil impact is not required on this BMP. Include the amount of ~~fresh manure in waste~~ nitrogen and ~~waste~~ phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
16. Minimum life of BMP is ten (10) years for composters, rotary drum composters, forced aeration static pile composters ~~and~~, mortality freezers/~~refrigeration units, and mortality gasification systems~~. Minimum life of BMP is five (5) years for mortality incinerators.
17. Any additional area needed to accommodate the producer's equipment and/or desires will be at the producer's expense. **The additional area must be stipulated on the design and not receive cost share assistance.** For example, if the operator stores equipment other than waste handling equipment in the structure and the design plan did not stipulate that the area of the designed structure was increased at the producer's expense, then the operator is out of compliance.

Standards

North Carolina NRCS Technical Guide, Section IV, Standard #316 (Animal Mortality Facility). [NC GS 106-403 "Disposition of dead domesticated animals"](#). [Administrative code 02 NCAC 52C .0102 "Disposal of Dead Animals"](#).

Manure Composting Facility

Definition/Purpose

Composting is an aerobic biological process in which microorganisms and temperature convert manure and other organic matter (carbon) into a soil-like material with reduced pathogen content called compost. Compost can be applied as a soil amendment to improve soil ~~tilth~~ health and plant growth. A composting facility is a facility for the biological treatment, stabilization and environmentally safe storage of organic waste material (such as manure from poultry and livestock) to minimize water quality impacts and to produce a material that can be recycled as a soil amendment and fertilizer substitute. (DIP)

Policies

1. If a composter is approved, an Operation and Management Maintenance Plan must be developed to guide the user in the proper management of the composting facility. It should address carbon-nitrogen ratios of feedstocks, moisture management, pile configuration, composting period, temperature monitoring, pile aeration, nutrients, insect, odor and scavenger management, testing, curing and storage, and testing of finished compost.
- ~~2.~~ 2. A Waste Management System Plan is required and should take into account the collection, treatment, storage, and end use of the compost. The plan will be completed for the entire animal operation and not just the acreage associated with the composter and compost. If compost is land applied by the cooperators on any land under his/her control (owned, rented, etc.), then a detailed site location map delineating the fields used should be in the Waste Management System Plan. If compost is moved off the farm by a commercial contract hauler, the name and address of the hauler is required with the contract. If a third-party applicator is used to move compost off the site, then an agreement, including the name and address, must be maintained for the life of the practice. Pursuant to 15A NCAC 13B .1402, a permit from the NC Department of Environmental Quality, Solid Waste Section, may be required if the compost is offered for commercial or retail sale.
- ~~3.~~ 3. A composter must be covered with a roof to prevent nutrient runoff from the processing, treatment, or storage of compost or treated materials. Runoff from the composter system must be collected and disposed of properly according to NRCS standard #634 waste transfer.
4. A composter shared by landowners is eligible for cost shared if agreements are in place for the cost-shared landowner when he/she is under contract to receive compost from other landowners. a landowner The agreement is should being attached to the contract. This agreement must be signed and dated by all landowners sharing the facility and must state that the facility may be used by each landowner for a minimum period of ten (10) years. The sharing of composters should be suspended during animal health emergency situations to prevent spread of disease. To prevent the spread of disease in animal health emergency situations, the mixing of material from multiple operations should be suspended.

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~~5.2. For rotary drum composters, the Division of Soil and Water Conservation Technical Services or NRCS State Engineer must approve the model.~~

~~6.3. 5. Payment will be made for the minimum volume required using NRCS and Extension Service design criteria for primary and secondary treatment, and/or storage of composted material in one structure. Storage volume is equal to a maximum of four (4) times the primary volume. Additional volume needed to accommodate the producer's equipment and/or desires will be at the producer's expense and must be stipulated on the design.~~

~~7. 6. Pursuant to 02 NCAC 59D.100 and 2H.0200-15A NCAC 02T regulations, waste storage structures must be located at least 100 feet from perennial streams and groundwater wells. NRCS specifications standards require all waste structures to be a minimum of 50 feet from perennial wells, streams or groundwater wells other water features. This setback requirement also pertains to compost facilities.~~

~~8. 7. All NRCS and NC Agriculture Cost Share Program standards and policies relative to vegetation of critical areas must be followed, if applicable.~~

~~9. 8. A Waste Management Plan Statement (NC-ACSP-WMP) and an Operation and Maintenance Statement (NC-ACSP-OMP) are required.~~

~~10. 9. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.~~

~~11. Minimum life of BMP is ten (10) years.~~

Standards

~~N. C. NRCS Technical Guide, Section IV, Standard #317 (Composting Facility), and #590 (Nutrient Management), and #634 (Waste Transfer). During animal health emergency situations, NC GS 106-403 "Disposition of dead domesticated animals". Administrative code 02 NCAC 52C .0102 "Disposal of Dead Animals" and NRCS Standard #368 (Emergency Animal Mortality Management) should be reviewed in order for this BMP to be used for disposal of animals.~~

Manure/Litter Transportation Incentive

Definition/Purpose

Manure/Litter Transportation means transporting dry litter and dry manure from livestock and poultry farms that lack sufficient land to effectively utilize the animal-derived nutrients. The litter/manure will be properly utilized on alternative land or processed to a value-added product, including energy production, to reduce nutrient impacts. Manure/Litter Transportation Incentive payments shall be limited to ~~3 years per applicant~~ ~~and~~ \$15,000 in a lifetime. (DIP)

Policies

1. The *generator* of the waste product will be the applicant. A *generator* is an independent or contract poultry or livestock grower, in operation at least 3 years prior to the date of cost share application that produces poultry dry litter or dry manure.
2. To be eligible, the applicant must demonstrate that at least 50% of available cropland, pastureland, and hayland under his/her control has either:
 - a. a soil test phosphorus index greater than or equal to 200 or
 - b. a phosphorus loss potential (per PLAT) of high or very high.

Districts may propose alternative eligibility criteria, subject to approval by the Commission.

3. This incentive shall not be used to transport litter/manure for utilization on sites where the phosphorus loss potential (per PLAT) is rated high or very high.
4. A Manure/Litter Shared Responsibility Agreement must be used with each entity receiving transported litter/manure.
5. Applicants who engage in value-added processing onsite are eligible to receive the incentive. However, a cooperator who receives state cost share for any components of their value-added processing system (e.g., litter or manure composter, pelletizer) is not eligible for the incentive.
6. An applicant may receive cost share for waste storage structures, waste treatment structures, and solids separation systems and remain eligible to receive this incentive. An applicant, who received cost share for application systems previously, ~~are still may~~ ~~be~~ eligible to receive this incentive.
7. Payments will be based upon the amount of manure/litter transported for offsite use or processing. Requirements for payment include:
 - a. The applicant must present a record of the amount of litter/manure transported to each receiving entity using the DRY 1 form.
 - b. The applicant must present:

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- i. NMP from each entity receiving litter/manure for land application compliant with the NRCS Standard 590 and in accordance with the 1217 Interagency Committee Guidance and/or other applicable rules. A Technical Specialist with the Waste Utilization Planning/ Nutrient Management designation must approve the nutrient management plan.
 - ii. The receiving entity must also provide the applicant with records using the DRY 2 & 3 forms indicating the fields to which litter/manure has been applied and any other records required by 1217 Interagency Committee Guidance and/or other applicable rules. (Receiving entity must be in compliance with all applicable requirements)
 - iii. Certification from each entity receiving litter/manure for processing that the waste has been processed and that the product has been transported from the processing facility for use.
8. Biosecurity measures outlined by the NC Department of Agriculture and Consumer Services must be followed for all transported manure/litter.
9. Minimum life of BMP is one (1) year.
10. BMP soil impact is not required on this BMP. Include the amount of ~~fresh manure in~~ waste nitrogen and waste phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.

Standards

N.C. NRCS Technical Guide, Section IV, Standard #590 (Nutrient Management), 1217 Interagency Committee Guidance.

Odor Control Management System

Definition/Purpose

An Odor Control Management System means a practice or combination of practices (planting windbreaks, pre-charging structures, incorporation of waste into soil, etc.) which manages or controls odors from confined animal operations, waste treatment and storage structures and waste applied to agricultural land. (DIP)

Policies

1. Cost share for odor control management systems is limited to structural and vegetative practices unless approved by the NCSU Animal and Poultry Waste Management Center.
2. BMP Life one to ten years, depending upon practice.
3. Average Cost Guide: elements and items already a part of Average Cost paid at 75% of average cost, includes grading, vegetation, pipe drops and surface inlets, animal guards, pipe and fittings.
4. Each odor control BMP or a ~~CPO~~~~CONTRACT~~~~CONTRACT~~contract with an odor control BMP must be approved by the ~~Technical Review Committee Subcommittee~~TRC. The NCSU Animal and Poultry Waste Management Center must approve unproven technology or techniques prior to submission to the TRC for approval.
5. BMP soil impact is not required on this BMP. Please report the number of acres affected, animal type, and animal units.

Standards

N. C. NRCS Technical Guide, Section IV, Standard # 380 (Windbreak/Shelterbelt Establishment), Standard # 422 (Hedgerow Planting)

Reference

[This best management practice was added to the ACSP as part of SB17 in 1995 to implement the findings of a Blue Ribbon Study Commission on Animal Waste Management. S.L. 1995-626 https://www4.ncleg.net/Sessions/1995/Bills/Senate/PDF/S1217v5.pdf. See p. 13 \(Section V\)](https://www4.ncleg.net/Sessions/1995/Bills/Senate/PDF/S1217v5.pdf)

Retrofit of On-Going Animal Operations

Definition/Purpose

Retrofits of On-Going Animal Operations are modifications of structures to increase storage or to correct design flaws to meet current standards. This practice may also be used to close waste impoundments on on-going operations, including the safe removal of existing waste and waste water and the application of this waste on land in an environmentally safe manner. (DIP)

Policies

Existing, on-going operations which desire to close or retrofit existing **unlined** waste impoundments in order to meet current standards, regulations, or rules are eligible for cost share reimbursement under the following guidelines:

1. Closure/retrofit of waste impoundments must adhere to the following guidelines:
 - a. For waste impoundments, Cost Share Program funds will be used for the removal/disposal of waste only (not for fill materials), and for stabilization of site. Removal of foreign materials will be at the landowner's expense and must be removed according to state and federal guidelines. Costs for closure are limited to 75% of actual cost. Receipts and a copy of the waste analysis report must accompany Requests for Payments (NC-ACSP-3).

Breaching of any diked or dammed structures is optional; however all disturbed areas will be vegetated to permanent grass, trees, or wildlife plantings. NCACSP policies and NRCS Standards will apply to all vegetated areas.

The District or a Technical Specialist shall prepare the closure plan in accordance with the current standards promulgated by the United States Department of Agriculture, Natural Resource Conservation Service and the State, using the **most up to date** NC Nutrient Management Software program, **version 3.0.9 or later**. The plan must address removal of transfer pipes and installation of a spillway, if needed. The planned waste application may not cause excessive zinc or copper soil levels nor exceed the crops' timely nitrogen uptake.

- b. For retrofitted waste impoundments, Cost Share Program funds may be used for removal/disposal of waste and other components necessary to bring the lagoon/waste storage pond up to current NRCS Standards. A copy of the waste analysis report must accompany Requests for Payments (NC-ACSP-3). Funds may also be used to make the required structural upgrades (clay liner, emergency spillway, etc.) and for required compaction test.
2. A statement, signed by the technician, certifying that the operation has an approved waste management plan is required (~~see Section VI for form NC-ACSP-WMP~~ **and policies listed on Page V-17 of this manual for additional guidance**).
3. The removal of trees is a correction for a lack of maintenance and is not considered a retrofit.

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4. BMP soil impact is not required on this BMP. Include the amount of fresh manure in waste nitrogen and waste phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
5. Minimum life for the retrofit of an on-going animal operation is ten (10) years.

Standards

N.C. NRCS Technical Guide, Section IV, #590 (Nutrient Management)-and #360 (Waste Facility Closure~~Closure of Waste Impoundments~~) #313 (Waste Storage Facility)-and #359 (Waste Treatment Lagoon)

Solids Separation from Tank-Based Aquaculture Production

Definition/ Purpose

A facility for the removal, storage and dewatering of solid waste from the effluent of intensive tank-based aquaculture production systems. (DIP)

To capture organic solids from the effluent stream of intensive fish production systems that would otherwise flow to effluent ponds for storage and further treatment. This waste comes from uneaten feed and feces generated by fish while being fed within a tank-or raceway based fish farm.

Policies

1. By signing the Cost Share Agreement (NC-ACSP-2), the cooperators and/or landowner acknowledges and agrees that they are responsible for the maintenance or replacement of all equipment cost shared as a component of waste management measure(s) at their expense and that any cost shared component will not be sold or used as collateral for the life of the practice must be included in the ~~CPO~~CONTRACTcontract.
2. Items for reimbursement under the maximum are all equipment, materials, construction, installation, vegetation, and pumps. A maximum of two ~~90'~~ geotubes and a year supply of polymer per system will be eligible for reimbursement.
3. For all operations, cost share payments are limited to a \$15,000 lifetime cap. If a roof is required, it is not part of the lifetime cap.
4. Receipts must support reimbursable items.
5. Waste Management Plan Statement (NC-ACSP-WMP) is required.
6. Cost share will not pay for any motorized vehicles used in transporting/applying waste.
7. BMP soil impact is not required on this BMP. Include the ~~amount of fresh manure in waste~~ nitrogen and waste phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
8. Minimum life of the BMP is ten (10) years.

Standards

N.C. NRCS Technical Guide, Section IV, Standards #632 (~~Solid/Liquid~~ Waste Separation Facility); #590 (Nutrient Management)

Storm Water Management System

Definition/Purpose

A Storm Water Management System means a system of collection and diversion practices (guttering, collection boxes, diversions, etc.) to prevent unpolluted storm water from flowing across concentrated waste areas on animal operations. (DIP)

Policies

1. Storm Water Management System components must adhere to existing policies and standards. The Division of Soil and Water Conservation or Area Office approval ~~is~~ may ~~be~~ required.
2. Storm Water Management Systems may be included in ~~contract~~ GPO(s) for retrofitting animal operations, either as a new component to an existing waste management system when the existing waste management system lacks appropriate storm water management for certification or as a component to a new animal waste management system which requires storm water management for certification.
- ~~3.~~ Funds will not be allowed for roofing a gravel or concrete heavy use area in a pasture. For confined operations, a roof may be cost shared if the ~~engineer~~ designer certifies that a roof is the most cost effective means of managing storm water runoff to the waste collection system and the pad or heavy use area to be roofed was built at least 3 years prior to the date of cost share application ~~installed prior to November 7, 1996.~~
- ~~3.~~
4. Guttering can be cost shared when it is to be installed on existing structures which were built at least 3 years prior to the date of cost share application or when it is to be installed on new cost shared structures included in the plan. The Average Cost Guide includes the costs of labor and installation.
5. The life of the BMP is ten (10) years.
6. BMP soil impact is not required on this BMP. Include the amount ~~of of fresh manure in~~ waste nitrogen and waste phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.

Standard

N. C. NRCS Technical Guide, Section IV, #558 (Roof Runoff Structure), #362??? (Diversion), ~~and~~ #367 (Roofs and Covers)

Waste Application Systems

Definition/Purpose

A Waste Application System means an environmentally safe system (such as solid set, dry hydrant, mobile irrigation equipment, etc.) for the conveyance and distribution of animal wastes from waste treatment and storage structures to agricultural fields as part of an irrigation and waste utilization plan. (DIP)

Mobile Application System means a portable conveyance system for the application of liquid animal waste from a waste storage pond or lagoon or a manure spreader for the application of dry waste [or compost](#).

Solid Set System means an in-ground sprinkler system which allows the conveyance of liquid waste from a waste storage pond or lagoon to allow land application of liquid wastes.

Underground Main and Hydrant System means an in ground system of pipes ending in hydrants which allows the conveyance of liquid waste from a waste storage pond or lagoon to facilitate the land application of animal wastes.

Policies

1. Items for reimbursement under the maximum are all equipment, materials, construction, installation, vegetation, pumps, etc. from the waste structure to and including the delivery system. **The type of system must be specified on [contracts CPO](#)** (i.e. center pivot, traveling gun, solid set, etc.) Reimbursable items must be supported by receipts, including any previous payments to the cooperator for pipe, hydrants or other elements of a waste application system. **For all operations, cost share payments are limited to a \$35,000 lifetime cap.** Cost share will not pay for any motorized vehicles used in transporting/applying waste or for replacing worn out equipment that was previously cost shared on.
2. By signing the Cost Share Agreement (NC-ACSP-2), the cooperator and/or landowner acknowledges and agrees that they are responsible for the maintenance or replacement of all equipment cost shared as a component of waste management measure(s) at their expense and that any cost shared component will not be sold or used as collateral for the life of the practice must be included in the [contractCPO](#).
3. Above-ground mobile irrigation pipe may be used as a component of a waste application system for cost share with the following stipulations:
 - a. All pipe from the lagoon or waste storage pond to the field must be buried according to NRCS standards;
 - b. The waste application system must include a safety valve that will close in case pressure is lost; and
 - c. The use of above ground pipe must be approved by an engineer.

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4. The following guidelines apply for poultry litter spreaders:
 - a. Before a cooperator can receive Cost Share assistance for a poultry litter spreader he/she must have a method for mortality disposal approved by the State Veterinarian and must have adequate litter storage ~~(i.e. storage for 25% of the volume of waste generated annually)~~. For purposes of the cost share program, storing covered or uncovered litter on the ground is not considered acceptable storage, nor is pit disposal acceptable for mortalities. ~~(unless approved in an emergency by the State Veterinarian)~~.
 - b. Only a commercially sold fan spinner, rotary type spreader with an adjustable door for calibration may be cost shared.
 - c. Cost share will be based on actual cost with receipts required not to exceed the amount on the average cost list for ACSP.
 - d. Non-producers are not eligible for litter or manure spreaders.
 - e. If a producer has a litter spreader, they are NOT eligible for cost share assistance irrespective of whether it was cost shared.

d. The following gu

5. Fencing was ruled to be a production practice by the TRC and **is not** an acceptable element of this BMP.
6. When 15A NCAC 02T .1300-0200 and Cost Share converge:
 - a. When Cost Share is used for a waste application system that meets the 15A NCAC 02T .1300-0200 certification requirements, and a new water quality problem associated with the waste application system is created through the actions of the farmer, Cost Share funds shall not be used to solve the new problem. The Soil and Water Conservation Commission compliance policies shall be followed if the waste application system was cost shared.
 - b. When a waste management system is certified with equipment that is not cost shared, the farmer will be eligible to upgrade the system with Cost Share assistance as long as if greater water quality benefits can be shown. All such contracts must be considered by a subcommittee of the Technical Review Committee.
 - c. Cost Share funds can be used to pay the difference between the current replacement value of a previously Cost Shared waste application system (e.g., a honey wagon) and a new system (e.g., solid set) as long as if the new system is shown to provide greater water quality improvements. All such contracts must be considered by a subcommittee of the Technical Review Committee.
 - ~~d. If a third party third-party applicator arrangement for an animal operation fails the producer would be eligible for cost share assistance to implement a waste application system. application system. This example would be analogous to a system that breaks through no fault of the operator, and a repair contract would be allowable.~~

Agriculture Cost Share Program

- d.
- e. Cost Share would be available to extend irrigation pipe when an existing Waste Management Plan (WMP) is updated and the operation will need to expand the waste application systems to take phosphorus or other nutrients into consideration or to base the application rates on more current realistic yield estimates. The operation would still be limited to the amount listed on the average cost list.
7. Waste Management Plan Statement (NC-ACSP-WMP) is required.
8. BMP soil impact is not required on this BMP. Include the amount ~~waste of fresh manure~~ waste in-nitrogen and waste phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
9. Minimum life of BMP is ten (10) years.

Standards specifications

N. C. NRCS Technical Guide, Section IV, ~~Specification Standard~~ #442 (Irrigation System, Sprinkler), #430 (Irrigation Pipeline), #449 (Irrigation Water Management), and #590 (Nutrient Management) #634 (Waste Transfer) #533 (Pumping Plant) Check for others.

Waste Treatment Lagoon/Storage Pond

Definition/Purpose

A Waste Treatment Lagoon means an impoundment made by excavation or earthfill for biological treatment and storage of animal waste. (DIP)

A Waste Storage Pond means an impoundment made by excavation or earthfill for temporary storage of animal waste, waste water and polluted runoff. (DIP)

Policies

~~1. The Cost Share Program will reimburse for the removal of clay from stockpiles to be used to form clay liners for lagoons. Costs for the clay liner are to be calculated on the amount of clay soil moved from the stockpile to the excavated area. Dam construction, pads, etc. are part of the excavation used as earth fill and are not considered as soil being handled twice.~~

2.1. All NRCS standards and NC Agriculture Cost Share Program policies relative to vegetation must be followed.

3.2. The temporary seeding of a lagoon/storage pond is not a cost shared BMP, ~~h.~~ However, it may be necessary to prevent dike erosion and to assure practice integrity. ~~P~~ Payment for the lagoon construction may be made prior to the establishment of permanent vegetation based on the following conditions:

- a. The ~~area~~ engineer submits in writing the reason temporary seeding is necessary and assurance is made that the cooperators will reseed to permanent vegetation as soon as it is practical; and
- b. The cooperators will reimburse the cost shared funds of the lagoon/storage pond if permanent vegetation is not established in the first suitable growing season.

4.3. The Cost Share Program will pay for pumps to move waste to a lagoon or waste storage pond. Pumps needed to recycle water from the lagoon back to the house to flush the houses are a production requirement not eligible for cost share assistance. ~~needed to pass health restrictions, etc.~~ **The Cost Share Program will not pay for items/components which are not necessary for water quality benefits.**

5.4. Vegetation on the banks of the lagoon/storage pond is to be protected from livestock with permanent fencing, if applicable. Livestock are not to be used to mow the banks.

6.5. When existing lagoons are to be closed as part of retrofitting animal waste systems to meet 15A NCAC 02T .1300-0200 certification, the contract CPO for the retrofit must include information relative to the closing of the existing lagoon(s)/storage pond(s) and an explanation as to why closure of the lagoon/storage pond is necessary (instead of retrofitting the existing lagoon, a new lagoon is being built). Cost share for closure of lagoons/storage ponds which are part of a retrofit is limited to 75% of the cost to remove and land apply the volume of the lagoon/storage pond as determined by the District Office.

Agriculture Cost Share Program

~~7.6.~~ The Waste Management Plan or separate closure plan must include all the criteria of NRCS' ~~interim~~ standard for closure. Waste Management Plan Statement (NC-ACSP-WMP) is required.

~~8.7.~~ BMP soil impact is not required on this BMP. Include the amount of ~~waste-fresh manure in~~ nitrogen and ~~waste~~ phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.

~~9.8.~~ Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #359 (Waste Treatment Lagoon), #313(Waste Storage Facility), ~~#360 (Waste Facility Closure)~~ and #590 (Nutrient Management).

WASTE MANAGEMENT MEASURES

Waste Management System means a planned system in which all necessary components are installed for managing liquid and solid waste to prevent or minimize degradation of soil and water resources. (DIP)

Policies

1. N. C. Soil and Water Conservation Districts are not authorized to approve contracts on agricultural operations that are not in place and therefore are not causing a water quality problem.

The N. C. Soil and Water Conservation Commission reserves the authority to approve contracts on new operations and will review each contract developed on operations that were established less than 3 years prior to the date of cost share application.

2. If a Confined Animal Operation (CAO) is not meeting the 15A NCAC 02T .1300 Non-discharge certification requirements and the most practical option is to move the animals off the present site to a completely new site where 15A NCAC 02T .1300 can be met, this would not constitute a NEW operation under the Commission policy. This is considered the same as providing a Waste Management System for the existing operation. However, if a confined animal operation which meets the 15A NCAC 02T .1300 Non-discharge certification requirements and the cooperator must move the operation because the property has been sold or the cooperator no longer is able to lease the property, then the operation is not eligible for cost share assistance.
3. **A statement, signed by the technician, certifying that the operation has an approved waste management plan is required for all contracts.** An approved waste management plan means a plan, signed by the cooperator and the technician, to properly collect, store, treat, and/or apply animal waste to the land in an environmentally safe manner. The waste management plan must follow NRCS standards and must be revised, if necessary, to meet any changes in the operation which alter the waste management needs of the operation.
4. With regard to approved waste management plans for operations receiving cost share funds the following requirements must be met:
 - a. A contract waste applicator is one who either buys the waste from the producer or is paid by the producer to spread the waste on land in the waste management plan. If waste is being applied by a contract waste applicator, the name and address of the contract waste applicator, a copy of maps of the fields to be applied and soil loss of these fields must be included in the waste management plan.
 - b. A manure hauler is one who receives the waste from the producer and applies to someone else's land. If the waste is being applied by a manure hauler for the cooperator, the name and address of the manure hauler must be included in the waste management plan.

Agriculture Cost Share Program

- c. If sludge or waste is removed for closure or retrofitting by a contractor who is paid for this service, the name and address of the contractor along with the operator in charge must be included in the waste closure/sludge management plan.
5. By signing the Cost Share Agreement (NC-CSP-2), the cooperator and/or landowner acknowledges and agrees that they are responsible for the maintenance and/or replacement of all equipment cost shared as a component of waste management measure(s) at their expense and that any cost shared component will not be sold or used as collateral for the life of the practice.
6. To better coincide with the allowances under the non-discharge rules, contracts for animal waste management systems can be pulled from the pending file in order to receive payment for one item in the contract (i.e. lagoons, holding ponds, dry stacks, etc.) even though a later to be installed item (i.e. irrigation system) is pending approval of engineer, Area Office or other.
7. Waste Management Systems not subject to 15A NCAC 02T .1300 certification will receive annual status reviews (spot checks) for five years following implementation. (See Rule 02 NCAC 59D .0107 (e)).
8. Silt fences are to be used only in conjunction with Animal Waste Management facilities and Sediment Control Structures. Silt fences and any retained sediment must be removed from the site once vegetation has been established. All silt fence installation shall conform to standards and specifications contained in the North Carolina Sedimentation Control Commission manual, "Erosion and Sediment Control Planning and Design Manual", section 6.62. Silt fence posts will be a maximum of 8 feet apart with fabric trenched in a minimum of 8 inches deep. All silt fences must be maintained in working order until satisfactory vegetation is established.
9. Cost share of earth fill is only allowed where it is necessary to haul fill material in dump trucks on public roads. It should not normally be used where fill is moved by scraper pans.
10. Technical staff shall have the responsibility for determining appropriate setbacks for cost shared fencing in accordance with Agriculture Cost Share Program policy and NRCS standards as follows:
 - a. Cost shared tank, heavy use area, etc. is located a minimum of one hundred (100) feet from the top of the stream bank, the setback for cost shared fencing shall be ten (10) feet.
 - b. If stream riparian areas have been damaged or destroyed, then fencing should be setback far enough to permit establishment of woody vegetation on the stream banks.
 - c. If the stream bank or channel erosion is such that there exists the potential for the fence posts to be undermined by the stream during the life of the fence, then setbacks should be increased significantly (field determination).

Agriculture Cost Share Program

- d. For all cost shared BMPs that require fencing, a statement indicating the setback distance from the stream bank must be included in the contract. Also, the fencing setback distance should be indicated on the sketch included with the contract. The sketch should also indicate the distance from the top of the bank to the tank, heavy use area, etc., if applicable. (Note: "Meets setback requirements" is not acceptable. Actual setback distances must be indicated.)
 - e. Failure to install required fencing constitutes non-compliance and the non-compliance policy must be followed.
11. For waste management measures that include vegetation the following policies are applicable:
 - a. Fescue is used for establishing average cost. Other vegetative types may be used if they meet site specifications but cannot be paid at more than average cost.
 - b. Mulch includes the cost of materials and labor for installing any approved mulch material from the NRCS Technical Guide, Section IV, standard 342-II.
 - c. Where mulch netting is required, use as needed 10, 12, or 15 feet wide netting. Netting must be wide enough to cover at least 6 inches from the bottom of the waterway up the side slopes. Average cost includes cost of netting, staples, and labor for installation.
 - d. Where mulch is not required as a part of the vegetation, netting may be used at the discretion of the person planning the practice.
12. The contract must include a map that indicates the location of the stream system being protected.
13. In addition, the following components, if utilized in the waste management measure, must meet the indicated conditions and/or policies:
 - a. Collection tanks for temporary storage and transfer of liquid animal waste must meet state specifications.
 - b. Average cost is for pressure treated lumber and includes fasteners and labor.
 - c. Pumps and motors must be used for the intended purpose or contract will be out of compliance.
 - d. Pump housing protection should be fiberglass. Site built protection may be used in lieu of fiberglass housing but the payment will be based average cost.
14. For all structural practices, any additional volume needed to accommodate the producer's equipment and/or desires will be at the producer's expense. The design must stipulate the additional volume that was increased at the producer's expense.
15. For other components required as an integral part of a BMP, use cost values for the appropriate component provided elsewhere in the average cost.

Lagoon Biosolids Removal Practice

Definition/Purpose

Lagoon Biosolids Removal means removing accumulated biosolids from active lagoons. The biosolids will be properly utilized on farmland or forestland or processed to a value-added product, including energy production, to reduce nutrient impacts from nitrogen only based planning and impacts of phosphorus accumulation on application land. (DIP)

Policies

1. The *generator* of the waste product will be the applicant. A *generator* is an independent or contract poultry or livestock grower.
2. This practice shall only be used to remove biosolids when a biosolids survey indicates that accumulation needs to be managed.
3. This practice shall not be used to apply biosolids at a rate exceeding the following maximums:
 - a. No application is allowed for sites with a phosphorus loss potential (per PLAT) of high and very high.
 - b. For sites with a phosphorus loss potential (per PLAT) of low or medium, biosolids shall be applied in accordance to the Lagoon Biosolids Removal P Calculation Spreadsheet. This calculation limits the phosphorus application rate to 50% of what may be applied under a nitrogen based biosolids application plan, unless otherwise recommended by NCDA&CS soil test recommendations.
 - c. Planning shall project the impact of the biosolids application to heavy metal critical levels based on soil index.
 - d. In addition, the application shall not exceed the nitrogen requirement of the receiving crop. If additional nitrogen is needed, consideration must be given to limit additional phosphorus application.
4. It is highly recommended that biosolids not be applied to fields that are used for continual animal waste application due to increases in metals and nutrient levels.
5. If required, a Manure/Litter Shared Responsibility Agreement must be used with each entity receiving transported biosolids.
6. Applicants who engage in value-added processing onsite are eligible for this practice. However, a cooperator who receives state cost share for any components of their value-added processing system (e.g., litter or manure compost, pelletizer) is not eligible for this practice.
7. An applicant may receive cost share for waste storage structures, waste treatment structures, and solids separation systems and remain eligible for this practice. An applicant, who received cost share for application systems previously, are still eligible for this practice.

8. An applicant who receives cost share for this BMP is not eligible for the manure litter transport incentive BMP on the same operation.
9. Payments will be based upon the amount of biosolids transported for land application or processing. Requirements for payment include:
 - a. The applicant must present a record of the amount of manure transported to each receiving entity using the appropriate form approved by the Division of Water Resources.
 - b. If the biosolids are being transferred to a manure hauler or other third-party applicator or processor, the applicant must present:
 - i. NMP from each entity receiving biosolids for land application compliant with the NRCS Standard 590 and in accordance with the 1217 Interagency Committee Guidance and/or other applicable rules. A Technical Specialist with the Waste Utilization Planning/ Nutrient Management designation must approve the nutrient management plan.
 - ii. The receiving entity must also provide the applicant with records using appropriate forms approved by the Division of Water Resources indicating the fields to which biosolids has been applied and any other records required by 1217 Interagency Committee Guidance and/or other applicable rules. (Receiving entity must be in compliance with all applicable requirements)
 - iii. Certification from each entity receiving biosolids for processing that the waste has been processed and that the product has been transported from the processing facility for use.
10. Biosecurity measures outlined by the NC Department of Agriculture and Consumer Services must be followed for all transported biosolids.
11. BMP life is one year. Cooperators are ineligible to reapply for assistance for this practice on the receiving fields for 5 years and are not to exceed the cap per operation.
12. Soil loss is not required. Include the amount of waste nitrogen and waste phosphorous units that will be properly managed under the incentive.

Specifications

N.C. NRCS Technical Guide, Section IV, Specification #590 (Nutrient Management), 1217 Interagency Committee Guidance.

Closure - Waste Impoundments

Definition/Purpose

A Closure of Waste Impoundments Practice means the safe removal of existing waste and waste water and the application of this waste on land in an environmentally safe manner. This practice is only applicable to waste storage ponds and lagoons. (DIP)

Policies

1. The Commission agrees that both technical and financial assistance from the District may be appropriate to ensure water quality protection in situations where farmers are going out of business or where a landowner who was not an operator has an abandoned waste impoundment on his/her property.

Therefore, the District may enter into a contract to offer Cost Share Program financial assistance for a waste impoundment closure. Applicants must follow these guidelines:

- a. The District must verify the system is not under active maintenance requirements for an ACSP contract.
- b. The District demonstrates clearly in the contract provided to the Division that the waste impoundment is in a condition that is creating a water quality problem or presents a potential water quality problem if not corrected.
- c. Each contract must contain the following information and must be received by the Division prior to approval:
 - i. Length of time system has been abandoned.
 - ii. Indication of status with the Department of Environmental Quality (i.e. has farm received a Notice of Violation.)
 - iii. Name of watershed in which system is located.
 - iv. Name of receiving waters (stream, river).
 - v. Volume of system based on length, width, depth of liquid/sludge and slopes.
 - vi. Two estimates from established contractors, using entire volume of system as determined by the District and as included in the waste impoundment closure plan. In situations where pumping is impractical because of consistency of sludge (i.e. solid), sludge may be excavated. Estimates should include information regarding how waste is to be removed (i.e. drag line, agitate and pump, etc.)
 - vii. Surface area (acres) of the lagoon.
 - viii. A profile of the dam and how it is to be breached, if applicable.

Agriculture Cost Share Program

- ix. A statement signed by the applicant/landowner that he/she will not re-implement the system and that no confined animal operation will be restarted on that farm. The completion of **NC-ACSP-1C** (07/02) meets this requirement.
 - x. **A statement, signed by the technician, certifying that the operation has an approved waste management plan is required for all contracts (see section VI for form NC-ACSP-WMP and policies for additional guidance).**
- d. The District or a Technical Specialist shall prepare the waste impoundment closure plan in accordance with the current standards promulgated by the United States Department of Agriculture, Natural Resource Conservation Service and the State, using the latest version of NC Nutrient Management Software program. The plan must address removal of transfer pipes and installation of a spillway, if needed. The planned waste application may not cause excessive zinc or copper soil levels nor exceed the crops' timely nitrogen uptake.
 - e. Cost Share Program funds will be used for the removal of waste and stabilization of site only (not for fill materials). Removal of foreign materials will be at the landowner's expense and must be removed according to state and federal guidelines.
 - f. Breaching of any diked or dammed structures is optional; however all disturbed areas will be vegetated to permanent grass, trees, or wildlife plantings. NCACSP policies and NRCS Standards will apply to all vegetated areas.
 - g. Districts may write contracts for waste impoundment closures based on the lowest bid that is technically acceptable. Payments will be based on actual cost based on receipts. Total charge to NCACSP is restricted to no more than the maximum cost share for the practice listed in the NCACSP average cost list. Receipts and a copy of the waste analysis report must accompany Requests for Payment.
 - h. A subcommittee of the TRC will review lagoon/pond closure contracts that exceed \$50,000. The District will be notified of the subcommittee's decision. Closure activities covered by the contract shall not begin until the District has received the approval from the Division.
2. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
 3. Minimum life of BMP is ten (10) years.
 4. If the former waste impoundment is converted to residential or commercial structures during the maintenance period, the cost share contract shall be considered out of compliance.

Agriculture Cost Share Program

Standards

N. C. NRCS Technical Guide, Section IV, Standard #342 (Critical Area Planting), #633 (Waste Utilization), and # 360 (Closure of Waste Impoundments); DSWC Guidelines for Lagoon Closure Plan Development

NCDA&CS
DSWC

NC-ACSP-1C
(03/2019)

ADDENDUM TO NC-ACSP-2 (CONTRACT AGREEMENT)

TO: DIVISION OF SOIL AND WATER CONSERVATION

FROM:

SUBJECT: ABANDONED CONFINED ANIMAL OPERATION

- 1. The abandoned system has a potential for creating a water quality problem, if the lagoon leaks or overflows or the dam is breached and the effluent is allowed to discharge directly into a water course of the state. The applicant has requested both technical and financial assistance from the District to ensure water quality protection.
- 2. The effluent will be applied at agronomic rates in accordance with all local, state, and federal requirements, and a waste analysis will be taken to determine the application rate. A waste management plan will be developed and followed in accordance with NRCS specifications. Any areas disturbed by the removal of effluent (liquid or sludge) will be seeded to permanent vegetation.
- 3. In signing this addendum, the applicant agrees that the lagoon/storage facility will not be used for storing or treating animal waste for the life of the contract.

(Applicant Signature)

DATE: _____

| _____

(District Chair Signature)

DATE: _____

Concentrated Nutrient Source Management System

Definition/Purpose

A Concentrated Nutrient Source Management System is a system of vegetative and structural measures used to manage the collection, storage, and/or treatment of areas where agricultural products may cause an area of concentrated nutrients. Examples could include sweet potato culls and silage leachate. (DIP)

Policies

1. Concentrated Nutrient Source Management System components must adhere to existing policies and standards.
2. Elements and items already a part of the NCACSP Average Cost Guide will be paid at 75% of average cost; includes grading, vegetation, and pipe. Other approved BMPs (e.g., filter strip, critical area planting, and diversion) may be incorporated into the Concentrated Nutrient Source Management System. For components not found in the Average Cost Guide cost will be based on 75% of actual cost with area office approval required.
3. Where nutrients are land applied, the application must be in accordance with a nutrient management plan that conforms to the NRCS standard.
4. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
5. Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #590 (Nutrient Management), NRCS Area Office or Division of Soil and Water Conservation engineer must approve engineering designs.

Facilitating Practices: #393 (Filter Strip), #342 (Critical Area Planting), #362 (Diversion).

Constructed Wetlands

Definition/Purpose

A Constructed Wetlands for land application practice means an artificial wetland area into which liquid animal waste from a waste storage pond or lagoon is dispersed over time to lower the nutrient content of the liquid animal waste. (DIP)

Policies

1. Cooperator is responsible for appropriate local, state and federal permits. Changes to an existing waste treatment system will require approval from the Division of Water Resources.
2. Division of Soil and Water Conservation Technical Services or Area office approval required until a final NRCS Standard is developed and approved.
3. Cost share payments will be based on actual cost and copies of invoices must be attached to the Request for Payment.
4. Waste Management Plan Statement (NC-ACSP-WMP) is required.
5. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
6. Minimum life of BMP is ten (10) years.

Standards

Contact the Division of Soil and Water Conservation or your NRCS Area Office.

Dry Stack

Definition/Purpose

A Dry Stack means a fabricated structure for temporary storage of animal waste. (DIP)

Policies

1. Waste Management Plan Statement (NC-ACSP-WMP) is required.
2. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
3. Minimum life expectancy is ten (10) years.
4. Maximum size cost shared is based on storage volume required in waste utilization plan, average stacking height of 5 feet. Additional volume needed to accommodate the producer's equipment and/or desires will be at the producer's expense and must be stipulated on the design and visually marked within the structure.
5. If metal fabrication is utilized, the average cost includes all structural steel, concrete for footings, framing, grading, and all other necessary components of the dry stack.
6. Dry stacks may be installed on non-producing (of litter) farms for applicants who plan to use litter on their crop or pasture lands but must obtain the litter from another individual that has poultry. Records must be kept verifying compliance with state requirements for the movement of litter.
7. A signed statement is required stating the cost shared portion of the dry stack will be used only for waste storage. (Waste handling equipment may be stored in the dry stack provided it does not cause a displacement of waste.)

Standards

N. C. NRCS Technical Guide, Section IV, Standard #313 (Waste Storage Facility).

Feeding/Waste Storage Structure

Definition/Purpose

The feeding/waste storage structure is designed for the purpose of improving the collection/storage of animal waste and to reduce runoff of nutrients and fecal coliform to adjacent water bodies. The practice is intended to be used where livestock feeding areas are in close proximity to streams and where relocation or rotation of feeding areas is infeasible due to physical limitations (e.g., slope) and where other stream protection measures are insufficient to address water quality concerns.

Policies

1. Waste Management Plan Statement (NC-ACSP-WMP) is required.
2. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
3. Minimum life expectancy is ten (10) years.
4. Maximum size cost shared is based on storage volume required in waste utilization plan, average stacking height of 5 feet and a feed area necessary to accommodate the current herd size. Additional volume needed for the producer's equipment and/or desires will be at the producer's expense and must be stipulated on the design.
5. If metal fabrication is utilized, the average cost includes all structural steel, concrete for footings, framing, grading, and all other necessary components of the feed/waste storage structure. Feeding panels or feeding wagons are not cost shareable components.
6. BMPs (stock trails, watering systems, etc.) that are offered in the NCACSP as standard practices are not included under the cap listed on the average cost list.
7. A signed statement is required stating the cost shared portion of the structure will be used only for animal feeding and waste storage.
8. This practice must be in conjunction with the exclusion of livestock and alternative watering sources, where applicable.
9. A 100 foot setback from streams, creeks and lakes will be required.
10. The installation of the feed/waste storage structure will be contingent on design approval from the Division of Soil and Water Conservation Technical Services or NRCS area engineer.

Standard

NRCS Technical Guide, Section IV, Standard #313 (Waste Storage Facility).

Heavy Use Area Protection

Definition/Purpose

A Heavy Use Area Protection means an area used frequently and intensively by animals which must be stabilized by surfacing with suitable materials to improve water quality. Benefits may include reduced erosion, sedimentation and pollution from dissolved, particulate, and sediment-attached substances. (DIP)

Policies

1. When Heavy Use Protection Area is employed in conjunction with feeding areas and barn lots, a filter strip must be established before the practice is eligible for cost-sharing. **Heavy Use Area Protection is not approved for access roads.**
2. The requirement of fencing around a heavy use area is to be left to the technical staff as to whether it is needed.
3. Livestock exclusion in conjunction with heavy use area protection measures **(loafing lots, barns, feeding stations, watering facilities, stock trails, etc.) will be required to have a minimum set-back of 20 feet from the top of the stream bank.** A statement must be included on the contract indicating the established setback distance from the stream bank and must also indicate distance on sketch included with contract.
4. Heavy use areas that are components of 15A NCAC 02T .1300 waste management plans must meet additional buffer requirements as prescribed in the 1217 Interagency Guidance Memorandum.
5. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
6. Minimum life of BMP is ten (10) years.
7. Structural geotextiles shall meet the requirements of "Construction Specification 217 - Geotextiles" and "Interim Material Specification 592 - Geotextiles". Drainage geotextiles shall meet the requirements of N.C. Technical Guide, Section IV Practice Standard 606, as shown in paragraph 606-8-5.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #561 (Heavy Use Area Protection) and #382 (Fence).

Insect Control Practice

Definition/Purpose

An Insect Control system means a practice or combination of practices (planting windbreaks, pre-charging structures, incorporation of waste into soil, etc.) which manages or controls insects from confined animal operations, waste treatment and storage structures, and waste applied to agricultural land. (DIP)

Policies

1. Unproven technology or techniques must be approved or recommended by the NCSU Animal and Poultry Waste Management Center.
2. Consideration will be given to practices to minimize insects as listed in Attachment 10 of the Fourth Guidance Memo dated January 2, 1997.
3. Each insect control BMP or contract with an insect control BMP must be approved by the Technical Review Committee.
4. Life of BMP is five (5) years.
5. The practice will be paid at the rate of 75% of actual costs with receipts.
6. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.

Standards

NRCS Technical Guide as appropriate.

Agriculture Cost Share Program**Livestock Mortality Management System**Definition/Purpose

A livestock mortality management system is a facility for managing livestock mortalities such as to minimize water quality impacts or to produce a material that can be recycled as a soil amendment and fertilizer substitute. Cost shareable mortality management system components include: composter, rotary drum composter, forced aeration static pile composter, mortality freezer/refrigeration unit and mortality incinerator system.

A composter means a facility for the biological treatment, stabilization and environmentally safe storage of organic waste material (such as manure from poultry and livestock and dead animal carcasses) to produce a material that can be recycled as a soil amendment and fertilizer substitute.

A freezer/refrigeration unit means a unit capable of freezing and storing poultry and other small animal carcasses until such time they can be moved offsite for rendering.

An incinerator means a piece of equipment used to cremate dead poultry, swine, or other small animals.

Policies

1. ACSP funds will only be used to fund one mortality management system for each operation. Operations that have already received cost share for one mortality management system and are still in the required maintenance period for the practice have the option of repaying the prorated portion of their cost share to buy back eligibility. Recipients of cost share for composters have the additional option of converting the composter to a dry stack, provided the dry stack was of sufficient volume to meet NRCS standards. Cost share funds cannot be used to replace the same type of mortality management system.
2. A permit is required from the North Carolina Department of Agriculture, State Veterinarian for all composters, and all state regulations must be followed.
3. If a composter is approved, then a Waste Management Plan will be completed for the entire confined animal operation and not just the acreage associated with composter and compost. The Waste Management Plan must address storage of litter needs for the entire confined animal operation. If compost or waste is land applied by the cooperator on any land under his/her control (owned, rented, etc.), then a detailed site location map delineating the fields applied is required. If compost/waste is moved off the farm by a commercial contract hauler, the name and address of the hauler is required with the contract. Waste Management Plan Statement (NC-ACSP-WMP) is required.
4. A composter shared by landowners is eligible for cost share if a landowner agreement is being attached to the contract. This agreement must be signed and dated by all landowners sharing the facility and must state that the facility may be used by each landowner for a minimum period of ten (10) years.

Agriculture Cost Share Program

5. Landowners requesting commercial composters may receive 75% of treatment and storage volume. Payment will then be limited to the minimum volume required using the design criteria of the Division of Soil and Water Conservation, NRCS or the Cooperative Extension Service.
6. Payment will be made for the minimum volume required using NRCS and Extension Service design criteria for primary and secondary treatment, and/or storage of composted material in one structure. Storage volume is equal to a maximum of four (4) times the primary volume. Additional volume needed to accommodate the producer's equipment and/or desires will be at the producer's expense and must be indicated on the design.
7. Pursuant to 15A NCAC 02T .1303 regulations, poultry waste storage structures must be located at least 100 feet from perennial streams and groundwater wells.
8. All NRCS and NC Agriculture Cost Share Program standards and policies relative to vegetation of critical areas must be followed, if applicable.
9. North Carolina Division of Air Quality exempts incinerators used to dispose of dead animals or poultry under the following conditions:
 - a. The incinerator is located on a farm and is owned and operated by the farm owner or by the farm operator.
 - b. The incinerator is used solely to dispose of animals or poultry originating on the farm where the incinerator is located.
 - c. The incinerator is not charged at a rate that exceeds its design capacity.
 - d. The incinerator complies with visible emissions and odorous emissions requirements.
10. An Operation and Maintenance Plan Statement (NC-ACSP-OMP) is required.
11. A Waste Management Plan Statement (NC-ACSP-WMP) is required.
12. A mortality management system can only be used to dispose of mortalities associated with the planned operation(s).
13. Farmers with freezers must include in their waste management plans the name and telephone number of the rendering plant or recycling plant responsible for handling animal carcasses.
14. When a roof is installed on an incinerator, regardless of whether or not cost share is received, the size and other clearances as recommended by the incinerator manufacturer must be followed as described in the NRCS standard.

Agriculture Cost Share Program

15. BMP soil impact is not required on this BMP. Include the amount of waste nitrogen and waste phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
16. Minimum life of BMP is ten (10) years for composters, rotary drum composters, forced aeration static pile composters and mortality freezers/refrigeration units. Minimum life of BMP is five (5) years for mortality incinerators.
17. Any additional area needed to accommodate the producer's equipment and/or desires will be at the producer's expense. **The additional area must be stipulated on the design and not receive cost share assistance.** For example, if the operator stores equipment other than waste handling equipment in the structure and the design plan did not stipulate that the area of the designed structure was increased at the producer's expense, then the operator is out of compliance.

Standards

North Carolina NRCS Technical Guide, Section IV, Standard #316 (Animal Mortality Facility). NC GS 106-403 "Disposition of dead domesticated animals". Administrative code 02 NCAC 52C .0102 "Disposal of Dead Animals".

Manure Composting Facility

Definition/Purpose

Composting is an aerobic biological process in which microorganisms and temperature convert manure and other organic matter (carbon) into a soil-like material with reduced pathogen content called compost. Compost can be applied as a soil amendment to improve soil health and plant growth. A composting facility is a facility for the biological treatment, stabilization and environmentally safe storage of organic waste material (such as manure from poultry and livestock) to minimize water quality impacts and to produce a material that can be recycled as a soil amendment and fertilizer substitute. (DIP)

Policies

1. If a composter is approved, an Operation and Maintenance Plan must be developed to guide the user in the proper management of the composting facility. It should address carbon-nitrogen ratios of feedstocks, moisture management, pile configuration, composting period, temperature monitoring, pile aeration, , insect, odor and scavenger management, , curing and storage, and testing of finished compost.
2. A Waste Management Plan is required and should take into account the collection, treatment, storage, and end use of the compost. The plan will be completed for the entire animal operation and not just the acreage associated with the composter and compost. If compost is land applied by the cooperators on any land under his/her control (owned, rented, etc.), then a detailed site location map delineating the fields used should be in the Waste Management Plan. If a third-party applicator is used to move compost off the site, then an agreement, including the name and address, must be maintained for the life of the practice. Pursuant to 15A NCAC 13B .1402, a permit from the NC Department of Environmental Quality, Solid Waste Section, may be required if the compost is offered for commercial or retail sale.
3. A composter must be covered with a roof to prevent nutrient runoff from the processing, treatment, or storage of compost materials. Runoff from the composter system must be collected and disposed of properly according to NRCS standard #634 waste transfer.
4. A composter shared by landowners is eligible for cost share if agreements are in place for the cost-shared landowner when he/she is under contract to receive compost from other landowners. The agreement should be attached to the contract. This agreement must be signed and dated by all landowners sharing the facility and must state that the facility may be used by each landowner for a minimum period of ten (10) years. To prevent the spread of disease in animal health emergency situations, the mixing of material from multiple operations should be suspended.
5. Payment will be made for the minimum volume required using NRCS design criteria for primary and secondary treatment, and/or storage of composted material in one structure. Storage volume is equal to a maximum of four (4) times the primary volume. Additional volume needed to accommodate the producer's equipment and/or desires will be at the producer's expense and must be stipulated on the design.

Agriculture Cost Share Program

6. Pursuant to 15A NCAC 02T regulations, waste storage structures must be located at least 100 feet from streams and groundwater wells. NRCS standards require all waste structures to be a minimum of 50 feet from wells, streams or other water features. This setback requirement also pertains to compost facilities.
7. All NRCS and NC Agriculture Cost Share Program standards and policies relative to vegetation of critical areas must be followed, if applicable.
8. A Waste Management Plan Statement (NC-CSP-WMP) and an Operation and Maintenance Statement (NC-CSP-OMP) are required.
9. BMP soil impact is not required on this BMP. Include the amount of fresh manure in nitrogen and phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
10. Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #317 (Composting Facility), #590 (Nutrient Management), and #634 (Waste Transfer). During animal health emergency situations, NC GS 106-403 "Disposition of dead domesticated animals". Administrative code 02 NCAC 52C .0102 "Disposal of Dead Animals" and NRCS Standard #368 (Emergency Animal Mortality Management) should be reviewed in order for this BMP to be used for disposal of animals.

Manure/Litter Transportation Incentive

Definition/Purpose

Manure/Litter Transportation means transporting dry litter and dry manure from livestock and poultry farms that lack sufficient land to effectively utilize the animal-derived nutrients. The litter/manure will be properly utilized on alternative land or processed to a value-added product, including energy production, to reduce nutrient impacts. Manure/Litter Transportation Incentive payments shall be limited to \$15,000 in a lifetime. (DIP)

Policies

1. The *generator* of the waste product will be the applicant. A *generator* is an independent or contract poultry or livestock grower, in operation at least 3 years prior to the date of cost share application that produces poultry dry litter or dry manure.
2. To be eligible, the applicant must demonstrate that at least 50% of available cropland, pastureland, and hayland under his/her control has either:
 - a. a soil test phosphorus index greater than or equal to 200 or
 - b. a phosphorus loss potential (per PLAT) of high or very high.

Districts may propose alternative eligibility criteria, subject to approval by the Commission.

3. This incentive shall not be used to transport litter/manure for utilization on sites where the phosphorus loss potential (per PLAT) is rated high or very high.
4. A Manure/Litter Shared Responsibility Agreement must be used with each entity receiving transported litter/manure.
5. Applicants who engage in value-added processing onsite are eligible to receive the incentive. However, a cooperator who receives state cost share for any components of their value-added processing system (e.g., litter or manure composter, pelletizer) is not eligible for the incentive.
6. An applicant may receive cost share for waste storage structures, waste treatment structures, and solids separation systems and remain eligible to receive this incentive. An applicant, who received cost share for application systems previously, are still eligible to receive this incentive.
7. Payments will be based upon the amount of manure/litter transported for offsite use or processing. Requirements for payment include:
 - a. The applicant must present a record of the amount of litter/manure transported to each receiving entity using the DRY 1 form.
 - b. The applicant must present:

Agriculture Cost Share Program

- i. NMP from each entity receiving litter/manure for land application compliant with the NRCS Standard 590 and in accordance with the 1217 Interagency Committee Guidance and/or other applicable rules. A Technical Specialist with the Waste Utilization Planning/ Nutrient Management designation must approve the nutrient management plan.
 - ii. The receiving entity must also provide the applicant with records using the DRY 2 & 3 forms indicating the fields to which litter/manure has been applied and any other records required by 1217 Interagency Committee Guidance and/or other applicable rules. (Receiving entity must be in compliance with all applicable requirements)
 - iii. Certification from each entity receiving litter/manure for processing that the waste has been processed and that the product has been transported from the processing facility for use.
8. Biosecurity measures outlined by the NC Department of Agriculture and Consumer Services must be followed for all transported manure/litter.
9. Minimum life of BMP is one (1) year.
10. BMP soil impact is not required on this BMP. Include the amount of waste nitrogen and waste phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.

Standards

N.C. NRCS Technical Guide, Section IV, Standard #590 (Nutrient Management), 1217 Interagency Committee Guidance.

Odor Control Management System

Definition/Purpose

An Odor Control Management System means a practice or combination of practices (planting windbreaks, pre-charging structures, incorporation of waste into soil, etc.) which manages or controls odors from confined animal operations, waste treatment and storage structures and waste applied to agricultural land. (DIP)

Policies

1. Cost share for odor control management systems is limited to structural and vegetative practices unless approved by the NCSU Animal and Poultry Waste Management Center.
2. BMP Life one to ten years, depending upon practice.
3. Average Cost Guide: elements and items already a part of Average Cost paid at 75% of average cost, includes grading, vegetation, pipe drops and surface inlets, animal guards, pipe and fittings.
4. Each odor control BMP or a contract with an odor control BMP must be approved by the Technical Review Committee Subcommittee. The NCSU Animal and Poultry Waste Management Center must approve unproven technology or techniques prior to submission to the TRC for approval.
5. BMP soil impact is not required on this BMP. Please report the number of acres affected, animal type, and animal units.

Standards

N. C. NRCS Technical Guide, Section IV, Standard # 380 (Windbreak/Shelterbelt Establishment), Standard # 422 (Hedgerow Planting)

Reference

This best management practice was added to the ACSP as part of SB17 in 1995 to implement the findings of a Blue Ribbon Study Commission on Animal Waste Management. **S.L. 1995-626** <https://www4.ncleg.net/Sessions/1995/Bills/Senate/PDF/S1217v5.pdf>. See p. 13 (Section V)

Retrofit of On-Going Animal Operations

Definition/Purpose

Retrofits of On-Going Animal Operations are modifications of structures to increase storage or to correct design flaws to meet current standards. This practice may also be used to close waste impoundments on on-going operations, including the safe removal of existing waste and waste water and the application of this waste on land in an environmentally safe manner. (DIP)

Policies

Existing, on-going operations which desire to close or retrofit existing waste impoundments in order to meet current standards, regulations, or rules are eligible for cost share reimbursement under the following guidelines:

1. Closure/retrofit of waste impoundments must adhere to the following guidelines:
 - a. For waste impoundments, Cost Share Program funds will be used for the removal/disposal of waste only (not for fill materials), and for stabilization of site. Removal of foreign materials will be at the landowner's expense and must be removed according to state and federal guidelines. Costs for closure are limited to 75% of actual cost. Receipts and a copy of the waste analysis report must accompany Requests for Payments (NC-ACSP-3).

Breaching of any diked or dammed structures is optional; however, all disturbed areas will be vegetated to permanent grass, trees, or wildlife plantings. NCACSP policies and NRCS Standards will apply to all vegetated areas.

The District or a Technical Specialist shall prepare the closure plan in accordance with the current standards promulgated by the United States Department of Agriculture, Natural Resource Conservation Service and the State, using the most up to date NC Nutrient Management Software program. The plan must address removal of transfer pipes and installation of a spillway, if needed. The planned waste application may not cause excessive zinc or copper soil levels nor exceed the crop's timely nitrogen uptake.

- b. For retrofitted waste impoundments, Cost Share Program funds may be used for removal/disposal of waste and other components necessary to bring the lagoon/waste storage pond up to current NRCS Standards. A copy of the waste analysis report must accompany Requests for Payments (NC-ACSP-3). Funds may also be used to make the required structural upgrades (clay liner, emergency spillway, etc.) and for required compaction test.
2. A statement, signed by the technician, certifying that the operation has an approved waste management plan is required (form NC-ACSP-WMP)
3. The removal of trees is a correction for a lack of maintenance and is not considered a retrofit.

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4. BMP soil impact is not required on this BMP. Include the amount of fresh manure in waste nitrogen and waste phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
5. Minimum life for the retrofit of an on-going animal operation is ten (10) years.

Standards

N.C. NRCS Technical Guide, Section IV, #590 (Nutrient Management), #360 (Waste Facility Closure) #313 (Waste Storage Facility), and #359 (Waste Treatment Lagoon)

Solids Separation from Tank-Based Aquaculture Production

Definition/ Purpose

A facility for the removal, storage and dewatering of solid waste from the effluent of intensive tank-based aquaculture production systems. (DIP)

To capture organic solids from the effluent stream of intensive fish production systems that would otherwise flow to effluent ponds for storage and further treatment. This waste comes from uneaten feed and feces generated by fish while being fed within a tank-or raceway based fish farm.

Policies

1. By signing the Cost Share Agreement (NC-ACSP-2), the cooperators and/or landowner acknowledges and agrees that they are responsible for the maintenance or replacement of all equipment cost shared as a component of waste management measure(s) at their expense and that any cost shared component will not be sold or used as collateral for the life of the practice must be included in the contract.
2. Items for reimbursement under the maximum are all equipment, materials, construction, installation, vegetation, and pumps. A maximum of two geotubes and a year supply of polymer per system will be eligible for reimbursement.
3. For all operations, cost share payments are limited to a \$15,000 lifetime cap. If a roof is required, it is not part of the lifetime cap.
4. Receipts must support reimbursable items.
5. Waste Management Plan Statement (NC-ACSP-WMP) is required.
6. Cost share will not pay for any motorized vehicles used in transporting/applying waste.
7. BMP soil impact is not required on this BMP. Include the waste nitrogen and waste phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
8. Minimum life of the BMP is ten (10) years.

Standards

N.C. NRCS Technical Guide, Section IV, Standards #632 (Waste Separation Facility); #590 (Nutrient Management)

Storm Water Management System

Definition/Purpose

A Storm Water Management System means a system of collection and diversion practices (guttering, collection boxes, diversions, etc.) to prevent unpolluted storm water from flowing across concentrated waste areas on animal operations. (DIP)

Policies

1. Storm Water Management System components must adhere to existing policies and standards. The Division of Soil and Water Conservation or Area Office approval is required.
2. Storm Water Management Systems may be included in contract(s) for retrofitting animal operations, either as a new component to an existing waste management system when the existing waste management system lacks appropriate storm water management for certification or as a component to a new animal waste management system which requires storm water management for certification.
3. Funds will not be allowed for roofing a gravel or concrete heavy use area in a pasture. For confined operations, a roof may be cost shared if the engineer certifies that a roof is the most cost effective means of managing storm water runoff to the waste collection system and the pad or heavy use area to be roofed was built at least 3 years prior to the date of cost share application.
4. Guttering can be cost shared when it is to be installed on existing structures which were built at least 3 years prior to the date of cost share application or when it is to be installed on new cost shared structures included in the plan. The Average Cost Guide includes the costs of labor and installation.
5. The life of the BMP is ten (10) years.
6. BMP soil impact is not required on this BMP. Include the amount of waste nitrogen and waste phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.

Standard

N. C. NRCS Technical Guide, Section IV, #558 (Roof Runoff Structure), #362 (Diversion), and #367 (Roofs and Covers)

Waste Application Systems

Definition/Purpose

A Waste Application System means an environmentally safe system (such as solid set, dry hydrant, mobile irrigation equipment, etc.) for the conveyance and distribution of animal wastes from waste treatment and storage structures to agricultural fields as part of an irrigation and waste utilization plan. (DIP)

Mobile Application System means a portable conveyance system for the application of liquid animal waste from a waste storage pond or lagoon or a manure spreader for the application of dry waste or compost.

Solid Set System means an in-ground sprinkler system which allows the conveyance of liquid waste from a waste storage pond or lagoon to allow land application of liquid wastes.

Underground Main and Hydrant System means an in-ground system of pipes ending in hydrants which allows the conveyance of liquid waste from a waste storage pond or lagoon to facilitate the land application of animal wastes.

Policies

1. Items for reimbursement under the maximum are all equipment, materials, construction, installation, vegetation, pumps, etc. from the waste structure to and including the delivery system. **The type of system must be specified on contracts** (i.e. center pivot, traveling gun, solid set, etc.) Reimbursable items must be supported by receipts, including any previous payments to the cooperator for pipe, hydrants or other elements of a waste application system. **For all operations, cost share payments are limited to a \$35,000 lifetime cap.** Cost share will not pay for any motorized vehicles used in transporting/applying waste or for replacing worn out equipment that was previously cost shared on.
2. By signing the Cost Share Agreement (NC-ACSP-2), the cooperator and/or landowner acknowledges and agrees that they are responsible for the maintenance or replacement of all equipment cost shared as a component of waste management measure(s) at their expense and that any cost shared component will not be sold or used as collateral for the life of the practice must be included in the contract.
3. Above-ground mobile irrigation pipe may be used as a component of a waste application system for cost share with the following stipulations:
 - a. All pipe from the lagoon or waste storage pond to the field must be buried according to NRCS standards;
 - b. The waste application system must include a safety valve that will close in case pressure is lost; and
 - c. The use of above ground pipe must be approved by an engineer.

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4. The following guidelines apply for poultry litter spreaders:
 - a. Before a cooperator can receive Cost Share assistance for a poultry litter spreader he/she must have a method for mortality disposal approved by the State Veterinarian and must have adequate litter storage. For purposes of the cost share program, storing covered or uncovered litter on the ground is not considered acceptable storage, nor is pit disposal acceptable for mortalities.
 - b. Only a commercially sold fan spinner, rotary type spreader with an adjustable door for calibration may be cost shared.
 - c. Cost share will be based on actual cost with receipts required not to exceed the amount on the average cost list for ACSP.
 - d. Non-producers are not eligible for litter or manure spreaders.
 - e. If a producer has a litter spreader, they are **NOT** eligible for cost share assistance irrespective of whether it was cost shared.
5. Fencing was ruled to be a production practice by the TRC and **is not** an acceptable element of this BMP.
6. When 15A NCAC 02T .1300 and Cost Share converge:
 - a. When Cost Share is used for a waste application system that meets the 15A NCAC 02T .1300 certification requirements, and a new water quality problem associated with the waste application system is created through the actions of the farmer, Cost Share funds shall not be used to solve the new problem. The Soil and Water Conservation Commission compliance policies shall be followed if the waste application system was cost shared.
 - b. When a waste management system is certified with equipment that is not cost shared, the farmer will be eligible to upgrade the system with Cost Share assistance if greater water quality benefits can be shown. **All such contracts must be considered by a subcommittee of the Technical Review Committee.**
 - c. Cost Share funds can be used to pay the difference between the current replacement value of a previously Cost Shared waste application system (e.g., a honey wagon) and a new system (e.g., solid set) if the new system is shown to provide greater water quality improvements. **All such contracts must be considered by a subcommittee of the Technical Review Committee.**
 - d. If a third-party applicator arrangement for an animal operation fails the producer would be eligible for cost share assistance to implement a waste application system.
 - e. Cost Share would be available to extend irrigation pipe when an existing Waste Management Plan (WMP) is updated and the operation will need to expand the waste application systems to take phosphorus or other nutrients into

Agriculture Cost Share Program

consideration or to base the application rates on more current realistic yield estimates. The operation would still be limited to the amount listed on the average cost list.

7. Waste Management Plan Statement (NC-ACSP-WMP) is required.
8. BMP soil impact is not required on this BMP. Include the amount waste nitrogen and waste phosphorus units, which will be generated and properly managed under the waste management system. Also include the number of acres affected, animal type, and animal units.
9. Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #442 (Irrigation System, Sprinkler), #430 (Irrigation Pipeline), #449 (Irrigation Water Management), and #590 (Nutrient Management) #634 (Waste Transfer) #533 (Pumping Plant).

Waste Treatment Lagoon/Storage Pond

Definition/Purpose

A Waste Treatment Lagoon means an impoundment made by excavation or earthfill for biological treatment and storage of animal waste. (DIP)

A Waste Storage Pond means an impoundment made by excavation or earthfill for temporary storage of animal waste, waste water and polluted runoff. (DIP)

Policies

1. All NRCS standards and NC Agriculture Cost Share Program policies relative to vegetation must be followed.
2. The temporary seeding of a lagoon/storage pond is not a cost shared BMP however, it may be necessary to prevent dike erosion and to assure practice integrity. Payment for the lagoon construction may be made prior to the establishment of permanent vegetation based on the following conditions:
 - a. The engineer submits in writing the reason temporary seeding is necessary and assurance is made that the cooperators will reseed to permanent vegetation as soon as it is practical; and
 - b. The cooperators will reimburse the cost shared funds of the lagoon/storage pond if permanent vegetation is not established in the first suitable growing season.
3. The Cost Share Program will pay for pumps to move waste to a lagoon or waste storage pond. Pumps needed to recycle water from the lagoon back to the house to flush the houses are a production requirement not eligible for cost share assistance. **The Cost Share Program will not pay for items/components which are not necessary for water quality benefits.**
4. Vegetation on the banks of the lagoon/storage pond is to be protected from livestock with permanent fencing, if applicable. Livestock are not to be used to mow the banks.
5. When existing lagoons are to be closed as part of retrofitting animal waste systems to meet 15A NCAC 02T .1300 certification, the contract for the retrofit must include information relative to the closing of the existing lagoon(s)/storage pond(s) and an explanation as to why closure of the lagoon/storage pond is necessary (instead of retrofitting the existing lagoon, a new lagoon is being built). Cost share for closure of lagoons/storage ponds which are part of a retrofit is limited to 75% of the cost to remove and land apply the volume of the lagoon/storage pond as determined by the District Office.
6. The Waste Management Plan or separate closure plan must include all the criteria of NRCS' standard for closure. Waste Management Plan Statement (NC-ACSP-WMP) is required.
7. BMP soil impact is not required on this BMP. Include the amount of waste nitrogen and waste phosphorus units, which will be generated and properly managed under the waste

Agriculture Cost Share Program

management system. Also include the number of acres affected, animal type, and animal units.

8. Minimum life of BMP is ten (10) years.

Standards

N. C. NRCS Technical Guide, Section IV, Standard #359 (Waste Treatment Lagoon), #313(Waste Storage Facility), #360 (Waste Facility Closure) and #590 (Nutrient Management).

CREP Contract Post Approval Requests

The Division recently became aware of three projects involving the Conservation Reserve Enhancement Program for which the local SWCDs had not developed and submitted for approval prior to installation cost share contracts to fund the installation of the planned conservation practices. The three districts have very limited recent experience implementing CREP program contracts and were not aware that they needed to request an allocation of CREP earmark funds and develop an ACSP contract to fund the state portion of cost share for installing planned practices.

The CREP process is complicated, involving several handoffs for federal and state program signup, state easement acquisition, and federal and state cost share. Specifically, for cost share for installing planned practices the USDA Farm Service Agency contracts with the cooperator to receive 50% of the cost share, and the district must contract separately for the remaining 25-50%, depending on the length of time the landowner agrees to maintain the practices (10, 15, 30-year or permanent). The Division mistakenly assumed the districts understood all the steps they needed to perform to get the landowner all the financial assistance promised.

Division CREP and Cost Share staff have committed to incorporate training on CREP cost share contracts into the regional cost share program trainings planned for this spring.

The Division recommends approval of the post approvals as requested by Onslow, Rockingham, and Washington SWCDs.



1734

COUNTY OF ONSLOW

Dear Soil & Water Commission,

Contract No. 67-2019-901
\$10,525

The Onslow Soil & Water Conservation District staff and Board Supervisors would like to ask for your consideration of post-approval for the CREP contract (11000B) for Nellapha Morton. Due to the limited experience implementing CREP program projects in Onslow County, the District, local NRCS staff, and Farm Service Agency had miscommunication with the process and what is expected from each partnership agency for proper implementation of the program. This has led to the landowner installing and completing the practice and now looking for their funding that was discussed for participating in the permanent easement program. The Board greatly appreciates your consideration apologizes for any inconveniences this has caused.

Please contact the undersigned below if you have any further questions.

Respectfully,

Tyler J. Karcher
Onslow Soil & Water
Director



Soil & Water Conservation District
Onslow County Multipurpose Complex
4028 Richlands Highway
Jacksonville, NC 28540
Phone: (910) 347-1806



ATTACHMENT 11
Rockingham County Soil & Water Conservation
525 NC 65, Suite 100
Reidsville, NC 27320-8861
Phone: (336) 342-8260

January 31, 2019

Contract No. 79-2019-007
\$19,276

NC Soil & Water Conservation Commission
1614 Mail Service Center
Raleigh NC 27699-1614

Dear Commission,

The Rockingham Soil & Water Conservation District respectfully requests payment for a water supply well. This well was drilled for a Conservation Reserve Easement Program (CREP) project. Due to miscommunication, this BMP was installed prior to the approval of the Ag Cost Share contract. The contract is now in place and has been approved. We apologize for this mistake and will do our best to make sure it does not happen again. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Dixon".

Kevin Dixon
Chairman
Rockingham County Soil & Water Conservation District



Washington County Soil and Water Conservation District
P.O. Box 218
Roper, NC 27970
Tel: 252-791-0108 ext. 3

3/4/2019

Contract No. 94-2019-006
\$1,966

Soil & Water Conservation Commission
1614 Mail Service Center
Raleigh, NC 27699-1614

Re: Post Approval for Elizabeth VanHorn CREP contract

Dear Members of the Commission:

I am writing this letter asking for post approval for a CREP contract (tree planting), that was put in on Mrs. Elizabeth VanHorn's land. Due to miscommunication between the district and the division, this contract was never made in CS2. I am asking that you honor the work that has already been completed on this project, and has been documented by the Forestry Service that the work was completed to their satisfaction.

Sincerely,

Gerda D. Rhodes
Board Chair, Washington SWCD

Martha Prinsloo Jones
Technician, Washington SWCD

1 02 NCAC 59D .0101 is readopted with changes as published in 32:09 NCR 793 as follows:

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**SUBCHAPTER 59D - AGRICULTURE SOIL AND WATER CONSERVATION COST SHARE
PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL PROGRAMS**

**SECTION .0100 - AGRICULTURE SOIL AND WATER CONSERVATION COMMISSION COST SHARE
PROGRAM PROGRAMS**

02 NCAC 59D .0101 PURPOSE

This Subchapter describes the operating procedures for the ~~division~~ Division under the guidance of the ~~commission~~ Commission implementing the Agriculture Cost Share Program for Nonpoint Source Pollution ~~Control~~ Control, the Community Conservation Assistance Program for Nonpoint Source Pollution Control, and the Agricultural Water Resources Assistance Program. Procedures and guidelines for participating districts are also described. The purpose [purposes] of [for] the voluntary program [programs] is to reduce the delivery of the agricultural nonpoint source (NPS) pollution into the water courses of the State. [are as follows:]

[(1) — Agriculture Cost Share Program for Nonpoint Source Pollution Control is to reduce the delivery of agricultural nonpoint source (NPS) pollution into the water courses of the state.]

[(2) — Community Conservation Assistance Program is to reduce the delivery of nonpoint source pollution into the waters of the state.]

[(3) — Agricultural Water Resources Assistance Program is to assist famers and landowners to:

———— (a) identify opportunities to increase water use efficiency, availability and storage;

———— (b) implement best management practices to conserve and protect water resources;

———— (c) increase water use efficiency or

———— (d) increase water storage and availability for agricultural purposes.]

*History Note: Authority G.S. 106-840; 106-850; 106-860; 139-4; 139-60
Eff. May 1, 1987;
Recodified from 15A NCAC 6E .0001 Eff. December 20, 1996;
Transferred from 15A NCAC 06E .0101 Eff. May 1, ~~2012~~. 2012;
Readopted eff. February 1, 2019.*

02 NCAC 59D .0102 is readopted with changes as published in 32:09 NCR 794-795 as follows:

02 NCAC 59D .0102 DEFINITIONS FOR SUBCHAPTER 59D

In addition to the definitions found in G.S. 143-215.74, 106-850, ~~through G.S. 106-852,~~ and 139-3: the following terms used in this Subchapter have the following meanings:

- (1) ~~Agriculture~~ “Agricultural Nonpoint Source (NPS) Pollution” means pollution originating from a diffuse source as a result of agricultural activities related to crop production, production and management of poultry, ~~and~~ livestock and aquaculture, land application of waste materials, and management of forestland incidental to agricultural production.
- (2) “Agricultural purposes” means agricultural activities related to crop production, production and management of poultry and livestock, land application of waste materials, and management of forestland incidental to agricultural production.
- ~~(2)~~(3) ~~Allocation~~ “Allocation” means the annual share of the ~~state's~~ State's appropriation for each program to participating districts.
- ~~(3)~~(4) ~~Applicant~~ “Application” “Applicant” means a person(s) who applies for best management practice cost sharing monies from the district. An applicant may also be referred to as a ~~cooperator.~~ “cooperator.” All ~~entities,~~ entities with which the applicant is associated, including those in other counties, shall be considered the same applicant.
- ~~(4)~~(5) ~~Average Costs~~ “Average Costs” means the calculated cost, determined by averaging actual costs and current cost estimates necessary for best management practice implementation. Actual costs include labor, supplies, and other ~~direct~~ costs required for physical installation of a practice.
- ~~(5)~~(6) ~~Best Management Practice (BMP)~~ “Best Management Practice (BMP)” means a structural or nonstructural management based practice used singularly or in combination to ~~reduce nonpoint source inputs to receiving waters address natural resource needs.~~
- (a) For the Agriculture Cost Share Program and the Community Conservation Assistance Program, BMPs shall reduce nonpoint source inputs to receiving waters.
- (b) For the Agricultural Water Resources Assistance Program, BMPs shall increase the storage, availability, and use efficiency of water for agricultural purposes.
- (7) “Commission” means the Soil and Water Conservation Commission.
- ~~(6)~~(8) ~~Conservation Plan of Operation (CPO)~~ “Conservation Plan” means a written plan ~~scheduling~~ documenting the applicant's decisions concerning land use, and both cost shared and non-cost shared BMPs to be installed and maintained on the ~~operating management~~ unit.
- ~~(7)~~(9) ~~Cost Share Agreement~~ “Cost Share Agreement” means an annual or long term agreement between the applicant and the district ~~which~~ that defines the BMPs to be cost shared, rate and amount of payment, minimum practice life, and date of BMP installation. The agreement shall state that the recipient shall maintain and repair the practice(s) for the specified minimum life of the practice. The

1 Cost Share Agreement shall have a maximum contract life of three years for BMP installation. The
 2 district shall perform an annual status review during the installation period.

3 ~~(8)~~(10) ~~Cost Share Incentive (CSI)~~ “Cost Share Incentive (CSI)” means a predetermined fixed payment paid
 4 to an applicant for implementing a BMP in lieu of cost share.

5 ~~(9)~~(11) ~~Cost Share Rate~~ “Cost Share Rate” means a cost share percentage paid to an applicant for
 6 implementing BMPs.

7 (12) “Department” means the North Carolina Department of Agriculture and Consumer Services.

8 (13) “Design practice” means an engineering practice as defined by the Natural Resources Conservation
 9 ~~[Service]~~ Service which is incorporated by reference and can be found at
 10 <http://efotg.sc.egov.usda.gov/#/>, or Soil and Water Conservation Commission list of BMPs that are
 11 acceptable for cost sharing. The list of BMPs shall be approved annually and published in the DIP
 12 ~~[in their Program Detailed Implementation Plans].~~

13 ~~(10)~~(14) ~~Detailed Implementation Plan~~ “Detailed Implementation Plan (DIP)” means the ~~plan approved by~~
 14 ~~document published annually, including all the~~ ~~commission~~ Commission ~~that specifies the~~
 15 guidelines for ~~each program for the current program, fiscal year including BMPs that will be eligible~~
 16 ~~for cost sharing and the minimum life expectancy of those practices. including:~~

17 (a) ~~annual program goals;~~

18 (b) ~~district and~~ statewide Statewide allocations;

19 (c) ~~BMPs that will be eligible for cost sharing; and~~

20 (d) ~~the minimum life expectancy of those practices.~~

21 (15) “District Allocation Pool” means the annual share of the ~~state’s~~ State’s appropriation for each
 22 program to be allocated to participating districts.

23 ~~(11)~~(16) ~~District BMP~~ “District BMP” means a BMP ~~designated~~ requested by a district and approved by the
 24 ~~Division for evaluation purposes, to reduce the delivery of agricultural NPS pollution and which is~~
 25 ~~reviewed and approved by the Division to be technically adequate prior to funding.~~

26 (17) “Division” means the Division of Soil and Water Conservation.

27 ~~(12)~~(18) ~~Encumbered Funds~~ “Encumbered Funds” means monies from a district's allocation which that have
 28 been committed to an applicant after initial approval of the ~~obligated~~ by the district to a ~~an approved~~
 29 cost share agreement.

30 ~~(13)~~ Full Time Equivalent (FTE) means 2,080 hours per annum which equals one full time technical
 31 position.

32 ~~(14)~~(19) ~~In-kind Contribution~~ “In-kind Contribution” means a contribution by the applicant towards the
 33 implementation of BMPs. In-kind contributions shall be approved by the district and can include
 34 ~~but not be limited to~~ labor, fuel, machinery use, and supplies and materials ~~necessary~~ for
 35 implementing the approved BMPs.

36 (20) “Fiscal Year” means the period from July 1 through June 30 for which funds are allocated to
 37 ~~districts.~~

- 1 ~~(20)~~(21) “Job Approval Authority” means the authority granted to individuals who are qualified to plan,
 2 ~~[design]~~ design, and verify installation or implementation of specific practices per practice standards
 3 approved by the Natural Resources Conservation Service or the Commission. This authority is
 4 ~~[either recognized or]~~ granted by the Natural Resources Conservation Service or the Commission.
- 5 (15)~~(21)~~(22) Landowner “Landowner” means any natural person or other legal entity, including a
 6 governmental agency, who holds either an estate of freehold (such as a fee simple absolute or a life
 7 estate) or an estate for years or from year to year in land, but ~~does shall~~ not include an estate at will
 8 or by sufferance in land. ~~Furthermore, an~~ A governmental or quasi-governmental agency such as a
 9 drainage district or a soil and water conservation district, or any such agency, ~~by whatever name~~
 10 ~~called,~~ exercising similar powers for similar purposes, can be a landowner for the purposes of ~~these~~
 11 Rules ~~the rules of this Subchapter~~ if the governmental agency holds an easement in land.
- 12 ~~(22)~~(23) “Nonpoint ~~[source]~~ Source (NPS) Pollution” means pollution originating from a diffuse source.
- 13 (16)~~(23)~~ Program Year ~~“Fiscal Year”~~ means the period from July 1 through June 30 for which funds
 14 are allocated to districts.
- 15 (17)~~(24)~~ Proper Maintenance “Proper Maintenance” means that a practice(s) is being maintained such that
 16 the practice(s) is ~~successfully~~ performing the function for which it was originally implemented.
- 17 (25) “Regional Allocation Pool” means the annual share of the ~~state’s~~ State’s appropriation for each
 18 program allocated for applications ranked in the Division’s three regions as specified in the annual
 19 Detailed Implementation Plan.
- 20 (18)~~(26)~~ Soil Loss Tolerance (t) means the maximum allowable annual soil erosion rate to maintain the soil
 21 resource base, depending on soil type. “Statewide Allocation Pool” means the annual share of the
 22 ~~state’s~~ State’s appropriation for applications ranked at the ~~state~~ State level as specified in the annual
 23 Detailed Implementation Plan.
- 24 (19)~~(27)~~ Strategy Plan “Strategic Plan” means the annual plan for the N.C. Agriculture Cost Share Program
 25 for Nonpoint Source Pollution Control Soil and Water Conservation Commission Cost Share
 26 Programs to be developed by each district. The plan identifies ~~pollution treatment~~ natural resource
 27 needs and the level of cost sharing and technical assistance monies required to address those annual
 28 needs in the respective district.
- 29 (20)~~(28)~~ Technical Representative “Technical ~~[representative]~~ representative” of the ~~district~~ district means
 30 a person designated by the district to act on their behalf who participates in the planning, design,
 31 implementation and inspection of BMPs. ~~These practices shall be technically reviewed by the~~
 32 Division. ~~The district chairman shall certify that the technical representative has properly planned,~~
 33 ~~designed and inspected the BMPs.~~
- 34 (21)~~(29)~~ Unencumbered Funds “Unencumbered Funds” ~~[funds]~~ means the portion of the allocation to each
 35 district ~~which~~ that has not been committed for cost sharing.

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Eff. May 1, 1987;
Temporary Amendment Eff. September 23, 1996;
Recodified from 15A NCAC 6E .0002 Eff. December 20, 1996;
Amended Eff. April 1, 1997;
Temporary Amendment Expired June 13, 1997;
Amended Eff. March 1, 2008; July 1, 2004;
Transferred from 15A NCAC 06E .0102 Eff. May 1, ~~2012~~, 2012;
Readopted Eff. February 1, 2019.

02 NCAC 59D .0103 is readopted with changes as published in 32:09 NCR 795-796 as follows:

02 NCAC 59D .0103 AGRICULTURE COST SHARE PROGRAM FINANCIAL ASSISTANCE
ALLOCATION GUIDELINES AND PROCEDURES

(a) The Commission shall allocate ~~the cost share funds to the districts in the designated program areas~~ for cost share payments and cost share incentive payments. ~~To~~ In order to receive fund allocations, each district designated eligible by the Commission shall submit an annual strategy strategic plan to the Commission ~~at the beginning of each fiscal year by June 1 of each year~~. Funds ~~may be allocated to each district for any or all of the following purposes: cost share payments, cost share incentive payments, technical assistance, or administrative assistance. Use of funds for technical and administrative assistance must follow the guidelines set forth in Rule .0106 of this Subchapter.~~

(b) Funds shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that sufficient funds are available to justify a reallocation. Districts allocations shall be ~~allocated monies~~ based on the identified level of ~~agriculture related~~ agricultural nonpoint source pollution problems, the respective district's BMP installation goals as demonstrated in the ~~district~~ district's annual strategy strategic plan, and the district's record of performance to affect BMP installation by cooperating farmers. The allocation method used for disbursement of funds is shall be based on the relative position of each respective district for those parameters approved by the Commission pursuant to Paragraph (g) of this Rule. Each district is shall be assigned points for each parameter, and the points are shall be totaled and proportioned to the total dollars available under the current program year funding according to the following formula:

- | | | | | |
|-----|--|---|--------------|-------------------|
| (1) | Sum of Parameter Points | = | Total Points | |
| (2) | Percentage Total | | Total | Dollars Available |
| | Points Each | x | Dollars | = to |
| | District | | Available | Each District |
| (3) | The minimum allocated to a particular district shall be twenty thousand dollars (\$20,000) per program year, unless the district requests less than twenty thousand dollars (\$20,000). | | | |
| (4) | If a district requests less than the dollars available to that district in Subparagraph (b)(2) of this Rule, then the excess funds <u>beyond those requested by the district</u> shall be allocated to the districts who did not receive their full requested allocation using the same methodology described in Subparagraph (b)(2) of this Rule. | | | |

(c) ~~In the initial [allocation] allocation~~, 95 percent of the ~~total program funding~~ annual appropriation shall be allocated to ~~the district accounts in the initial allocation~~, administered by the Division. The Division shall retain five percent of the ~~total funding in a annual appropriation as a contingency fund~~ to be used to respond to an emergency or natural disaster. If the contingency funds are not needed to respond to an emergency, then ~~the contingency fund~~ they shall be allocated at the March meeting of the Commission, available for allocation after March 1.

(d) The Commission may recall funds allocated to a district ~~during a fiscal year~~ that have not been encumbered to an agreement at any time if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(e) At any time a district may submit a revised strategy strategic plan ~~and apply to the Commission for~~ to request additional funds from the Commission.

1 (f) ~~CPO's Agreements~~ that encumber funds under the current fiscal year ~~must shall~~ be submitted to the Division by
 2 5:00 p.m. on ~~the first Wednesday in June, June 30.~~

3 (g) ~~Districts For the Agriculture Cost Share [Program,]~~ Program for Nonpoint Source Pollution Control, districts shall
 4 be allocated funds based on their respective data for each of the following parameters:

5 (1) Percentage of total acres of agricultural land in North Carolina that are in the respective district
 6 ~~(including cropland, hayland, pasture land, and orchards/vineyards)~~ as reported in the most recent
 7 edition of the North Carolina ~~Agricultural Statistics—Census of Agriculture~~. This report is
 8 incorporated by reference with all subsequent amendments and editions and may be accessed at no
 9 charge at www.agcensus.usda.gov. The actual percentage shall be normalized to a 1-100 scale.

10 (20%)

11 (2) Percentage of total number of animal units in North Carolina that are in the respective district as
 12 reported in the most recent edition of the North Carolina ~~Agricultural Statistics—Census of~~
 13 Agriculture and converted to animal units using the conversion factors approved by the USDA-
 14 Natural Resources Conservation Service. The actual percentage shall be normalized to a 1-100
 15 scale. (20%)

16 (3) Relative rank of the percentage of the county outside of municipal boundaries as defined by North
 17 Carolina Department of Transportation

18 (https://gis11.services.ncdot.gov/arcgis/rest/services/NCDOT_CityBdy_Poly/MapServer/0)

19 draining to waters number of miles of stream identified as less than fully supporting due to
 20 agricultural nonpoint source pollution as reported in the state's 303(d) list, impaired or impacted on

21 the most recent Integrated Report [305(b) report,] and basin plan produced by the North Carolina
 22 Division Water Resources. This report is incorporated by reference with subsequent amendments

23 and editions, and may be accessed at no charge at

24 [<http://ncdenr.maps.arcgis.com/apps/webappviewer/index.html>]

25 [https://deq.nc.gov/about/divisions/water-resources/planning/classification-](https://deq.nc.gov/about/divisions/water-resources/planning/classification-standards/classifications)

26 [standards/classifications](https://deq.nc.gov/about/divisions/water-resources/planning/classification-standards/classifications). (20%)

27 (4) Relative rank of the percentage of the county draining to waters classified as Primary Nursery Areas,
 28 Outstanding Resource Waters, High Quality Waters, Trout ~~[waters]~~ Waters on the current schedule
 29 of Water Quality Standards and Classifications, Shellfishing [growing areas] Shellfish Growing
 30 Areas (open) as determined by the Division of Marine Fisheries, and North Carolina Drinking Water
 31 Assessment Areas as determined by the Division of Water Resources, ~~and Critical Water Supply on~~
 32 ~~the current schedule of Water Quality Standards and Classifications.~~ All documents incorporated by

33 reference may be accessed at no charge. The classifications are incorporated by reference with

34 subsequent amendments and editions, and may be accessed at no charge at

35 <http://ncdenr.maps.arcgis.com/apps/webappviewer/index.html>. The shellfish harvesting areas may

36 be accessed at <http://portal.ncdenr.org/web/mf/shellfish-closure-maps>. The Public Water Supply

1 assessment areas may be accessed at [http://deq.nc.gov/about/divisions/water-resources/drinking-](http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-protection-program/mapping-applications)
 2 [water/drinking-water-protection-program/mapping-applications](http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-protection-program/mapping-applications). (10%)

3 (5) ~~—~~ The percentage of cost share funds allocated to a district that are encumbered to contracts in the best
 4 three of the most recent four completed program years as reported on the NC Agriculture Cost Share
 5 Program Database. (10%)

6 (6)(5) Percentage of program funds ~~encumbered to contracts~~ allocated to a district that are actually
 7 expended for installed BMPs in the ~~best~~ highest three of the most recent ~~four~~ seven-year period ~~for~~
 8 ~~which the allowed time for implementing contracted BMPs has expired~~ as reported ~~on~~ in the NC
 9 Agriculture Cost Share Contracting System Program Database. (10%)(20%)

10 (7)(6) Relative rank of the ~~average erosion rate for agricultural~~ number of acres of highly erodible land in
 11 the county as reported ~~in~~ by the ~~National Resources Inventory~~, United States Department of
 12 Agriculture Farm Service Agency, unless the State Conservationist of the Natural Resources
 13 Conservation Service specifies that another information source would be more current and accurate.
 14 (10%)

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 16 *History Note:* Authority G.S. 106-840; 106-850; 106-860; 139-4; 139-8; 139-60;
 17 *Eff. May 1, 1987;*
 18 *Recodified from 15A NCAC 06E .0003 Eff. December 20, 1996;*
 19 *Amended Eff. April 1, 1997;*
 20 *Temporary Amendment Eff. May 1, 2001;*
 21 *Amended Eff. September 1, 2005; August 1, 2002;*
 22 *Transferred from 15A NCAC 06E .0103 Eff. May 1, ~~2012~~ 2012;*
 23 *Readopted eff. February 1, 2019.*

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1 02 NCAC 59D .0104 is readopted with changes as published in 32:09 NCR 797-798 as follows:

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3 **02 NCAC 59D .0104** **BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE PAYMENTS**
4 **COMMUNITY CONSERVATION ASSISTANCE PROGRAM ALLOCATION**
5 **GUIDELINES AND PROCEDURES**

6 (a) ~~BMP's eligible for cost sharing will be restricted to those BMP's listed in the Detailed Implementation Plan approved~~
7 ~~by the commission for the current program year. BMP's shall meet the following criteria to be listed in the Detailed~~
8 ~~Implementation Plan:~~

9 (1) ~~— All eligible BMP's must be designed to reduce the input of agricultural nonpoint source pollution into~~
10 ~~the water courses of the state or as otherwise authorized by statute.~~

11 (2) ~~— Information establishing the average cost of the specified BMP must be available. District BMP's may~~
12 ~~use actual costs as indicated by receipts, if average costs are not available.~~

13 (3) ~~— Eligible BMP's shall have adequate technical specifications as set forth in Paragraph (b) of this Rule.~~

14 (b) ~~BMP definitions and specifications are set forth periodically in the USDA Natural Resources Conservation Service~~
15 ~~Technical Guide, Section IV, Raleigh, North Carolina or by the division for district BMP's. BMP specifications~~
16 ~~appropriate for the current program year shall be met or exceeded in order for an applicant to qualify for cost sharing.~~
17 ~~Provisions for exceeding BMP design specifications by an applicant may be considered at the time of application with the~~
18 ~~district. The applicant shall assume responsibility for all costs associated with exceeding BMP design specifications.~~

19 (c) ~~The minimum life expectancy of the BMP's shall be listed in the Detailed Implementation Plan. Practices designated~~
20 ~~by a district shall meet the life expectancy requirement established by the division for that district BMP.~~

21 (a) ~~The Commission shall consider the total amount of funding available for allocation, relative needs [of the program]~~
22 ~~for BMP implementation, local technical assistance, and education to determine the proportion of available funds to be~~
23 ~~allocated for each eligible purpose. This determination shall be done prior to allocating funds to [statewide,] Statewide,~~
24 ~~regional, and district allocation pools and the Division. Funds may be allocated for any or all of the following purposes:~~

25 (1) ~~cost share and cost share incentive payments;~~

26 (2) ~~technical and administrative assistance; and~~

27 (3) ~~statewide or local education and outreach activities.~~

28 ~~The percentage of funding available for each purpose and each allocation pool shall be specified in the annual Detailed~~
29 ~~Implementation Plan based upon the recommendation of the Division and the needs expressed by the districts.~~

30 (b) ~~[District Allocations:] Based on the availability of funds, the Commission shall allocate cost share funds from the~~
31 ~~district allocation pool to the districts. To receive fund allocations, each district shall request funds in their strategic plan.~~

32 (c) ~~Funds for cost share and cost share incentive payments shall be allocated to the districts at the beginning of the fiscal~~
33 ~~year and whenever the Commission determines that funds are available in the district allocation pool to justify a~~
34 ~~reallocation. Districts shall be allocated monies based on the identified level of nonpoint source pollution problems and~~
35 ~~the respective district's BMP installation goals as demonstrated in the district's annual strategic plan. The allocation~~
36 ~~method used for disbursement of funds shall be based upon the score of each respective district for those parameters~~
37 ~~approved by the Commission pursuant to Subparagraph (7) of this Paragraph. The points each district scores on each~~

parameter shall be totaled and proportioned to the total dollars available for district allocation under the current ~~program~~ fiscal year funding according to the following formula:

$$\begin{array}{rcl}
 (1) & \text{Sum of Parameter Points} & = \text{Total Points} \\
 (2) & \text{Percentage Total} & \times \text{Total Dollars} = \text{Dollars Available} \\
 & \text{Points Each District} & \text{Available to Each District}
 \end{array}$$

(3) 95 percent of the program funding designated for district allocations shall be allocated to the district accounts in the initial allocation. The Division shall retain five percent of the total funding in a contingency fund to respond to an emergency or natural disaster.

(4) The Commission may recall funds allocated to a district that have not been encumbered to an agreement if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(5) At any time a district may submit a revised strategic plan and apply to the Commission for additional funds.

(6) Agreements that encumber funds under the current fiscal year must be submitted to the Division by 5:00 p.m. on June 30.

(7) Districts shall be allocated funds based on their respective data for each of the following parameters:

(A) Relative rank of the percentage of the county draining to waters identified as impaired or impacted on the most recent Integrated Report produced by the North Carolina Division of Water Resources. ~~[This report is incorporated with subsequent amendments and editions, and may be accessed at no charge at <http://nednr.maps.aregis.com/apps/webappviewer/index.html>]~~ (20 percent).

(B) Relative rank of the percentage of the county draining to waters classified as Outstanding Resource Waters, High Quality Waters and Trout Waters or on the current schedule of Water Quality Standards and Classifications, and shellfish growing areas (open) as determined by the Division of Marine Fisheries. ~~[The classifications are incorporated with subsequent amendments and editions, and may be accessed at no charge at <http://nednr.maps.aregis.com/apps/webappviewer/index.html>. The shellfish harvesting areas may be accessed at <http://portal.nednr.org/web/mf/shellfish-closure-maps>.]~~ (20 percent)

(C) The percentage of each county covered by National Pollutant Discharge Elimination System Phase I and Phase II ~~[requirements.]~~ requirements found at <https://deq.nc.gov/about/divisions/water-resources/water-resources-permit-guidance/npdes-phase-i-phase-ii-stormwater-guidance>. (20 percent)

(D) Relative rank of population density for the county. (20 percent)

(E) Relative rank of the percentage of a county's land area that is located within drinking water assessment areas, as delineated by the Public Water Supply Section of the Division of Water Resources. ~~[The Public Water Supply assessment areas are incorporated with subsequent~~

1 ~~amendments and editions, and may be accessed at no charge at~~
2 ~~[http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-protection-](http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-protection-program/mapping-applications)~~
3 ~~[program/mapping-applications.](http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-protection-program/mapping-applications)~~ (20 percent)

4 (F) The Commission may consider additional factors, such as data sources changes to the
5 Subparagraphs in this Paragraph, as recommended by the Division ~~[of Soil and Water~~
6 Conservation] when making its allocations.

7 (d) ~~[Statewide and Regional Allocations:]~~ Based on the availability of funds, the Commission shall allocate cost share
8 funds from the ~~[statewide]~~ ~~Statewide~~ and regional allocation pools. To receive fund allocations, each district designated
9 eligible by the Commission shall submit applications to respective pools when solicited by the Division. The Division
10 shall rank each application and recommend to the Commission for its approval an amount to allocate to each district
11 corresponding to the highest-ranking applications.

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13 *History Note: Authority G.S. ~~106-850~~ ~~106-860~~; ~~139-8~~; 139-8;*
14 *Eff. May 1, 1987;*
15 *Recodified from 15A NCAC 6E .0004 Eff. December 20, 1996;*
16 *Amended Eff. January 1, 1998;*
17 *Transferred from 15A NCAC 06E .0104 Eff. May 1, ~~2012~~ 2012;*
18 *Readopted Eff. February 1, 2019.*
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1 02 NCAC 59D .0105 is readopted with changes as published in 32:09 NCR 798-799 as follows:

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3 **02 NCAC 59D .0105** ~~**COST SHARE AND INCENTIVE PAYMENTS-AGRICULTURAL WATER**~~
4 ~~**RESOURCES ASSISTANCE PROGRAM FINANCIAL ASSISTANCE**~~
5 ~~**ALLOCATION GUIDELINES AND PROCEDURES**~~

6 ~~(a) Cost share and incentive payments may be made through Cost Share Agreements between the district and the~~
7 ~~applicant.~~

8 ~~(b) For all practices except those eligible for CSI, the state shall provide a percentage of the average cost for BMP~~
9 ~~installation not to exceed the maximum cost share percentages shown in subdivisions (6), (8), and (9) of G.S. 143-~~
10 ~~215.74(b), and the applicant shall contribute the remainder of the cost. In kind contributions by the applicant shall be~~
11 ~~included in the applicants' cost share contribution. In kind contributions shall be specified in the agreement for cost~~
12 ~~sharing and shall be approved by the district.~~

13 ~~(c) CSI payments shall be limited to a maximum of three years per farm.~~

14 ~~(d) Average installation costs for each comparative area or region of the state and the amount of cost share incentive~~
15 ~~payments shall be updated and revised at least triennially by the Division for approval by the Commission.~~

16 ~~(e) The total annual cost share payments to an applicant shall not exceed the maximum funding authorized in~~
17 ~~subdivisions (6) and (9) of G.S. 143-215.74(b).~~

18 ~~(f) Cost share payments to implement BMPs under this program may be combined with other funding programs, as long~~
19 ~~as the combined cost share rate does not exceed the amount and percentages set forth in Paragraphs (b) and (e) of this~~
20 ~~Rule. For special funding programs where the applicant relinquishes all production capability on his or her agricultural~~
21 ~~land for at least 10 years, combined funding may equal up to 100 percent. Agriculture Cost Share Program funding shall~~
22 ~~not exceed the maximum cost share percentages shown in subdivisions (6), (8), and (9) of G.S. 143-215.74(b).~~

23 ~~(g) Use of cost share payments is restricted to land located within the county approved for funding by the Commission.~~
24 ~~However, in the situation where an applicant's farm is not located solely within a county, the entire farm, if contiguous,~~
25 ~~shall be eligible for cost share payments.~~

26 ~~(h) Cost share contracts used on or for local, state or federal government land must be approved by the Commission in~~
27 ~~order to avoid potential conflicts of interest and to ensure that such contracts are consistent with the purposes of this~~
28 ~~program.~~

29 ~~(i) The district Board of Supervisors may approve Cost Share Agreements with cost share percentages or amounts less~~
30 ~~than the maximum allowable in subdivisions (6), (8), and (9) of G.S. 143-215.74(b) if:~~

31 ~~(1) The Commission allocates insufficient cost share BMP funding to the district to enable it to award~~
32 ~~funding to all applicants;~~

33 ~~(2) The district establishes other criteria in its annual strategy plan for cost sharing percentages or amounts~~
34 ~~less than those allowable in subdivisions (6), (8), and (9) of G.S. 143-215.74(b).~~

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

(a) The Commission shall consider the total amount of funding available for allocation and the relative needs [of the program] for BMP implementation to determine the proportion of available funds to be allocated to statewide, regional, and district allocation pools and the Division. The percentage of funding available for each purpose and each allocation pool shall be specified in the annual Detailed Implementation Plan based upon the recommendation of the Division and the needs expressed by the districts.

(b) [District Allocations:] Based on funding availability, the Commission shall allocate cost share funds from the district allocation pool to the districts. To receive fund allocations, each district shall request an allocation in their strategic plan.

(c) Funds for cost share and cost share incentive payments shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that funds are available in the district allocation pool to justify a reallocation. Districts shall be allocated monies based on the identified level of agricultural water use needs and the respective district's BMP installation goals as demonstrated in the district's annual strategic plan. The allocation method used for disbursement of funds shall be based on the relative position of each respective district for those parameters approved by the Commission pursuant to Paragraph (h) of this Rule. The points each district scores on each parameter shall be totaled and proportioned to the total dollars available for district allocation under the current [program] fiscal year funding according to the following formula:

$$\begin{array}{rcl}
 (1) & \frac{\text{Sum of Parameter Points}}{\text{Total Points}} & = \\
 (2) & \frac{\text{Percentage Total}}{\text{Points Each}} & \times \frac{\text{Total Dollars Available}}{\text{District Available}} = \text{to } \frac{\text{Dollars Available}}{\text{Each District}}
 \end{array}$$

- (3) The minimum district allocation shall be specified in the Detailed Implementation Plan.
- (4) If a district requests less than the dollars available to that district in Subparagraph (b)(2) of this Rule, then the excess funds [beyond those requested by the district] shall be allocated to the districts who did not receive their full requested allocation using the same methodology described in Subparagraph (b)(2) of this Rule.

(d) In the initial [allocation] allocation, 95 percent of the annual appropriation shall be allocated to district accounts administered by the Division. The Division shall retain five percent of the annual appropriation as a contingency to be used to respond to an emergency or natural disaster. If the contingency funds are not needed to respond to an emergency, then they shall be available for allocation after March 1.

(e) The Commission may recall funds allocated to a district that have not been encumbered to an agreement at any time if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(f) At any time a district may submit a revised strategic plan to request additional funds from the Commission.

(g) Agreements that encumber funds under the current fiscal year must be submitted to the Division by 5:00 p.m. on June [30th.] 30.

(h) For the Agricultural Water Resources Assistance Program, districts shall be allocated funds based on their respective data for each of the following parameters:

- (1) Relative rank of the number of farms (total operations) that are in the respective district as reported in the Census of [Agriculture] Agriculture. (20%)

1 (2) Relative rank of the total acres of land in farms that are in the respective district as reported in the
2 Census of [Agriculture] Agriculture. (20%)

3 (3) Relative rank of the Market Value of Sales that are in the respective district as reported in the Census
4 of [Agriculture] Agriculture. (15%)

5 (4) Relative rank of the amount of agricultural water use in the respective district as reported in the North
6 Carolina Agricultural Water Use Survey (25%). Data from the most recent three surveys will be
7 averaged to determine each district's rank.

8 (5) Relative rank of population density as reported by the state [demographer] demographer. (20%)

9 (6) The Commission may consider additional factors, such as data sources changes to the Subparagraphs
10 in this Paragraph, as recommended by the Division [of Soil and Water Conservation] when making its
11 allocations.

12 (i) [Statewide and Regional Allocations:] Based upon funding availability, the Commission shall allocate cost share funds
13 from the [statewide] Statewide and regional allocation pools. To receive fund allocations, each district designated eligible
14 by the Commission shall submit applications to respective pools when solicited by the Division. The Division shall rank
15 each application and recommend to the Commission for its approval an amount to allocate to each district corresponding
16 to the highest-ranking applications.

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18 *History Note: Authority G.S. 106-840; 106-850; 106-860; 139-4; 139-8; 139-60;*

19 *Eff. May 1, 1987;*

20 *Temporary Amendment Eff. September 23, 1996;*

21 *Recodified form 15A NCAC 06E .0005 Eff. December 20, 1996;*

22 *Temporary Amendment Expired June 13, 1997;*

23 *Amended Eff. March 1, 2008; July 1, 2004; April 1, 1999; January 1, 1998;*

24 *Transferred from 15A NCAC 06E .0105 Eff. May 1, 2012; 2012;*

25 *Readopted Eff. February 1, 2019.*

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1 02 NCAC 59D .0106 is readopted with changes as published in 32:09 NCR 799-800 as follows:

2
3 **02 NCAC 59D .0106 ~~TECHNICAL ASSISTANCE FUNDS~~ BEST MANAGEMENT PRACTICES**
4 **ELIGIBLE FOR COST SHARE PAYMENTS**

5 (a) ~~The funds available for technical assistance shall be allocated by the commission based on the recommendation of the~~
6 ~~division and the needs as expressed by the district and needs to accelerate the installation of BMP's in the respective~~
7 ~~district. Each district may use these monies to fund new positions or to accelerate present technical assistance positions.~~
8 ~~Districts must provide an itemized budget to the division in order to qualify for technical assistance funds. Matching~~
9 ~~funds for district technical assistance shall be approved by the commission prior to any expenditure of funds. Budget~~
10 ~~revisions submitted by the districts may be approved by the NPS Section based on Paragraph (b) of this Rule. N. C.~~
11 ~~Agriculture Cost Share technical assistance funds may be used for each FTE technical position with the district matching~~
12 ~~at least 50 percent of the total. Priorities for funding positions shall be assigned based as follows:~~

13 (1) ~~Subject to availability of funds and local match, provide support for one FTE technical position for~~
14 ~~every district.~~

15 (2) ~~Subject to availability of funds and local match, provide support for one additional FTE technical~~
16 ~~position if the position is needed to further support program implementation. Priority for funding~~
17 ~~positions beyond one FTE per district shall be based on the following parameters:~~

18 (A) ~~Whether the position is presently funded by program technical assistance funds.~~

19 (B) ~~The number of program dollars encumbered to contracts in the highest three of the previous~~
20 ~~four completed program years, and~~

21 (C) ~~The number of program dollars actually expended for installed BMPs in the highest three~~
22 ~~years of the most recent four year period for which the allowed time for implementing~~
23 ~~contracted BMPs has expired as reported on the NC Agriculture Cost Share Database.~~

24 (3) ~~Subject to availability of funds and local match, provide support for additional FTE technical position~~
25 ~~if the position is needed to further accelerate treatment of identified critical nonpoint source pollution~~
26 ~~problem(s).~~

27 (b) ~~Technical assistance funds may be used for salary, benefits, social security, field equipment and supplies, office rent,~~
28 ~~office equipment and supplies, postage, telephone service, travel and mileage. A maximum of two thousand five hundred~~
29 ~~dollars (\$2,500) per year for each FTE technical position is allowed for mileage charges.~~

30 (c) ~~Technical assistance funds may not be used to fund technical assistance positions which do not meet the following~~
31 ~~minimum requirements:~~

32 (1) ~~associated degree in engineering, agriculture, forestry or related field; or~~

33 (2) ~~high school diploma with two years experience in the fields listed in Rule .0106(c)(1), of this~~
34 ~~Subchapter.~~

35 (d) ~~Cost shared positions must be used to accelerate the program activities in the district. A district technician cost~~
36 ~~shared with program funds may work on other activities as delegated by the field office supervisor but the total hours~~

1 charged to the program by field office personnel must equal or exceed those hours funded through the program. Also,
2 these hours must be in addition to those hours normally spent in BMP planning and installation by district personnel.

3 (e) District technicians may be jointly funded by more than one district to accelerate the program in each participating
4 district. Each district must be eligible for cost sharing in the program. Requests for funding (salary, FICA, insurance,
5 etc.) of a shared position must be presented to the division by all concerned districts and the division shall cost share to
6 the billing district at a 50-50 rate based on the portion of the FTE provided each respective district. A shared position
7 must be officially housed in one specific district and cost share for support items (office rent, telephone, etc.) shall be
8 paid to one district only.

9 (f) Funds, if available, shall be allocated to each participating district to provide for administrative costs under this
10 program. These funds shall be used for clerical assistance and other related program administrative costs and shall be
11 matched with in kind funds of an equal amount from the district.

12 (a) BMPs eligible for cost sharing shall be restricted to those BMPs listed in the Detailed Implementation Plan approved
13 by the Commission for the current fiscal year, except for District BMPs. BMPs shall meet the following criteria to be
14 listed in the Detailed Implementation Plan: The Commission shall approve a list of BMPs that are acceptable for cost-
15 sharing. The list of BMPs shall be approved annually and published in the DIP. The Commission may consider requests
16 for additional BMPs at any time. The Commission shall consider the following criteria in approving BMPs:

- 17 (1) all eligible BMPs shall be designed to meet the purpose of the program or shall be authorized by
18 [statute.] statute;
19 (2) information establishing the average cost of the specified BMP shall be used, if available. District
20 BMPs may use actual costs as indicated by receipts, if average costs are not available; and
21 (3) eligible BMPs shall [have adequate] follow technical specifications as set forth in Paragraph (b) of this
22 Rule.

23 (b) BMP definitions and specifications shall be determined by the Commission [using the process outlined in 02 NCAC
24 59D .0103 through 59D .0105] or by the Division for [district] District BMPs. For a contract to be eligible for payment,
25 all [cost-shared] cost-shared BMPs shall meet or exceed the specifications in effect at the time the contract was approved.
26 Provisions for exceeding BMP design specifications by an applicant may be considered at the time of application with the
27 district. The applicant shall assume responsibility for all costs associated with exceeding BMP design specifications.

28 (c) The Division has authority to approve District BMPs for evaluation purposes. The BMP shall be requested by a
29 district and meet the program purpose. The Division shall determine it to be technically adequate prior to funding.

30 (d) The minimum required maintenance of the BMPs shall be listed in the Detailed Implementation Plan or be established
31 by the Division for District BMPs.

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33 *History Note:* Authority G.S. 106-840; 106-850; 106-860; 139-4; 139-8; 139-60;
34 *Eff. May 1, 1987;*
35 *Amended Eff. July 1, 1992;*
36 *Recodified from 15A NCAC 6E .0006 Eff. December 20, 1996;*
37 *Amended Eff. August 1, 2005; November 1, 1997;*

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Transferred from 15A NCAC 06E .0106 Eff. May 1, ~~2012~~ 2012;
Readopted Eff. February 1, 2019.

1 02 NCAC 59D .0107 is readopted with changes as published in 32:09 NCR 800-801 as follows:

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02 NCAC 59D .0107 COST SHARE AGREEMENT AND INCENTIVE PAYMENTS

~~(a) The landowner shall be required to sign the agreement for all practices other than agronomic practices and land application of animal wastes. An applicant who is not the landowner may submit a long term written lease or other legal document, indicating control over the land in lieu of the landowner's signature, provided the control runs the life of the practice as listed in the respective Program Year's Implementation Plan. Signature on the agreement constitutes responsibility for BMP maintenance and continuation.~~

~~(b) As a condition for receiving cost share or cost share incentive payments for implementing BMP's, the applicant shall agree to continue and maintain those practices for the minimum life as set forth in the Detailed Implementation Plan, effective the date the BMP's are implemented.~~

~~(c) As a condition for receiving cost share payments, the applicant shall agree to submit a soil test sample for analysis and follow the fertilizer application recommendations as close as reasonably and practically possible. Soil testing shall be required a minimum of every two years on all cropland affected by cost share payments. Failure to soil test shall not constitute noncompliance with the cost share agreement.~~

~~(d) As a condition for receiving cost share payments for waste management systems, the applicant shall agree to have the waste material analyzed once every year to determine its nutrient content. If the waste is land applied, the applicant shall agree to soil test the area of application and to apply the waste as close as reasonably and practically possible to recommended rates. When waste is land applied, waste analysis and soil testing shall be conducted annually.~~

~~(e) The technical representative of the district shall determine if the practice(s) implemented have been installed according to specifications as defined for the respective program year in the USDA Natural Resources Conservation Service Technical Guide, Section IV, Raleigh, North Carolina, according to other specifications approved by the Commission pursuant to 02 NCAC 59G .0103, or according to specifications approved by the Division for district BMP's based on the criteria established in 02 NCAC 59G .0103(e). The district shall be responsible for making an annual spot check of five percent of all the cost share agreements to ensure proper maintenance. Waste management systems shall be included as part of the annual five percent check except for systems on farms without certified waste management plans. In those cases, the districts shall conduct annual status reviews for five years following implementation.~~

~~(f) If the technical representative of the district determines that a BMP for which program funds were received has been destroyed or has not been properly maintained, the applicant will be notified that the BMP must be repaired or re-implemented within 30 working days. For vegetative practices, applicants are given one calendar year to re-establish the vegetation. The district may grant a prescribed extension period if it determines compliance can not be met due to circumstances beyond the applicants control.~~

~~(g) If the practices are not repaired or reimplemented within the specified time, the applicant shall be required to repay to the Division a prorated refund for cost share BMP's as shown in Table 1 and 100 percent of the cost share incentive payments received.~~

_____ Table 1
_____ PRORATED REFUND SCHEDULE FOR NONCOMPLIANCE

OF COST SHARE PAYMENTS

Percent Age of Practice Life	Percent Refund
0	100
10	95
20	89
30	82
40	74
50	65
60	55
70	44
80	31
90	17
100	0

~~(h) An applicant, who has been found in noncompliance and who does not agree to repair or reimplement the cost shared practices, and a District may jointly request the commission to informally mediate the case. To invoke this method of mediation, both parties must stipulate that the commission mediation is binding.~~

~~(i) An applicant shall have 180 days to make repayment to the Division following the final appeals process.~~

~~(j) The inability to properly maintain cost shared practices or the destruction of such practices through no fault of the applicant shall not be considered as noncompliance with the cost share agreement.~~

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

(a) Cost share ~~and~~ incentive (CSI) payments may be made through Cost Share Agreements between the district, ~~Division~~ Division, and the applicant.

(b) For all practices except those eligible for Cost Share Incentives (CSI), the State ~~of North Carolina~~ shall provide a percentage of the average cost for BMP installation not to exceed the maximum cost share percentages shown in ~~subdivisions (6), (8), and (9) of G.S. 106-850(b),~~ G.S. 106-850(b)(6), (8), and (9), and the applicant shall provide the remainder of the cost. In-kind contributions by the applicant shall be included in the applicants' cost share contribution. In-kind contributions shall be approved by the district and Division.

(c) CSI payments shall be limited to a maximum of three years per entity.

(d) Average installation costs for each comparative area or region of the ~~state~~ State and the amount of cost share incentive payments shall be updated and revised ~~at least~~ triennially by the Division for approval by the Commission.

(e) The total annual cost share payments to an applicant shall not exceed the maximum funding authorized in subdivisions (6) and (9) of G.S.106-850(b).

1 (f) Use of cost share payments shall be restricted to land located within the county approved for funding by the
2 Commission. However, in the situation where an applicant's farm is not located solely within a county, the entire farm, if
3 contiguous, shall be eligible for cost share payments.

4 (g) Agriculture Cost Share Program and Agricultural Water Resources Assistance Program cost share [contracts]
5 agreements used on or for local, [state] State, or federal government land shall be approved by the Commission to avoid
6 potential conflicts of interest and to ensure that such contracts are consistent with the purposes of these programs.

7 (h) The district Board of Supervisors may approve Cost Share Agreements with cost share percentages or amounts less
8 than the maximum allowable in subdivisions (6), (8), and (9) of G.S. 106-850(b) if:

9 (1) the Commission allocates insufficient cost share BMP funding to the district to enable it to award
10 funding to all applicants; or

11 (2) the district establishes other criteria in its annual strategic plan for cost sharing percentages or amounts
12 less than those allowable in subdivisions (6), (8), and (9) of G.S. 106-850(b).

13 (i) For purposes of determining eligible payments under practice-specific caps described in the [detailed implementation
14 plan], Detailed Implementation Plan, the district board shall consider all entities with which the applicant is associated,
15 including those in other counties, as the same applicant.

16
17 *History Note: Authority G.S. 106-850; 106-860; 139-4; 139-8; 139-60;*
18 *Eff. May 1, 1987;*
19 *Amended Eff. July 1, 1992;*
20 *Recodified from 15A NCAC 6E .0007 Eff. December 20, 1996;*
21 *Amended Eff. June 1, 2008; April 1, 1999; November 1, 1997;*
22 *Transferred from 15A NCAC 06E .0107 Eff. May 1, 2012- 2012;*
23 *Readopted Eff. February 1, 2019.*
24

1 02 NCAC 59D .0108 is readopted with changes as published in 32:09 NCR 802 as follows:

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3 **02 NCAC 59D .0108 DISTRICT PROGRAM OPERATION TECHNICAL ASSISTANCE FUNDS**

4 ~~(a) As a component of the annual strategy plan, the district shall prioritize both cropland and animal operations~~
5 ~~according to pollution potential. The district shall target technical and financial assistance to facilitate BMP~~
6 ~~implementation on the identified critical areas.~~

7 ~~(b) Priority by the district may be given to implementing systems of BMP's which provide the most cost effective~~
8 ~~reduction of nonpoint source pollution.~~

9 ~~(c) All applicants shall apply to the district and complete the necessary forms in order to receive cost share payments.~~

10 ~~(d) The district shall review each application and the feasibility of each application. The district shall review and~~
11 ~~approve the evaluation and assign priority for cost sharing. All applicants shall be informed of cost share approval or~~
12 ~~denial.~~

13 ~~(e) Upon approval of the application by the district, the applicant and the district shall enter into a cost share agreement.~~
14 ~~The cost share agreement shall list the practices to be cost shared with state funds. The agreement shall also include the~~
15 ~~average cost of the recommended practice(s), cost incentive payment of the practice(s), and the expected implementation~~
16 ~~date of the practice(s). The District shall develop CPO's, which shall become a part of the cost share agreement.~~

17 ~~(f) Upon completion of practice(s) implementation, the technical representative of the district shall notify the district of~~
18 ~~compliance with design specifications.~~

19 ~~(g) Upon notification, the district shall review the CPO. Upon approval, the district shall certify the practices in the CPO~~
20 ~~and notify the Division to make payment to the applicant.~~

21 ~~(h) Upon receipt of a quarterly statement from the district, the Division shall reimburse to the district the appropriate~~
22 ~~amount for technical and clerical assistance.~~

23 ~~(i) The district shall be responsible for and approve all BMP inspections as set forth in Rule .0107(e) of this Section to~~
24 ~~insure proper maintenance and continuation under the cost share agreement.~~

25 ~~(j) The district shall keep appropriate records dealing with the program.~~

26 (a) The funds available for technical assistance shall be allocated by the Commission based on the recommendation of
27 the [division,] Division, the needs as expressed by the district, and the needs to accelerate the installation of BMPs in the
28 respective district. The district shall provide at least 50 percent of the total matching funds for technical assistance.

29 (b) The Commission shall allocate technical assistance funds as described in [their] its [Detailed Implementation Plan
30 (DIP),] DIP. This allocation shall be made based on the implementation of conservation practices for which district
31 employees provided technical assistance incorporating the following:

32 (1) Commission Cost Share Programs funded practices will be weighted at 100 percent;

33 (2) other local, [state,] State, [federal] federal, and grant funded practices that meet the purpose
34 requirements in [02 NCAC 59D] Rule .0101 of this Section will be weighted at a minimum of 25
35 percent as specified in the DIP;

36 (3) districts shall submit information on funded practices as specified in Subparagraph (2) of this
37 Paragraph through their annual strategic plan;

1 (4) this allocation will be calculated using the [best] highest three of the most recent seven years; and

2 (5) this allocation will be calculated once every three years, unless there is a change in technical assistance
3 [state] State appropriations.

4 (c) Technical assistance funds may be used for salary, benefits, social security, field equipment and supplies, office rent,
5 office equipment and supplies, postage, telephone service, travel, mileage, and any other expense of the district in
6 implementing Soil and Water Conservation Commission Cost Share Programs.

7 (d) Each district requesting technical assistance funding with the required 50 percent local match shall receive a
8 minimum allocation of \$20,000 each year.

9 (e) If a district is not spending more on financial assistance funds on Commission Cost Share Programs than they receive
10 for technical assistance, the district shall appeal to the Commission to receive technical assistance funding.

11 (f) All technical district employees shall obtain Job Approval Authority for two best management practices from the
12 Commission or the United States Department of Agriculture Natural Resources Conservation Service within three years
13 of being hired or [July 1, 2018,] three years of the effective date of this Rule, whichever is later.

14 (1) One of the best management practices for which the employee has obtained Job Approval Authority
15 shall be a design practice. [Design practice] “Design practice” means an engineering practice as
16 defined by the Natural Resources Conservation Service of Soil and Water Conservation Commission
17 in their Program Detailed Implementation Plan(s).

18 (2) The District Board of Supervisors may request a one-year extension for their employees in meeting the
19 Job Approval Authority requirement for extenuating [circumstances.] circumstances outside of the
20 employee’s control.

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22 *History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8;*
23 *Eff. May 1, 1987;*
24 *Recodified from 15A NCAC 6E .0008 Eff. December 20, 1996;*
25 *Amended Eff. March 1, 2008; November 1, 1997;*
26 *Transferred from 15A NCAC 06E .0108 Eff. May 1, 2012. 2012;*
27 *Readopted Eff. February 1, 2019.*
28

1 02 NCAC 59D .0109 is adopted with changes as published in 32:09 NCR 802-803 as follows:

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02 NCAC 59D .0109 COST SHARE AGREEMENT

(a) The landowner shall be required to sign the agreement for all practices that affect change to the property. The signature on the agreement constitutes responsibility for BMP maintenance and continuation. The agreement shall include a requirement for the landowner to be responsible for BMP maintenance and continuation.

(b) The technical representative of the district shall determine if the practice(s) implemented have been installed according to practice standards as defined for the respective program year in the USDA Natural Resources Conservation Service (NRCS) Technical Guide for North ~~Carolina~~ Carolina, incorporated by reference and found at <http://efotg.sc.egov.usda.gov/#/>, according to other specifications approved by the ~~Commission pursuant to 02 NCAC 59G .0103, Commission~~, or according to standards approved by the Division for district BMPs based on the criteria established in 02 NCAC 59G .0103(c).

(c) The district shall be responsible for making an annual spot check of five percent of all the cost share agreements to ensure proper maintenance. The Commission may specify additional spot check requirements for specific BMPs in the Detailed Implementation Plan.

(d) If the technical representative of the district determines that a BMP for which program funds were received has been destroyed or has not been properly maintained, the applicant shall be notified that the BMP shall be repaired or re-implemented within 30 working business days. For vegetative practices, applicants shall be given one calendar year to re-establish the vegetation. The Division may shall grant a prescribed one calendar year extension period if it determines compliance cannot be met due to circumstances beyond the applicant's control, such as weather.

(e) If the practices are not repaired or reimplemented within the specified time, the applicant shall be required to repay to the Division a prorated refund for cost share BMP's- BMPs as shown in Table 1 and 100 percent of the cost share incentive payments received.

Table 1
PRORATED REFUND SCHEDULE FOR NONCOMPLIANCE
OF COST SHARE PAYMENTS

Percent Age of Practice Life	Percent Refund
0	100
10	95
20	89
30	82
40	74
50	65
60	55
70	44

1	80	31
2	90	17
3	100	0

4 (f) In the event that a contract has been found to be noncompliant and the applicant, applicant does not agree to correct
5 the non-compliance, the Division may shall invoke procedures to achieve resolution to the noncompliance, including
6 any and all remedies available to it under the law. noncompliance.

7 (g) When land under cost share agreement [changes, owners] changes ownership the new landowner shall be strongly
8 encouraged by the district to accept the remaining maintenance obligation. If the new landowner does not accept the
9 maintenance requirements in writing, then the original applicant shall be required to refund 100 percent of all CSI
10 payments and a prorated portion of cost share payments in accordance with Table 1 in Paragraph (e) of this Rule.

11
12 *History Note: Authority G.S. 106-850; 139-4; 139-8;*
13 *Eff. February 1, 2019.*
14

1 02 NCAC 59D .0110 is adopted with changes as published in 32:09 NCR 803 as follows:

2
3 **02 NCAC 59D .0110 DISTRICT PROGRAM OPERATION**

4 (a) As a component of the annual strategic plan, the district shall prioritize resource concerns per the program ~~purpose.~~
5 as set forth in Rule .0101. The district shall target technical and financial assistance to facilitate BMP ~~implementation~~
6 on the identified critical areas. implementation.

7 (b) The district shall give priority to implementing systems of BMPs that provide the most cost-effective conservation
8 practice for addressing priority resource concerns.

9 (c) All applicants shall apply to the district in order to receive cost share payments.

10 (d) The district shall review each application and determine the feasibility of each application. The district shall
11 review and approve the evaluation and assign priority for cost sharing. All applicants shall be informed of cost share
12 application approval or denial.

13 (e) Upon approval of the application by the district, the applicant, district, and the Division shall enter into a cost
14 share agreement. The cost share agreement shall list the practices to be cost shared with ~~state~~ State funds. The
15 agreement shall also include the average cost of the recommended practice(s), cost incentive payment of the
16 practice(s), and the expected implementation date of the practice(s). The District shall develop a conservation plan
17 that shall become a part of the cost share agreement.

18 (f) Upon completion of practice(s) implementation, the technical representative of the district shall notify the ~~district~~
19 board- District Board of Supervisors of compliance with design specifications.

20 (g) Upon ~~notification,~~ notification of the technical representative, the district shall review the agreement and request
21 for payment. Upon approval, the district shall certify the practices in the agreement and notify the Division to make
22 payment to the applicant. The District Board of Supervisors shall certify that the individual signing the conservation
23 plan and request for payment has ~~proper job approval authority~~ Job Approval Authority for the respective practice(s)
24 before signing requests for payment for completed BMPs.

25 (h) The district shall be responsible for and approve all BMP inspections as set forth in Rule .0109 ~~(e)(c)~~ of this Section
26 to ~~insure~~ ensure proper maintenance and continuation under the cost share agreement.

27 (i) The district shall keep records dealing with the program per ~~their district's~~ its document retention schedule.

28
29 *History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8;*
30 *Eff. February 1, 2019.*

31
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1 02 NCAC 59H .0101 and .0102 are repealed through readoption as published in 32:09 NCR 803-808 as follows:

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3 **SUBCHAPTER 59H – COMMUNITY CONSERVATION ASSISTANCE PROGRAM FOR NONPOINT**
4 **SOURCE POLLUTION CONTROL**

5

6 **SECTION .0100 – COMMUNITY CONSERVATION ASSISTANCE PROGRAM**

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8 **02 NCAC 59H .0101 PURPOSE**

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10 **02 NCAC 59H .0102 DEFINITIONS FOR SUBCHAPTER 59H**

11

12 *History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;*
13 *Eff. December 1, 2007;*
14 *Transferred from 15A NCAC 06I .0101 -.0102 Eff. May 1, 2012;*
15 *Amended Eff. November 1, 2016;*
16 *Repealed Eff. January 1, 2020.*

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18

1 02 NCAC 59H .0103 is repealed through readoption as published in 32:09 NCR 803-808 as follows:

2

3 **02 NCAC 59H .0103 ALLOCATION GUIDELINES AND PROCEDURES**

4

5 *History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;*

6 *Eff. January 1, 2008;*

7 *Transferred from 15A NCAC 06I .0103 Eff. May 1, 2012;*

8 *Amended Eff. November 1, 2016;*

9 *Repealed Eff. January 1, 2020.*

10

11

1 02 NCAC 59H .0104 - .0106 are repealed through readoption as published in 32:09 NCR 803-808 as follows:

2

3 **02 NCAC 59H .0104 BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE**
4 **PAYMENTS**

5

6 **02 NCAC 59H .0105 COST SHARE AND INCENTIVE PAYMENTS**

7

8 **02 NCAC 59H .0106 TECHNICAL ASSISTANCE FUNDS**

9

10 *History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;*
11 *Eff. December 1, 2007;*
12 *Transferred from 15A NCAC 06I .0104 - .0106 Eff. May 1, 2012;*
13 *Repealed Eff. January 1, 2020.*

14

15

1 02 NCAC 59H .0107 is repealed through readoption as published in 32:09 NCR 803-808 as follows:

2

3 **02 NCAC 59H .0107 COST SHARE AGREEMENT**

4

5 *History Note: Authority G.S. 106-860; 139-4; 139-8;*

6 *Eff. June 1, 2008;*

7 *Transferred from 15A NCAC 06I .0107 Eff. May 1, 2012;*

8 *Repealed Eff. January 1, 2020.*

9

1 02 NCAC 59H .0108 is repealed through readoption as published in 32:09 NCR 803-808 as follows:

2

3 **02 NCAC 59H .0108 DISTRICT PROGRAM OPERATION**

4

5 *History Note: Authority G.S. 106-840;*

6 *Eff. March 1, 2008;*

7 *Transferred from 15A NCAC 06I .0108 Eff. May 1, 2012;*

8 *Repealed Eff. January 1, 2020.*

9

10

Newly Appointed Supervisor where training requirement has not been met:

District	First Name	Last Name	Start Date
Alb/Perquimans	Allen	Stallings	Dec 2018
Franklin	Patrick	Ray	Letter attached
Swain	Philip	Carson Sr.	Dec 2018

14 Brodie Privette Rd.
Zebulon, NC 27597

February 27, 2019

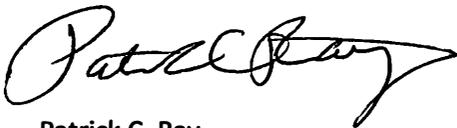
NC Soil & Water Commission
1614 Mail Service Center
Raleigh, NC 27699-1614

To the Soil & Water Commission:

I was unfortunately unable to attend the UNC School of Government training which was held yesterday in Raleigh. Although I was registered, I had unexpected business on my farm which had to be handled. As I am sole owner and operator of the farming operation it was absolutely necessary for me to be there for a delivery. This delivery had been repeatedly postponed due to weather and the company could only deliver when the weather cooperated.

I hope the Commission will accept this letter as an explanation for my absence and allow me to continue to serve on the Franklin Soil & Water Board for the remainder of my term.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick C. Ray". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Patrick C. Ray

153 Courthouse Road
Suite 501
Currituck, NC 27929
Phone: 252.232.3360

Currituck Soil & Water Conservation

January 29, 2019

Dear North Carolina Soil and Water Conservation Commission-Members:

This letter is a documented request asking that the Commission Members please consider granting "Post Approval" to Cooperator Racy & Clay Farms, Inc. contract number 27-2018-001. The contract is a Cover Crop contract in the amount of \$7,131.00.

The contract was initially submitted in February 2018 by Kim Dozier-Smichnick, District Administrator at the time. Kim retired shortly after she submitted the contract and all was thought to be approved. On January 24, 2019, the District Technician, Will Creef went to complete a compliance check for contract number 27-2018-001. The cooperator was found to be in compliance and a Request for Payment (RFP) was generated. After the RFP was generated Currituck District was notified that the contract was not approved, and had been submitted incomplete. The contract was immediately updated and re-submitted complete.

I kindly ask you to please review this case and grant "Post Approval" to Contract #27-2018-001.

Thank you very much for your consideration.



Manly West
Chairman, Currituck Soil and Water Conservation District

Manly West, Chairman
William Powell, Vice-Chairman
Harvey Roberts, Sec-Treasurer

ADDENDUM TO APPLICATION FOR ASSISTANCE NORTH CAROLINA COMMISSION COST SHARE PROGRAMS

As a Soil and Water District Supervisor, for the Orange Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: Agriculture Cost Share Program

Best management practice: Agriculture Road Repair and Stabilization

Contract number: 68-2019-005 Contract amount: \$ 11,380

Score on priority ranking sheet: 370 points

Cost Share Rate : 75% If different than 75%, please list % percent:
Reason: n/a

Relative rank (e.g., ranked 8th out of 12 projects considered): 2nd out of 2 projects

Were any higher or equally ranked contracts denied? No

If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: R. Clay Parker
(Parker is operator on this parcel of land, not landowner, but paying for the BMP)



(District Supervisor's signature)

3-1-19

Date

Approved by:



(District Chairperson's signature)

3-4-19

Date

The Soil & Water Commission has approved the subject application for a contract.

(SWCC Chairperson's signature)
(Pursuant G.S. 139-8(b)(2))

Date

*Beneficiaries include but are not limited to applicant, landowner, and/or business partners.



Orange Soil and Water Conservation District
P.O. Box 8181
Hillsborough, NC 27278

Mr. John Langdon
NC Soil and Water Conservation Commission
c/o NCDA&CS Division of Soil & Water Conservation,
614 Mail Service Center
Raleigh NC 27699-1614

To: Chairman John Landon
Soil and Water Conservation Commission

RE: Agriculture Cost Share funds on state owned property

The Orange Soil and Water Conservation District would like to respectfully request cost share funding for an Agriculture Road Repair and Stabilization project on property owned by NC State University through the NCACSP.

The "Breeze Farm" was donated to NCSU by a former Soil and Water Supervisor, Col. William Breeze. The Farm is owned by NCSU and is officially called the Breeze Farm Incubator, @ the W.C. Breeze Family Farm Agricultural Extension and Research Center. The 250+ acre farm is divided into two separate farm tracts or parcels of land. Approximately 15 acres on Tract 11181 is primarily used as an incubator farm for new and beginning farmers through a program with the NC Cooperative Extension Service, and approximately 32 acres of the land is rented to a local dairy farmer for pasture. This tract of land gets a small amount of funds from NCSU and Orange County government to sustain the farm incubator program.

The second parcel, Tract 11180, is not financially supported by NCSU, or Orange County government. This tract of land is rented to a local farmer, R. Clay Parker, who is also a current Orange Soil and Water Conservation Supervisor, for conventional crops (~35 acres) such as corn, small grain, and soybeans. On Tract 11180, there are soil erosion and sedimentation issues in the field, and on the agricultural roads between and leading to the larger ~20 acre field (Field #3). The farm access road crosses a small drain/stream (blue line), and then a larger stream and steep slope to reach field #3 on the back area of the farm. There are pipes in place and these do not need replacing. This is the only farm road access to the larger 20 acre field, without traveling over 4 miles on a busy highway and over other land owners fields and property.

Mr. Parker is willing to repair and make the road improvements needed (per the design by the SWCD staff) and has requested cost share assistance to stabilize the existing road

and prevent further soil erosion entering the streams. Mr. Parker is also willing to make improvements in the field, as needed, at his own expense, such as critical area plantings, to prevent soil erosion in the fields. These BMP's will reduce soil erosion, slow the sediment movement, and prevent water quality concerns.

Gail Hughes, Resource Conservationist with Orange Soil and Water Conservation District, working with Mr. Parker, has designed the Agriculture Access Road/Road Repair and Stabilization project per the guidelines in the NC Agriculture Cost Share program, and submitted the project into the CS2 cost share contracting system; 68-2019-005. (Hughes has JAA for this BMP.) The cost share funds requested is \$11,380 for grading, geotextile fabric, and stone to ~650 linear feet of access road.

Mr. Parker is working with NCSU on a long term rental agreement for the property with NCSU and the Orange County Cooperative Extension Service, to assure maintenance on the project is followed. Locally, the Cooperative Extension Service holds training and classes on the Breeze Farm and would be in favor of showcasing the best management practice to other farmers also.

The Orange Soil and Water Conservation Board have approved the request for funding, from Mr. Parker. NCSU is in general agreement with the project/contract, but signatures are pending, until a representative of the University can make a field visit. This visit is planned for early to mid-April. The Board feels it is in the best interest of the NCACSP, NCSU, and Mr. Parker, for the owner, a NCSU representative, to sign the cost share agreement and understand the maintenance agreement required for the cost share funding to be approved. Ms. Hughes is working with the local Cooperative Extension Service, and NCSU to assure the contract will be understood by all parties.

Orange SWCD is requesting approval for the contract, 68-2019-005: R. Clay Parker on property owned by NCSU, pending final signatures. If you have any questions, please feel free to contact Karen McAdams, Chairman of the Orange SWCD or Gail Hughes, staff with the Orange SWCD, at 919-245-2750.

Thank you for your consideration.

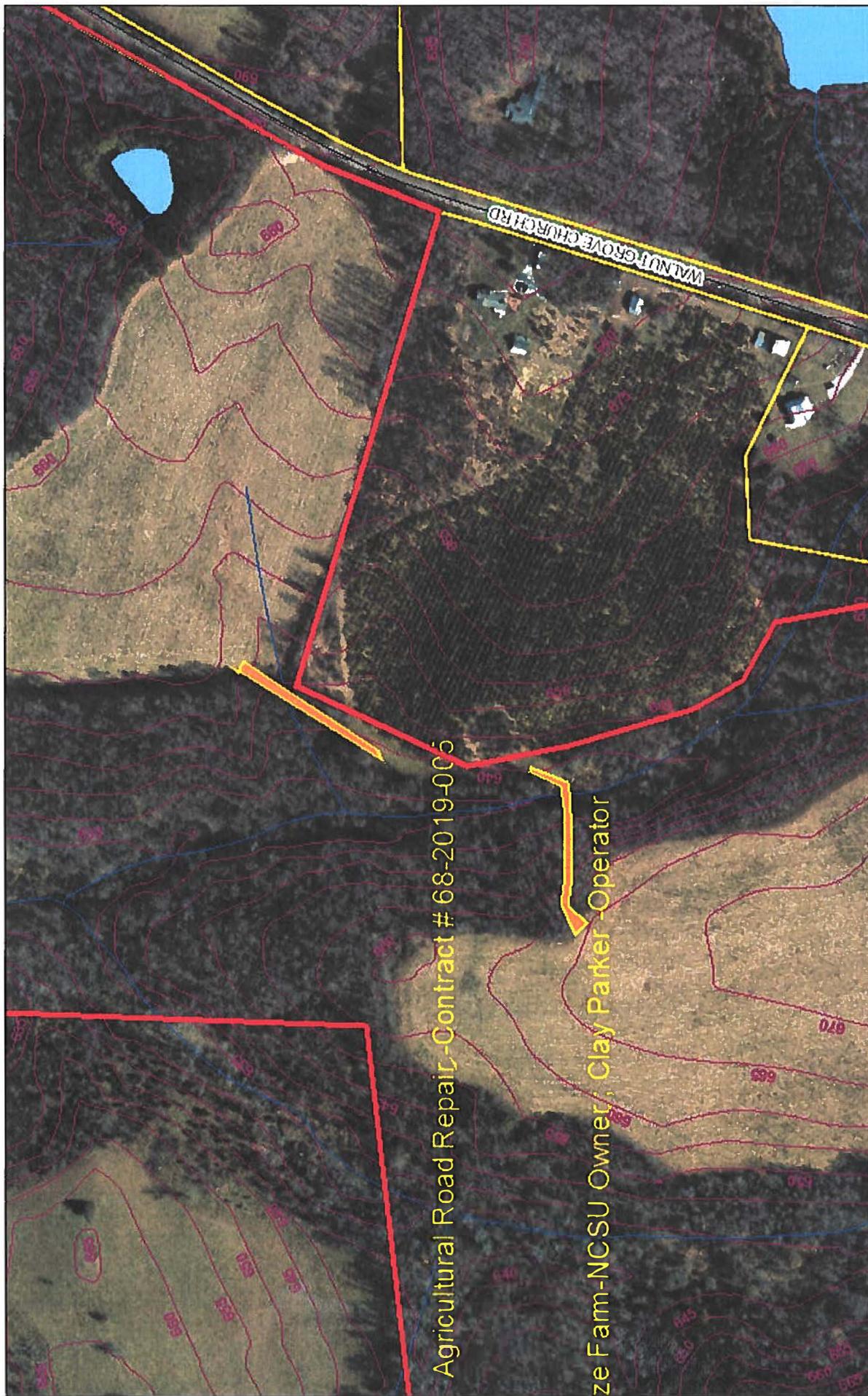
Sincerely,



Karen McAdams
Chairman, Orange Soil and Water Conservation District

Cc: Gail Hughes
Resource Conservationist, Orange SWCD

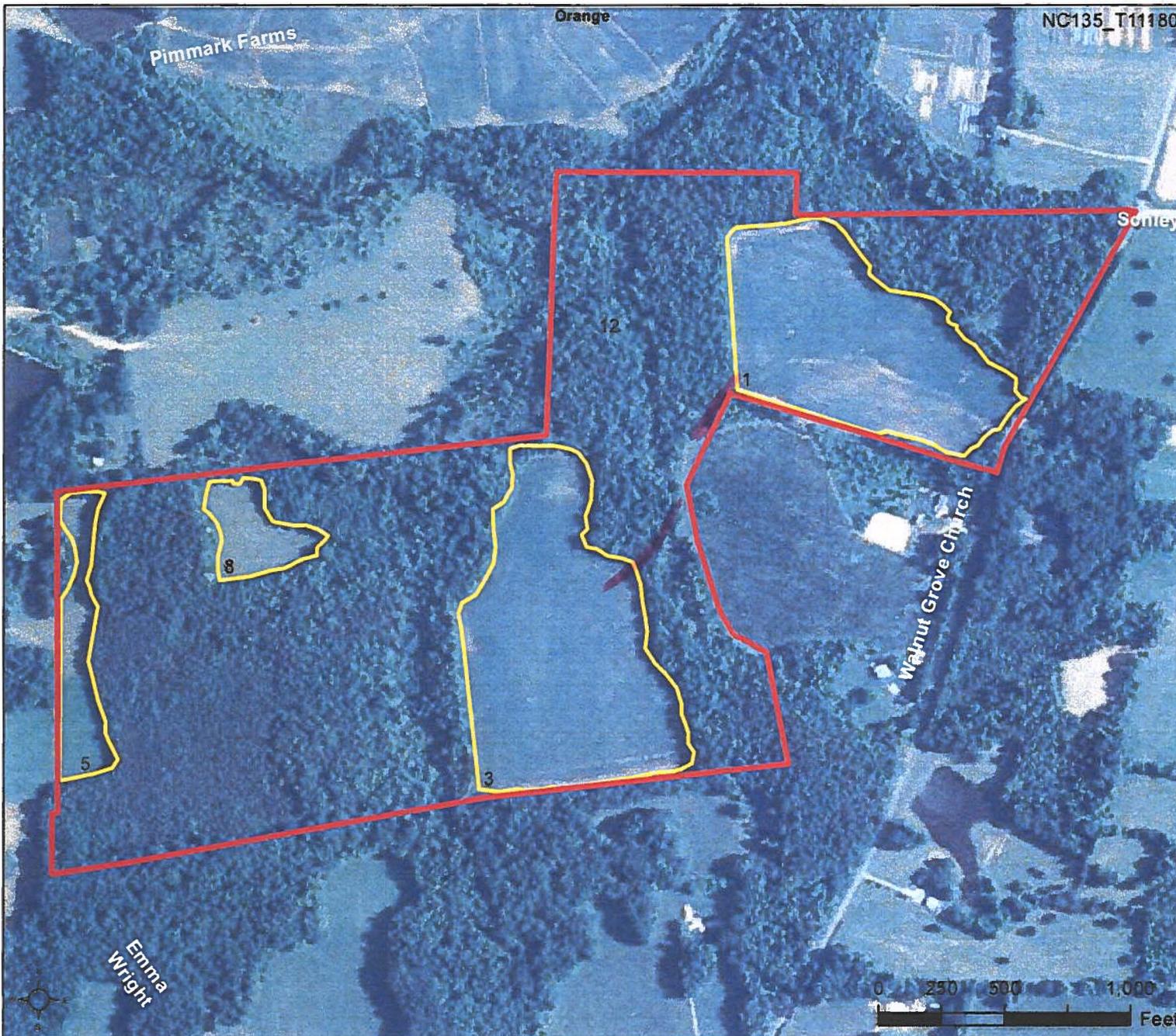
Orange County



Agricultural Road Repair - Contract # 68-2019-005

ze Fam-NCSU Owner, Clay Parker - Operator

February 26, 2019



CLU	Acres	HEL	Crop
1	15.39	HEL	
3	19.18	HEL	
5	3.51	UHEL	
8	2.57	UHEL	
12	93.61	UHEL	Noncropland

Page Cropland Total: 40.65 acres

1, 3
 34.57

Map Created October 23, 2018

Base Image Layer flown in 2016

- Common Land Unit**
- Cropland
 - Non-Cropland
 - Tract Boundary

- Wetland Determination Identifiers**
- Restricted Use
 - ▼ Limited Restrictions
 - Exempt from Conservation
 - Compliance Provisions

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the NAIP imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact NRCS.



Pamlico Soil and Water Conservation District

13724 HWY 55 EAST, BAYBORO, NORTH CAROLINA 28515 – (252) 745-5064 X3

February 13, 2019

The Soil and Water Commission

C/O NC Division of Soil & Water Conservation

1614 Mail Service Center

Raleigh, NC 276999-1614

Dear Commissioners:

The Pamlico Soil and Water District Supervisors have had to cancel two contracts that were for Cropland Conversion: #69-2017-008 and #69-2018-001. These cancellations occurred as a direct result of Hurricane Florence and the flooding it brought to Pamlico.

The producers, a young start-up farm family, had completed the work and pictures were taken the day they broadcast seed. Two weeks later a very hard rain came and flooded their fields, prompting them to try again in the spring. In September Florence came and covered their fields with salt water. The amount of salt ruined the ground to the point weeds also could not grow. The high winds destroyed their barn and floating debris tore down the new fencing. As a result, the family is abandoning the farm.

According to the current criteria for districts to be allocated, this will count against us in the future and there is no one at fault. The instructions for planting and all that entails were followed. These are completely weather dependent circumstances.

We are asking you to reconsider the policy in relation to the circumstances where neither the District, nor the producer, was at fault.

We appreciate your time in this matter.

Kind Regards,

Robert Lyon,

Pamlico SWCD Chairman