



NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION MEETING MINUTES

May 18, 2011

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

Commission Members	Others Present	
Manly West	Pat Harris	Dick Fowler
Craig Frazier	David Williams	Dewitt Hardee
Vicky Porter	David Knight	Donnarie Hales
Bobby Stanley	Danielle Adams	Julie Henshaw
James Ferguson	Shelly Baird	Kelly Ibrahim
Donald Heath	Steve Bennett	Ralston James Jr.
Bill Yarborough	Eddie Culberson	Michelle Lovejoy
	Vernon Cox	Ken Parks
	Warren Daniel	Mitch Peele
	Bill Dunlap	Michelle Raquet
Commission Counsel	Jerry Dorsett	Mike Sugg
Jennie Hauser	Cindy Draughon	Sandra Weitzel
	Davis Ferguson	Natalie Woolard
	Kristina Fischer	Jenna Wadsworth
	Lisa Fine	

Chairman Manly West called the meeting to order at 9:02 a.m. and charged the commission members to declare any conflict of interest or appearance of conflict of interest that may exist for agenda items to be considered by the commission, as mandated by the State Ethics Act. None were noted. Chairman West requested the Board of Commissioners introduce themselves to the attendees, followed by staff introduction.

APPROVAL OF AGENDA: The meeting agenda was approved with a minor change to add item 3A, "Election of Vice Chair"; to add item 9 D, "Approval of Technical Specialist Designation"; and to delete item 11A, "ACSP Issues from Districts – Extension request for repair contract; New River SWCD". Commissioner Craig Frazier made a motion to approve the agenda. The motion was seconded by Commissioner Bobby Stanley. Motion carried.

STATEMENT OF ECONOMIC INTEREST EVALUATIONS FOR COMMISSION MEMBERS:

Chairman Manly West read the following excerpts from the State Ethics Commission's evaluation, regarding the Commission Members' statements of economic interest:

Mr. Donald A. Heath: *"I did not find an actual conflict of interest; however, I did find the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity. Mr. Heath fills the role of First Vice President of the Association of Soil and Water Conservation Districts on the*

Commission. He is the District Supervisor of the Craven County Soil and Water District and owns a tobacco farm. Thus, he has the potential for a conflict of interest. Mr. Heath must exercise appropriate caution in the performance of his public duties should issues involving his district or farm come before the Commission. This would include recusing himself to the extent that his interests would influence or could reasonably appear to influence his actions."

Mr. William E. Yarborough: *"I did not find an actual conflict of interest; however, I did find the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity. Mr. Yarborough fills the role of Mountain Regional Representative nominated by the Association of Soil and Water Conservation Districts on the Commission. He is the District Supervisor of the Haywood County Soil and Water District. Thus, he has the potential for a conflict of interest. Mr. Yarborough must exercise appropriate caution in the performance of his public duties should issues involving his district come before the Commission. This would include recusing himself to the extent that his interests would influence or could reasonably appear to influence his actions."*

Chairman West stated that the above "Statements of Economic Interest" were signed by Ms. Teresa H. Pell, Attorney with the State Ethics Information (SEI) Unit. He noted that these records will be kept on file.

APPROVAL OF MINUTES: The minutes of the Commission Meeting held on March 16, 2011 were presented. A motion to approve the minutes was made by Commissioner Craig Frazier and seconded by Commissioner Vicky Porter. Motion carried.

ELECTION OF COMMISSION VICE CHAIR: Chairman West called for nominations for Vice Chair of the Commission. When no nominations were offered, Chairman West deferred the Nomination of Vice Chair until the August 16th meeting.

IV. INFORMATIONAL ITEMS

5. Division Report: Mrs. Patricia Harris, Director for Soil and Water Conservation, presented this report.

Discussion:

Mrs. Harris noted the following:

- FY 11/12 & 12/13 State Budget Proposals (Governor's Budget, Feb. 17th & House Bill 200, May 4th)
- 2011 Legislative Bills (Target date June 1)
 - **Senate Bill 229** – To transfer the Division of Soil & Water Conservation and The Soil & Water Conservation Commission from the Department of Environment & Natural Resources to the Department of Agriculture & Consumer Services.
 - **Senate Bill 638** – To establish the Agricultural Water Resources Assistance Program in the Department of Environment and Natural Resources.
 - **Session Law 2011-41** - Exempts small agricultural processors discharging 1,000 gallon or less per day from waste water permit requirements if they meet specific conditions. The Division is starting to receive inquiries as to whether these requests qualify for cost share assistance. It was noted that this issue may come before the Commission at a later date.
 - **Senate Bill 491** – To specify that the agricultural use exemption from sedimentation pollution control act permitting requirements continues to apply when the land is transferred into a wetlands restoration program or other water quality, water resources, or wildlife habitat enhancement program. Mrs. Harris read item 3a from the SB 491 which

read as “Activities undertaken on agricultural land or forestland in cooperation with the Natural Resources Conservation Service of the United States Department of Agriculture or under the authority of the North Carolina Soil and Water Conservation Commission involving the installation of conservation practices for any of the following purposes: (1) To restore or enhance wetlands, (2) To protect or improve water quality, water resources, or wildlife habitat.” It was noted that this SB 491 may be brought back to the Commission at a later date.

- **Senate Bill 378** – To require the North Carolina 1217 Inter-agency Group to establish agronomic rates for energy crops for utilization by biofuel facilities.
- **Public Records Request** - Received from the Water Keepers Alliance. In response to the request from the Water Keepers, the Poultry Federation is requesting to receive a copy of all information shared with the Water Keepers. It was noted that the requests were for all records pertaining to poultry, held by the Division, Commission, and Districts. The requestors will be informed that they must submit separate requests to specific Districts, since the state is not the custodian of district records. A letter will be sent out to the Districts informing them of this request, and that guidance on the Public Records Law can be found at the Attorney General’s website.

Comments & Suggestions from Commission Members:

- ❖ Commissioner Bill Yarborough suggested that the Division needed to prepare further guidance for districts, particularly on determining what records are public and what records are covered by Section 1619 of the Farm Bill. He added that he was concerned about suggesting districts consult with their county attorneys, since most county attorneys would not be familiar with the specifics of how conservation plans are protected by 1619. Mrs. Harris responded that the area coordinators are prepared to assist districts with responses, if the districts receive the public records request.
- ❖ Commissioner James Ferguson suggested that the guidance should be consistent across the Districts.
- ❖ Commissioner Manly West suggested that the School of Government should provide some kind of guidance for the Districts. Mrs. Harris responded that Mr. Dick Fowler, Executive Director for NCASWCD will be contacting Mr. Richard Whisnant at the School of Government for guidelines.

Continuation of Division Report

- **Future Commission Agenda:**
 - School of Government attendance for appointed supervisors
 - Tentative teleconference meeting, July 20 to discuss supervisor travel recommendations, and technical assistance allocations
 - Commission work session and Commission meeting, August 16 at the District Employees Workshop, Aug. 16-18

The presentation is attached as part of the actual minutes.

Mrs. Harris concluded her presentation and welcomed comments and suggestions from Commission members.

Comments & Suggestions from Commission Members:

- ❖ Commissioner West suggested changing the July 20th meeting to August 16th at the District Employees Workshop (Aug. 16-18).
- ❖ Mrs. Harris informed the Committee that the August 16th meeting was in its initial planning stage and would bring back the two dates to the Chair to make the decision in the near future.

- ❖ Commissioner Manly West welcomed David Knight, Assistant Secretary for Natural Resources, for attending the Commission meeting.

6. Association Report: Commissioner Craig Frazier, President, NCASWCD presented the following:

Discussion:

- **2011 Leadership Initiative:**
The first session for the 2011 Leadership Initiative was held on May 16-17 at the Aqueduct Conference Center in southern Orange County. Nine of the twelve participants attended the training which focused on the conservation partnership, the Association's by laws, ins and outs of General Statue 139 and 143, and building strong alliances and relationships. The second session, scheduled for August 25-26, will focus on leadership styles, group dynamics, and personality attributes, as they relate to leadership.
- **Communication Plan:**
Sheer & Associates is in the process of developing a communication plan which will focus on ways to improve both internal and external communications. The plan is slated for completion by mid-June and will be paid for by funding from the Ag Development Farmland Preservation Trust Fund as secured by the Foundation.
- **Envirothon:**
State Envirothon was held April 29-30 at Cedarock Park in Alamance County. First place went to West Johnston Sequoias (Johnston County) at the high school level, and the McGee Cross Roads Bodacious Baboons (Johnston County) at the middle school level. The winning high school team will represent North Carolina at the Canon Envirothon to be held in New Brunswick, Canada.
- **Legislative Update**
Teleconference meeting, (May 2) the Association Executive Committee voted unanimously to support Senate Bill 229, proposing to move the Division of Soil and Water Conservation and the Soil and Water Conservation Commission from DENR to the NC Department of Ag and Consumer Services. On May 3, President Craig Frazier, Past President James Ferguson, and 1st Vice President Donald Heath informed the Senate Ag, Environment, and Natural Resource Committee of this decision during the Senate Committee meeting. Senate Bill 229 was unanimously approved at the committee level and later approved by the Senate.
- **Senate Bill 309**
This bill provides authorization for local soil and water conservation districts to hold easement stewardship monitoring funds without being in conflict with the Local Budget Management and Fiscal Control Act.
- **Longleaf Pine Initiative**
- **Market Based Conservation**
- **NACD Meeting:** The SE NACD meeting is at the Perdido Beach Resort, Orange Beach, Alabama.

The complete written Association report is attached as part of the actual minutes.

Comments & Suggestions from Commission Members:

- ❖ Chairman West thanked Commissioner Frazier for his report.

7. NRCS Report: Mr. Mike Sugg, Assistant State Conservationist for NRCS presented this report.

Discussion:

Financial Assistance Funds – NRCS received \$13.8 M., 80% obligated in the Environmental Quality Incentives Program, unobligated will be for special initiatives such as Conservation Innovation Grants, Cooperative Conservation Partnership Initiative Grants, and the Organic Initiative. NRCS received over \$40 M in requests this year and will be funding approximately 33% of the applications received.

The following updates were shared:

- Wildlife Habitat Incentives Program (WHIP)
- Longleaf Pine
- Conservation Stewardship Program
- Conservation Reserve Program

It was noted that a timeline will be implemented for the upcoming year. This will enable NRCS to notify farmers, complete conservation plans, contracts, and deadlines associated with the programs. Good quality conservation planning ahead of the contract will enable the participant to fully understand the program and resource options, while proceeding with cost share funds in order to implement the conservation plan. The first batching period will be in October 2011.

A meeting was held in early May to discuss the state resource assessment in identifying the high priority resource concerns, and work load analysis in the state.

Staff positions (filled and vacant) were discussed. The updated budget was received last week, they anticipate evaluating the positions and filling them in the upcoming months. The resource conservation development program (RCD) was terminated in the continuing resolution on April 15. NRCS is in the process of terminating the assistance to RCD counsels across the state (10 coordinators were reassigned to other duties effective April 18). NRCS is currently in the process of terminating leases and moving equipment out of the office spaces. The RCD program will remain active due to the volunteers and RCD councils. It was noted that NRCS will not be providing a coordinator or assisting with the expenses associated with the RCD program.

Mr. Sugg concluded his presentation and welcomed comments and suggestions from Commission members.

The handout provided is attached.

Comments & Suggestions from Commission Members:

- ❖ Questions were asked with regards to equipment and furniture. Mr. Sugg informed the Commission that the equipment would be reused; furniture would be assessed and sent across the state to be reused if necessary
- ❖ Mr. Sugg informed the Commission that NRCS had applied for early retirement and early separation incentives. He stated that they have not received approval, but that package incentives have gone to the Office of Personal Management for review. He added NRCS had a hiring freeze for the past two months.

8. Discussion of Concerns on Consolidation with NCDACS: Ms. Danielle Adams, Supervisor for Durham SWCD, and Ms. Jenna Wadsworth, Supervisor for Wake SWCD, presented this item. Their presentation is attached as part of the actual minutes.

Comments & Suggestions from Commission Members:

- ❖ Commission members assured Ms. Wadsworth that they would support CCAP.

- ❖ Ms. Wadsworth shared her concerns that the mission of Dept. of Agriculture & Consumer Services might not align with Division's mission and that if the move is finalized would division staff still be able to provide all the services that they have provided in the past.
- ❖ Chairman West stated that Commissioner Troxler assured him that he would support the program.
- ❖ Chairman West thanked both Ms. Adams and Ms. Wadsworth for their presentation.

V. Action Items

9. Consent Agenda: Commissioner Craig Frazier made a motion to approve the consent agenda. The motion was seconded by Commissioner Bill Yarborough and it passed unanimously.

- A. Nomination of Supervisors
 - Dennis A. Simmons, Caswell SWCD
 - Karen J. McAdams, Orange SWCD
- B. Approval of NCACSP Supervisor contracts
 - Contract 08-11-21-12; Bertie SWCD; In-Line Water Control Structures (2); \$1,329
 - Contract 53-11-12-02; Lee SWCD; Ag. Pond Restoration – Sediment Removal (2-ponds); \$6,000
 - Contract 10-11-02-08; Brunswick SWCD; Long Term No-Till; \$20,040
- C. CCAP Job Approval Authority
 - Vonnie Wescott; Dare SWCD; successfully completed the CCAP Design Training.
- D. Approval of Technical Specialist Designation
 - Samuel G. Warren
 - Randy A. Cutchin

10. TRC Recommendations: Mr. David Williams, Deputy Director presented this item. A handout was provided.

Discussion:

- Mr. Williams noted that the Technical Review Committee met on May 5, 2011 (TRC) and offered three recommendation for the Commission to approve:
 - 1. Consideration of modifications to waste application systems BMP:**
The modifications clarify poultry litter and manure spreaders. Section 4 pertains to poultry litter spreaders, and section 5 pertains to manure spreaders. The proposed changes are attached as part of the handout.

Comments & Suggestions from Commission Members:

- ❖ Commissioner Craig Frazier made a motion to approve the modification of waste application systems BMP. The motion was seconded by Commissioner James Ferguson and it passed unanimously.
- 2. Consideration of establishing a cost share practice to remove abandoned Christmas trees:**
Reasons for the removal of Christmas tree fields include integrated pest management and reducing sedimentation. It was stated that abandoned Christmas tree stands are serving as host for insects and diseases, with the result that adjacent farms have to spray pesticides more frequently. The TRC's proposal is to re-establish the vegetation as grass or another species of

trees that would not harbor insects and diseases. Potential erosions in these areas due to the abandoned Christmas tree stands are also part of their concern.

Comments & Suggestions from Commission Members:

- ❖ Commissioner Bill Yarborough made a motion to approve new cost-share practice to remove abandoned Christmas trees with the following four conditions.
 - In definition of “abandoned tree field” specify that field must have been abandoned for 5 years;
 - Limit payment to a maximum of \$500.00/acre;
 - Expand practice to include removal of apple trees also;
 - Clarify that the benefit of erosion control is to be considered under the cropland conversion practice.

The motion was seconded by Commissioner Donald Heath.

- ❖ Commission members noted a minor change in item 9 of Abandoned Christmas Tree Removal to add “and/or apple trees”. Item 9 now reads as “The abandoned tree fields cannot be replanted into Christmas Trees 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.”
- ❖ Mr. Williams noted that he will add the changes and bring the recommendation to the next scheduled meeting.
- ❖ Commissioner Craig Frazier moved to amend the main motion to specify that the new practice would begin with the 2011-2012 program year. He clarified that the abandonment was for at least five years. Ms. Jennie Hauser, Commission Counsel, asked Commissioner Bill Yarborough and Commissioner Heath if they would consider that a friendly amendment, they affirmed.
- ❖ With there appearing no objection to the amendment, Chairman West put the main question as amended to the Commission. It passed unanimously.

3. Consideration of modifying the Lagoon Biosolids Removal Incentive and Manure/Litter Transportation Incentive

- Mr. Williams noted that there has been inquiry from Districts whether these two practices can be used simultaneously on the same farm. The recommendation from TRC is to establish a policy that these two practices cannot be used in the same operation.

Comments & Suggestions from Commission Members:

- ❖ Commissioner Craig Frazier made a motion to approve modification to the Lagoon Biosolids Removal Incentive and the Manure/Litter Transportation Incentive to clarify that an applicant may not receive cost share for both incentives (modification for both practices with the same language). The motion was seconded by Commissioner Bobby Stanley, and it passed unanimously.

Mr. Williams concluded his presentation and welcomed comments and suggestions from commission members.

The presentation is attached as part of the actual minutes.

NOMINATION OF VICE CHAIR, CONTINUED:

- ❖ Commissioner James Ferguson nominated Commissioner Vicky Porter as Vice-Chair of the SWCC. The nomination was seconded by Commissioner Bill Yarborough, and it passed unanimously.
- ❖ Chairman West congratulated Commissioner Porter.

11. ACSP Issues from Districts:

A. Extension Request for Repair Contract – New River SWCD

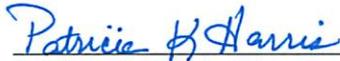
This item was deleted at the "approval of the agenda".

VI. PUBLIC COMMENTS

None

VII. ADJOURNMENT

With there being no further items to discuss the meeting adjourned at 10:32 a.m. The next Commission meeting is scheduled for August 16, at the DEW workshop.



Patricia K. Harris, Director
Division of Soil & Water Conservation, Raleigh, N.C.
(Sign & Date)



Daphne Pinto, Recording Secretary
(Sign & Date)

These minutes were approved by the North Carolina Soil & Water Conservation Commission on August 16, 2011.



Patricia K. Harris, Director
(Sign & Date)

**NORTH CAROLINA SOIL & WATER
CONSERVATION COMMISSION
DIVISION REPORT
MAY 18, 2011**

Patricia K. Harris, Director

Division of Soil and Water Conservation

FY 11/12 & 12/13 State Budget Proposals

Governor's Budget, Feb. 17 House Bill 200, May 4

- | | |
|--|--|
| <ul style="list-style-type: none"> • Ag Cost Share financial assistance by \$1,197,834 (27%) • Reduce matching funds to districts by \$40,000 (10%) • Reduce subsistence for district supervisors by \$28,000 • Discontinue soil survey and pilot programs • Reduce operating funds by \$28,719 | <ul style="list-style-type: none"> • Ag Cost Share financial assistance by \$1,197,834 (27%) • Reduce matching funds to districts by \$40,000 (10%) • Reduce subsistence for district supervisors by \$28,000 • Discontinue soil survey and pilot programs • Reduce operating funds by \$28,719 |
|--|--|

Division of Soil and Water Conservation

FY 11/12 & 12/13 State Budget Proposals

Governor's Budget, Feb. 17 House Bill 200, May 4

- | | |
|---|---|
| <ul style="list-style-type: none"> • 4 Soils Positions • Area 7 Coordinator • Public Information Officer • Pilot Program technical specialist | <ul style="list-style-type: none"> • 4 Soils Positions* • Area 7 Coordinator • Public Information Officer • Pilot Program technical specialist • 7 technical specialists with operation review program |
|---|---|

Division of Soil and Water Conservation

FY 11/12 & 12/13 State Budget Proposals

House Bill 200, May 4

- DENR efforts restored 6 area coordinator positions (protected class)
- DENR flexibility with regional office reductions
- Establishes AgWRAP at \$1 million
- Changes to Operation Review Program
 - Eliminates required operation review site visits
 - 2 positions to provide animal waste mgt. technical assistance

Division of Soil and Water Conservation

2011 Legislative Bills

- Senate Budget – June 1 target
- Senate Bill 229 transfers Division & Commission from DENR to DACS – House Appropriations Committee
- Senate Bill 638 – establishes AgWRAP
- SL 2011-41 – exempts Small Processors from permits
- Senate Bill 491 – exempts wildlife impoundments
- Senate Bill 378 – agronomic rates for energy grasses
 - Convert Coastal Bermuda to energy grasses in swine waste application sites
 - 1117 Interagency Group to establish interim agronomic rate
 - Miscanthus, Arundo Donax (Giant Reed), switchgrass, fiber sorghum & sweet sorghum

Division of Soil and Water Conservation

Public Records Request



Division of Soil and Water Conservation

Future Commission Agenda Items

- ♦ School of Government attendance for appointed supervisors
- ♦ Commission July 20 meeting
 - Supervisor travel recommendations
 - Technical assistance allocations
- ♦ District Employees Workshop, Aug. 16-18
 - Commission work session, Aug. 16
 - Commission meeting, Aug. 16



Division of Soil and Water Conservation

Harris, Pat

From: North Carolina Water Resources Congress [jds4504@aol.com]
Sent: Monday, May 16, 2011 1:07 PM
To: Harris, Pat
Subject: NC House CI Budget Comparison

Categories: High Priority

Having trouble viewing this email? [Click here](#)

North Carolina Water Resources Congress May 16, 2011

Water Resources Congress Members and Friends,

Thanks to Calvin Peck for letting me know where the list and special conditions that go along with the \$4,535,000 capital improvement budget are located in the House's 2011-2012 Budget. They are on pages 260 (bottom), 261, and 262 (top) of the House Budget Bill - click on this link to that budget bill to locate: [House Budget 2011-2012 Bill](#). You will notice that the major difference between the list of projects shown in the House Budget and that shown in the Governor's request, both totaling \$4,535,000, is the the reduction of the State-Local Water Resources Projects by \$1,000,000 and the addition of a line item for the Agriculture Water Resources Assistance Program funded at \$1,000,000. See attached table by clicking on this link: [Capital Budget Comparison](#). It is too bad that the House decided to fund the Ag Assistance Program with funds from the State-local grant program. We need to urge the Senate to add at least \$1,000,000 to the overall CI budget to keep the State-local program at \$1,500,000.

You will also note that the House Budget continues to include a special provision that limits State funding of State-Local projects and federal projects where there is a local sponsor to a maximum of 50% of the project cost (for a state-local project) or of the non-federal cost (for a federal project).

One new provision in the House Budget is included at the end of the special provisions, in which G.S. 143-215.73A is amended by adding a new subsection that requires the Department to provide information to county and municipal officials about the availability of water resources development funding and requirements to receive that funding at least 60 prior to preparing its annual Water Resources Development Plan. That plan is usually published by May 1st of each year.

Please take a few minutes and send an email to your members of the General Assembly urging them to support the funding of water resources development project funds. You can use the information provided in the letter [Letter to App. Committees](#) and goals paper [WRC State Goals Paper](#) that our Chairman Rick Catlin mailed to all Appropriations Committee members in both chambers of the General Assembly. And of course if you have a chance of telling your members in person about the need for water project funds, that would be even better.

Sincerely,

John Sutherland, Executive Director
North Carolina Water Resources Congress

Forward email



This email was sent to pat.harris@ncdenr.gov by jds4504@aol.com
[Update Profile/Email Address](#) Instant removal with [SafeUnsubscribe™](#) [Privacy Policy](#).
North Carolina Water Resources Congress P.O. Box 428 Holly Springs NC 27540-0428

North Carolina Water Resources Congress State Budget Goals for Fiscal Year 2012

The North Carolina Water Resources Congress (NCWRC) is a citizen organization formed to support good water resources management in North Carolina. The NCWRC promotes a partnership among local, state, and federal levels of government to invest in infrastructure and water management improvements and activities that will benefit both economic progress and environmental quality in North Carolina.

The NCWRC supports the \$4.5 million water resources development capital improvements budget submitted by Governor Perdue to the General Assembly earlier this spring. A copy of this budget is attached. It provides State matching funds for Corps of Engineers' water resources projects as well as those sponsored by local governments. Note that these state funds bring in federal matching funds of **\$23.4 from the Corps of Engineers and \$1.7 million from units of local governments.** The projects funded by this combination of federal, state and local funds will create jobs that are critical to the economic recovery of our State and many are located in **rural areas where they are needed the most.** In addition, due to anticipated funding shortfalls on projects not included or partially funded in the President's proposed Fiscal Year 2012 project budget for the U.S. Army Corps of Engineers, **the NCWRC also supports supplemental State funding of critical Corps of Engineers projects in the amount of \$28,900,000.** This funding would be spent on the following projects:

Raising dikes at Eagle Island Dredged Material Disposal Site, Wilmington Harbor.....	\$ 5,000,000
Dredging of Wilmington Harbor	14,000,000
Dredging of Oregon Inlet	4,000,000
Dredging of the Intracoastal Waterway.....	2,600,000
Dredging of Shallow Draft Inlets.....	3,300,000

If Congress does add additional funding for these projects, then this money will not be needed. But it would be very beneficial to the State of North Carolina to have this supplemental funding available in case federal funding does not become available. **See attached pages outlining reasons for State supplemental funding for the above projects.**

During recent droughts, many agricultural operations did not have enough water resources to sustain their existing level of agricultural production. Therefore, the NCWRC endorses the Agriculture Water Resources Assistance Program (**AgWRAP**), which was authorized by the 2010 General Assembly to insure that adequate water resources would be available to the agricultural community. A program development report on AgWRAP was provided to the General Assembly in November 2010 and that report estimated the cost to implement this program at \$10 million per year. **The**

NCWRC supports a capital appropriation for AgWRAP in 2012 at an amount up to \$10 million.

Since the 1950's, the Natural Resources Conservation Service (formerly the Soil Conservation Service) constructed a total of 112 dams in 15 counties in North Carolina to reduce flood damages. Many of these dams now require extensive maintenance and funding for such maintenance is not available. Many of these dams have also become high hazard dams as development occurred downstream after the building of these structures. Two actions need to be taken immediately: 1) preparation of site specific dam assessments to determine maintenance and repair needs for each dam and 2) development of Emergency Action (Dam Safety) Plans for each structure. **The NCWRC supports a capital appropriation of up to \$3,920,000 to complete both actions for these 112 dams.**

April 8, 2011

Via Email and U.S. Mail

Diana Kees
Public Information Officer
N.C. Dept. of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601
Diana.Kees@ncdenr.gov

Cindy Draughon
Public Information Officer
NC Division of Soil and Water Conservation
1614 Mail Service Center
Raleigh, NC 27699-1614
Cindy.Draughon@ncdenr.gov

Re: Records Request – Poultry Operations and Related Information

Dear Mss. Kees and Draughon:

Pursuant to North Carolina public records law, N.C. Gen. Stat. §§ 132-1 *et seq.*, Larry Baldwin, Lower Neuse Riverkeeper, Neuse Riverkeeper Foundation; Kemp Burdette, Cape Fear Riverkeeper, Cape Fear River Watch; Heather Jacobs-Deck, Pamlico-Tar Riverkeeper, Pamlico-Tar River Foundation; Tess Sanders, White Oak-New Riverkeeper, White Oak-New Riverkeeper Alliance; and Waterkeeper Alliance request the opportunity to inspect, examine and copy all public records in the possession or control of the Department of Environment and Natural Resources, Division of Soil and Water Conservation, Soil and Water Conservation Commission and any Soil and Water Conservation District (“SWCD”) that are related to poultry production, poultry operations, and poultry waste management, including land application, in North Carolina, as more specifically described below. “Poultry” means all domestic fowl, including broilers, breeder, layers, pullets, turkeys, and ducks:

As used in this letter, “public records,” “documents” and “information” include all written, printed, recorded, or electronic materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages, and mail in the possession, custody, or control of the SWCD, as well as those prepared by, created by, or in the possession, custody, or control of its agents, contractors, subcontractors, and attorneys. N.C. Gen. Stat. § 132-1. In addition, we request access to each version of a record or document, whether it is a draft, has been electronically deleted, has attachments, bears annotations, etc. Finally, we request that you produce electronically

stored information in its native format, and specifically that you produce electronic mail in ".pst" format.

This request specifically includes all documents described in the list attached to this letter as "Attachment A".

If you take the position that any of the public records described in "Attachment A" are not open to public inspection under the North Carolina Public Records Law, please explain the basis for your position and identify any statute, rule of law, or other authority upon which you rely. Should such claims exist, where applicable please additionally release all non-exempt portions of the public record with the exempted portions of the public record redacted.

Such public records must be provided to a requestor "as promptly as possible" upon payment of any fees, which shall not exceed the actual cost of reproducing the public record. N.C.G.S. §§ 132-1, 132-6. Please contact me prior to any copying if that actual cost is expected to exceed \$500. To reduce the burden on your agency, a representative would be pleased to receive a copy of these records in electronic format or to visit SWCD offices and review and copy the records. We hope that you will be able to begin making these records available within one month of receipt of this request.

Thank you in advance for your cooperation. Please contact me at your earliest convenience at ~~XXXXXXXXXXXXXXXXXXXX~~ or (914) 374-6184 to arrange for inspection, copying, or electronic transmission of the requested documents.

Sincerely,



Hannah Connor
Waterkeeper Alliance

cc: Larry Baldwin, Lower Neuse Riverkeeper
Kemp Burdette, Cape Fear Riverkeeper
Heather Jacobs-Deck, Pamlico-Tar Riverkeeper
Tess Sanders, White Oak-New Riverkeeper

ATTACHMENT A
Division of Soil & Water Conservation, Soil and Water Conservation Commission, and
Soil and Water Conservation Districts
APRIL 8, 2011

INFORMATION REQUESTED

Request 1 - All information, including communications, held by the Division of Soil and Water Conservation, the Soil and Water Conservation Commission or any Soil and Water Conservation District relating to poultry operations.

Request 2 - All information related to any investigation, inspection, or enforcement action taken against any poultry operation in North Carolina under the Clean Water Act (CWA), the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Emergency Planning and Community Right-to-Know Act (EPCRA), and the Clean Air Act (CAA) or state environmental laws.

Request 3 - All information related to any Waste Management Facility Site Evaluation at any poultry operation, including but not limited to the evaluation form, correspondence or reports.

Request 4 - All information related to all dry litter poultry operations, including but not limited to identity and location, that have been "deemed permitted" pursuant to 15A NCAC 02T .1303.

Request 5 - All GIS information related to any type of poultry operation.

Request 6 - All copies of all poultry dry waste (or "litter") management plans, nutrient management plans or poultry waste utilizations plans and all related information.

Request 7 - All information related to any animal agricultural-related nutrient assessment, including but not limited to any assessment worksheets, notes, correspondence, and reports.

Request 8 - Any records or other information relating to storage, sale, transfer, transport, or land application of poultry waste (or "litter") by any entity.

Request 9 - All information relating to any discharge or spill report filed with regard to poultry waste (or "litter") or any poultry operation.

Request 10 - All information relating to any complaints made by any person regarding poultry waste (or "litter") or any poultry operation.

Request 11 – All information related to all surveys and analysis data for any types of poultry operation, including but not limited to operation location, producer information, integrator information, and bird numbers.

Request 12 – All information related to animal waste analysis, soil testing, surface water analysis or groundwater analysis at any type of poultry operation, including but not limited to statistical analysis, sampling information forms, sampling results, and related correspondence.

Request 13 – All information related to studies, surveys or projects in watersheds or basins, including but not limited to those funded through cost share or grant programs with the U.S. Environmental Protection Agency, U.S. Department of Agriculture or any other funding source to address, in whole or in part, any type of poultry operation.

Request 14 – Any watershed work plan or watershed improvement project related to or providing for any poultry operation.

Request 15 – All information related to any poultry operation in the North Carolina Nonpoint Source Management Program and Plan and any programs and documents identified therein.

Request 16 – All North Carolina Agricultural Cost Share Agreement documents entered into between a Soil and Water Conservation District and any owner or operator of a poultry operation, and all documents related to any Cost Share Incentive payments or cost share payments made to any owner or operator of a poultry operation. The owner or operator may also be referred to as the “applicant” or the “cooperator.”

Request 17 – All information related to any owner or operator of a poultry operation that applied for any cost share or cost share incentive payments under the Agricultural Cost Share Program for Nonpoint Source Pollution Control, including but not limited to applications relating to the implementation of best management practices and animal waste (or “litter”) management systems. The owner or operator may also be referred to as the “applicant” or the “cooperator.”

Request 18 – All Conservation Plan of Operation documents related to any application for cost share monies from any owner or operator of a poultry operation. The owner or operator may also be referred to as the “applicant” or the “cooperator.”

Request 19 - All information related to any compliance “spot check” or annual status review of any poultry operation, as detailed in 15A NCAC 06E.0107(e), including but not limited to final reports, recommendations or extensions.

Request 20 – All information related to water pollution assessments, studies, modeling, or projects that relate, in whole or in part, to poultry operations.

Request 21 – All information related to the Technical Review Committee established to review Best Management Practices and approved technologies for cost sharing, including but not limited to information held by members thereof, related to poultry operations.

Request 22 – All information related to poultry operations and any TMDL or basinwide planning process.

Request 23 – All information related to the State Nutrient Plan adopted by the SWCC.

Request 24 – Besides public meeting minutes, all information related to the work of Senate Bill 1217 Interagency Group and the State Interagency Nutrient Management Committee relating to poultry operations in North Carolina, including but not limited to development of the Poultry Dry Litter Management Plan Document, the Guidelines for the Commercial Application of Poultry Litter document and the Waste Utilization Data Tables.

Request 25 – All documents, including communications, related to the N.C. Agricultural Task Force and poultry operations.

Request 26 – All information related to the AG Wrap Program and poultry operations.

Request 27 – All information related to the Animal and Poultry Waste Management Center, including research and demonstration projects and all communications with and to North Carolina State University affiliates, including but not limited to faculty, administrators and students.

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April 15, 2011

VIA UNITED STATES MAIL and ELECTRONIC MAIL

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RECEIVED
APR 8 2011
SOIL & WATER CONSERVATION

Re: Public Records Request- Poultry Operations and Related Information

Dear Mss. Kess & Draughon:

I hope this letter finds you well. As you many know, this firm represents the North Carolina Poultry Federation, Inc. ("Federation"). The Federation has obtained a copy of a public records request made by the Waterkeeper Alliance on behalf of several parties on April 8, 2011. Pursuant to North Carolina public records law, N.C. Gen. Stat. §§ 132-1, *et seq.*, the Federation respectfully requests the opportunity to inspect all documents produced pursuant to the Waterkeeper Alliance's request. For your convenience, please find a copy of the Waterkeeper Alliance's request is enclosed herewith. Also for your convenience, we agree to make the same

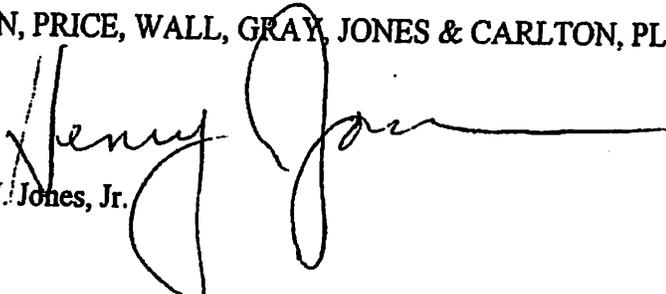
Diana Kess
Cindy Draughon
April 15, 2011
Page 2

arrangements for inspection, copying and transmission of records as was offered by the underlying request by the Waterkeeper Alliance.

Please contact me prior to any copying if the cost to copy is expected to exceed \$500.00. Please contact me at (919) 828-2501 if you have questions. Thank you for your help in this matter.

Sincerely yours,

JORDAN, PRICE, WALL, GRAY, JONES & CARLTON, PLLC


Henry W. Jones, Jr.

HWJ:smp
Enclosure

NC Association of Soil and Water Conservation Districts
Report to the Commission
May 17, 2011

2011 Leadership Initiative – The first session for the 2011 Leadership Initiative was held May 16-17 at the Aqueduct Conference Center in southern Orange County. Eleven of the twelve participants attended the training which focused on the conservation partnership, the Association's by laws, ins and outs of General Statute 139 and 143, and building strong alliances and relationships. A panel of current leaders within the conservation partnership helped the participants learn more about "What It Means To Be A Soil and Water Leader". The second training session, planned for August 25-26, will focus on leadership styles, group dynamics, and personality attributes as they relate to leadership.

Communication Plan – With the assistance of Sheer Associates, the Association is in the process of developing a communication plan which will focus on ways to improve both internal and external communications. A survey was used to gain feedback from all supervisors as well as the district office on issues such as use of the internet, knowledge and use of social media, use of the current list serve, and internet connectivity. The plan is scheduled for completion by mid-June and will be paid for by funding from the Ag Development Farmland Preservation Trust Fund as secured by the Foundation.

Envirothon – A very successful state Envirothon was held April 29-30 at Cedarock Park in Alamance County under clear skies and cool weather. Approximately 100 high school and middle school teams competed for the coveted first place designation which went to the West Johnston Sequoias (Johnston County) at the high school level and the McGee Cross Roads Bodacious Baboons (Johnston County) at the middle school level. The winning high school team will represent North Carolina at the Cannon Envirothon to be held in New Brunswick, Canada.

Legislative Update – On May 2 during a teleconference meeting, the Association Executive Committee voted unanimously to support Senate Bill 229, proposing to move the Division of Soil and Water and the Soil and Water Conservation Commission from DENR to the NC Department of Ag and Consumer Services. On May 3 President Craig Frazier, Past President James Ferguson, and 1st Vice President Donald Heath informed the Senate Ag, Environment, and Natural Resource Committee of this decision during the Senate committee meeting on May 3. Senate Bill 229 was unanimously approved at the committee level and later approved by the Senate. The Association and district supervisors across the state are active in their legislative

contacts regarding budget issues recently passed by the House and budget considerations underway in the Senate.

Senate Bill 309 – This bill provides authorization for local soil and water conservation districts to hold easement stewardship monitoring funds for the long term without being in conflict with the Budget and Fiscal Control Act. This is a high priority of the Association's Legislative Committee. The bill passed first reading in early March and was referred to the Appropriations and Base Budget Committee. Legislative contacts are underway by district supervisors to secure action on the bill before the Senate committee becomes extensively involved in the budget process.

Longleaf Pine Initiative – In the 2011 Association Program Objectives, the Association approved two action items contained in the report from the Natural Environment Committee; Action Item #4 to work closer with the Division of Forest Resources and Action Item #5 to support the work of the Longleaf Pine Coalition. The Association's Executive Director is currently working with the Longleaf Pine Coalition and the DFR in their efforts to restore the longleaf pine ecosystem. Targeted focus areas include portions of the Onslow Bight and portions of the sandhills region of the state, attempting to connect restoration efforts on private lands to currently existing longleaf pine ecosystems on public, state, and federally owned lands.

Market Based Conservation – Planning efforts involving the Association, Foundation, Farm Bureau, NCDA, NCSU, and the Marines to initiate a contractual program with private landowners to protect the integrity of the landscape under the Marine's military training route (MTR) in eastern North Carolina continues. This pilot project will potentially touch 17 counties and provide opportunities for local soil and water conservation districts to work with private landowners through long term contracts to keep lands under the MTR in agriculture or forestry uses. Economic incentives are planned for local districts, the Association, and the Foundation, as well as the private landowner. Rollout of the program is planned for the summer of 2011 if funding becomes available.

J.B. Martin Jr.
State Conservationist
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JB.Martin@nc.usda.gov
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Who We Are

Inspired by a shared passion for conservation, NRCS collaborates with farmers, ranchers, communities, and other individuals and groups to protect natural resources on private lands.

Working side-by-side with these customers, we identify natural resource concerns, such as water quality and quantity issues, soil erosion, air quality, wetlands and wildlife habitat, and develop unique conservation plans for restoring and protecting resources. Funds to implement these plans are made available in Farm Bill programs that share the cost of conservation for the benefit of the farm, the watershed, and the community. Conservation easement programs, also in the Farm Bill, provide long-term options.

NRCS helps North Carolina and the Nation balance economic goals with the needs of the environment—ensuring sustainably productive lands that supply food, fiber, forest products, and energy for all citizens.



Improved pastures through winter grazing in North Carolina enhances water and soil quality for all.

Photo: Gray Kramer, NRCS

Saving Money, and Improving Soil and Water Quality: NRCS and Farmers Improve North Carolina's Resources

Winter feeding is the largest expense of maintaining a beef herd and often the most damaging to pastures due to concentrated feeding areas and severe grazing pressure on vegetation. Legumes generally planted in the fall are being grazed during the winter to decrease the mud and destruction of vegetation and runoff of nutrients on farms. This non-traditional management has had a significant positive impact on the cost of production and the protection of grassland resources. The practice has widespread implications to the Eastern USA and is relatively easy to implement. North Carolina NRCS has established more than 30 on-farm demonstrations for the purpose of educating producers about the merits of alternative winter feeding management.

Benefits Include:

- The redistribution of 1800 tons of nitrogen, 700 tons of phosphorus and 2300 tons of potassium around the farm improves soil quality.
- Impacts "drought tolerance" by improving the soil quality, which directly affects the infiltration of water and decreases the pollution of water from silt or clay, and decreases nitrogen and phosphorus entering drainage channels and streams.
- Farmers save financial resources usually spent on winter labor, and utilizing equipment and fuel to feed hay to livestock.
- Helps to prevent environmental damage from soil erosion and contamination.

Slope Stabilization and Community Stability

Issue: Protecting homes, businesses, resources and local economy.

What NRCS NC is doing:

Dozens of homes were evacuated on February 5, 2010 when a mudslide from the top ridge of a mountain slid down the slope; damaging homes and causing immediate threat to many more homes and businesses below. The slide was triggered by heavy rain and snowfall, and the failure of a retaining wall from an amusement park that rests along the top crest of the mountain. The slide was 3,000 feet long, 90 feet wide and created a wave of mud about 30 feet high. Using Emergency Watershed Protection Program (EWP) funds, NRCS worked with the town of Maggie Valley to stabilize the slope and implement stream restoration. The finished project removed threat to homes and business, and ensured that the mountaintop amusement park will continue to be the cornerstone of tourism in the area.

Program used: (EWP)



Work along the ridge of the mountain at Maggie Valley was dangerous, but vital toward saving the community, local economy and priceless habitat.

Flood Control and Agricultural Economy

Issue: Protecting vital ag-economy from saltwater intrusion .

What NRCS NC is doing:

The Swan Quarter Watershed Work Plan began 45 years ago. The project would provide a way to help protect Swan Quarter from wind-tides from the Pamlico Sound, and would help impede saltwater intrusion, which damages immensely valuable cropland in Hyde County. In 2002, a supplement to the original work plan was created. The supplement planned for the remaining 33,194 linear feet of dike, 4,606 linear feet of polyvinyl chloride sheet piling, 10 pipes and 28 tide gates. The complete project consists of 13 phases. Phases one through 12 have been completed. Through the American Recovery and Reinvestment Act of 2009, phase 13 has the funding support, at total of \$5,280,858, needed to complete a project 45 years in the making. Phase 13 should be finished in the summer of 2011. The finished project will protect the town of Swan Quarter and Hyde County's most profitable sector of its economy...agriculture.

Program used: WFPO



By 2011, the remaining 33,194 linear feet of dike will be installed, providing protection to the community and valuable farmland from saltwater intrusion.

Longleaf Pine

Issue: All lands approach towards saving historic longleaf pine habitat

What NRCS NC is doing:

Longleaf pine is a priority resource concern for the southeast. NRCS is taking the "All Lands" approach toward enhancing and sustaining longleaf pine by addressing a variety of resource concerns that will benefit longleaf pine habitat within an identified landscape. The landscape is not limited by county or state lines, but are geographic landscapes related to the priority resource concern. In North Carolina we are working with state and regional partners, producers, landowners and other stakeholders to address a variety of natural resource issues within a landscape that will foster conditions tailored to the needs of longleaf pine, and improve natural resources on agricultural and forested lands in North Carolina. Through Wildlife Habitat Incentives Program (WHIP) and Environmental Quality Incentives Program (EQIP), NRCS is providing technical and financial assistance to enhance and sustain historical longleaf pine habitat through the "All Lands" approach.

Program used: (CTA), (EQIP), and (WHIP)



WHIP conservation practices including planting, installing firebreaks, prescribed burning and controlling invasive plants are being implemented across the landscape of historic longleaf pine habitat in North Carolina.

Conservation Technical Assistance (CTA)

is the core approach NRCS has used successfully for 75 years to reach out to all American farmers and ranchers. Through CTA America invests in Conservation by investing in American farmers and ranchers, and the technical assistance they need to care for the 70% of our land, water and other natural resources that are in their hands.

CTA is simply about helping people. NRCS employees provide conservation options, recommendations, planning, and engineering assistance to individual farmers, ranchers, local governments, and urban landowners. This prepares the way for using Farm Bill and other conservation funding by providing—

Technical Planning and Design:

- Agronomy
- Soils
- Engineering
- Rangeland
- Forestry
- Wetlands

Project Coordination:

- State Environmental Regulation
- Archeological Permits
- Necessary Environmental Consultations
- Professional Coordination

Cost Share Programs for Working Lands:

Environmental Quality Incentives Program (EQIP)—assistance for a broad spectrum of conservation practices that promotes agricultural production, forest management and environmental quality as compatible national goals.

Agricultural Water Enhancement Program (AWEP)—a subprogram of EQIP specific to water conservation and quality through partnered efforts.

Cooperative Conservation Partnership Initiative (CCPI)—a partnered program that uses 6% of EQIP, WHIP and CSP funds for an integrative, focused approach.

Wildlife Habitat Incentive Program (WHIP)—improves wildlife habitat on private agricultural, forest and Tribal lands.

Easement and Long-Term Rental:

Farm and Ranch Lands Protection Program (FRPP)—helps keep farm and ranch land in agriculture.

Wetlands Reserve Program (WRP)—restores wetlands and wetland habitat on marginal ag land.

Grassland Reserve Program (GRP)—helps landowners restore and protect grassland, rangeland and pastureland, and maintain viable ranching operations.

Healthy Forests Reserve Program (HFRP)—restores and enhances forest ecosystems for biodiversity and more.

Conservation Reserve Program (CRP)—pays farmers to plant trees, grass and brush on highly erodible/ environmentally sensitive cropland. NRCS provides technical assistance only.

Stewardship:

Conservation Stewardship Program (CSP)—encourages producers to embrace long-term comprehensive conservation, maintaining and improving existing practices.

Watershed/Community-Wide Programs:

Watershed Protection and Flood Prevention Operations (WFPO)—Provides conservation measures and flood retarding structures in authorized watersheds.

Emergency Watershed Protection Program (EWP)—undertakes emergency measures on watersheds damaged by fire, flood and other natural calamities to prevent erosion and runoff that could endanger lives and property.

Resource Conservation and Development (RC&D)—improves economics and quality of life in an area through prudent use and conservation of natural resources.

North Carolina in The National Landscape

Restoring North Carolina's rich wetland ecosystems

Over 50,000 acres of North Carolina crop and wetlands have been enrolled in the Wetlands Reserve Program (WRP) voluntarily by farmland owners. The largest wetlands restoration project in the Nation is currently underway in North Carolina, encompassing 6,000 acres, with the primary goal of returning cropland back to historic wetland conditions. NRCS holds two WRP easements within the project area, totaling more than 1,800 acres.

That's a whole lot of land!

Approximately 650,141 acres in North Carolina have benefited from conservation practices implemented under the current Farm Bill. These practices improve soil, air and water quality for all North Carolinians.

North Carolina is the most ecologically unique state in the southeast because our borders contain sub-tropical, temperate and boreal habitats.

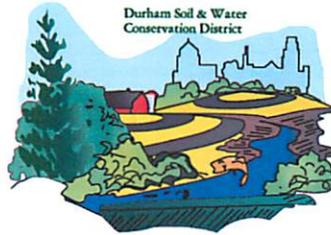
How best to best protect, enhance and sustain these habitats? NRCS offers voluntary options through programs and planning. Under the 2008 Farm Bill's Wildlife Habitat Incentives Program, North Carolina landowners have worked with NRCS to plan conservation practices on 18,424 acres in two years. These actions improve habitat for endangered and threatened species in North Carolina such as: Flying Squirrel, Eastern Cougar, Red-cockaded Woodpecker, Bog Turtle, Saint Francis' Satyr Butterfly, Red Wolf, Gray Bat, Piping Plover, Wood Stork, Smooth Coneflower, Green Pitcher Plant, and more.

2010 Farm Bill Program Funding*

NRCS Program	Dollars Obligated	Number of Contracts/ Easements
Conservation Stewardship Program (CSP)	\$ 1 million	167
Environmental Quality Incentives Program (EQIP)	\$13.5 million	498
Agricultural Water Enhancement Program (AWEP)	\$53,684	5
Farm and Ranch Lands Protection Program (FRPP)	\$2.5 million	11
Wetlands Reserve Program (WRP)	\$9.5 million	4
Wildlife Habitat Incentives Program (WHIP)	\$648,951	78

Of the more than 162 conservation practices available to farmers in North Carolina in 2010, the most common practices implemented were: 1) Waste Storage Facility to improve water, soil and air quality; 2) Heavy Use Protection Area to improve soil and water quality; 3) Critical Area Planning to improve soil quality and prevent erosion; 4) Pipeline/ Watering Facility to improve water quality and improve water conservation; 5) Cover Crops to protect and build soil health.

*The numbers reflect Financial Assistance (FA) that is provided directly to landowners. Technical Assistance (TA) funding was also received by the Agency for professional planning and expertise to help carry out the conservation activities. The obligated dollars and contract/ easement figures came from NRE NRCS State Fact Sheet, March 10, 2011.



721 Foster Street; Durham, NC 27701
Phone: 919-560-0558 Fax: 560-0563

May 18, 2011

Good Morning,

My name is Danielle Adams and I am a Supervisor from Durham County. I would like to thank this commission for the opportunity to speak before you on behalf of the 228,330 constituents I serve in the Durham Soil and Water Conservation District. I come before you to express the concerns that I have, not only for my district, but for the other diversified districts across the state concerning the possible merger of the Division of Soil and Water Conservation and the Department of Agriculture and Consumer Services.

Earlier this month it was brought to the attention of my board that the Division of Soil and Water Conservation could leave the Department of Environment and Natural Resources and merge with the Department of Agriculture and Consumer Services and that the Association of Soil and Water Conservation Districts unanimously decided to support Senate Bill 229, a move that would make this merger final. Before I continue, I want to make it very clear that my board and I support the Association and the decisions made on behalf of all 96 Districts by the executive committee (we understand that the needs of the many outweigh the needs of the few) but still wish to express the concerns that we have in making sure that the programs that are critical to our success, are still valued and supported regardless of where the Division ends up. We also are grateful for the partnership we have with our state and federal partners like NRCS, and for the agricultural programs provided to us such as Ag Cost Share.

As our state moves forward and continues to grow in population and industry, our districts will find themselves facing increasing urban needs and will be forced to diversify their programs, relationships, and image to keep up with those demands and needs. Many of the districts will find themselves in the situation Durham was in 20 years ago. As North Carolina's future lies in a new era of growth, projected to become the 6th most populous state in America by 2020, the future of the districts lies in the details and strength of the Division, whether in DENR or NCDA.

The discussions that this Commission, the Association, and many of the districts are having now, are discussions that Durham had over 15 years ago. We are a unique and one of a kind district in this state. We do not fit the mold in any way, shape or form and that is why it is such a pleasure for me to serve on this Board.

The soil is the source of life, creativity, culture, and real independence

Our board understands that agriculture, especially tobacco, was fundamental in what has made Durham what it is today. Our Agricultural history has made Durham into the vibrant and thriving Medical and Research Center it is, housing a top 10 medical center, a top 10 University in Duke, the first publically funded liberal arts Historically Black University in the nation in NCCU, and a world class community college in Durham Tech. Even today Agriculture plays a huge role in our identity with Durham being listed number 35 on the New York Times list of 41 places to visit in 2011 because of our farmer's market, and restaurants that specialize in local foods.

Durham is a place of balance! We are racially, economically, and culturally balanced, and moreover, we strike a balance between our growing urban center and our preserved and protected Agricultural Priority Areas. At the heart of that balance is the locally led and diversified Durham Soil and Water Conservation District!

The Division is crucial to our success, and diversified districts like Durham are beginning to rely heavily on the diversified programs offered by the Division and DENR. One of the most critical programs to us is CCAP and the health, funding, and support of that program. This fiscal year alone Durham has implemented 16 CCAP projects and has 12 more requests waiting to be brought before our board. This demand comes without any significant advertising on the part of our District and is already greater than what our funding can support. This shows how vital this program has become to our District. It is the hope of my board that this program will continue to be supported and fully funded so that we can contribute to improving the water quality of our urban center.

CCAP has been instrumental in our abilities to create relationships with residents and businesses in Durham. In the near future this program will be critical in our addressing issues with the watershed rules Durham now has to comply with. I sit on the Board of Directors for the Upper Neuse River Basin Association which is now the Falls Lake Association. It has been a struggle for me as a representative for all six districts included, to have a serious voice on this Board. Every meeting I have to convince other municipalities that Soil and Water Districts are more than just Agricultural and that we are diverse bodies that conserve, promote, and enhance the water and soil quality of all lands within our districts. Unfortunately, other districts do not share my beliefs and make it much more difficult for me to serve in my full capacity on this Board. I am concerned that such a move to the Department of Agriculture would further solidify this misconception held by so many other local government entities. Although the Durham district is primarily focusing on Agricultural interest with the Jordan and Falls Lake rules, we have submitted 319 grants for a unified watershed ordinance that would increase our involvement throughout the two phases of the rules. These are things we would not be able to do without our 319 Watershed Conservationist position and the grants housed in the Division. It is our hope that the NCDCA will continue to support these programs and opportunities should the merger happen.

Stream restoration and storm-water projects are also very critical to our district and other diversified districts. We have been fortunate enough to work with Duke University on the Sandy Creek project which is a

The soil is the source of life, creativity, culture, and real independence

watershed that covers 1,365 acres, and when completed, will be one of the only watersheds that is completely under Best Management Practices. I have been recently informed that our district will be holding and monitoring an easement on their property. This shows a great trust that Duke has in our district and the type of relationships we have built with our community, our county commission, and our city council – things the Association’s strategic plan specifically lists as goals.

The Association has a vision to enhance the effectiveness of Soil and Water Conservation Districts to protect and conserve Natural Resources for future generations. For this to hold true, we must insist that the mission and vision of the Department of Agriculture reflects the same vision, mission, goals, and objectives of the districts should such a merger occur. We must also be aware that consumer services, although a diversified aspect of NCDA is NOT the same as natural resource conservation, and that currently NCDA does not encompass that in the same way that DENR does. Area 3 noted in our strategic plan that urban communities and rural communities need to better understand each other, and that we should avoid setting up barriers that create an “us versus them” community. My home Area, Area 4 encouraged a focus of efforts on “protecting land” not on “people” and from “protecting the land” to protecting the “environment”.

In assisting the Association in meeting its goals, I as a supervisor pledge and offer my services and abilities to this commission, the association, and the division, as does my board, and our district staff. I also believe that in assisting districts, it is critical for this commission to consider these last five points.

1. For the commission to consider including or lobbying for a seat on the commission for a supervisor who represents the more diversified/urban districts (Wake, Durham, New Hanover, Forsythe, Guilford, Orange, Buncombe)
2. That this commission should encourage the Association’s Executive Committee to promote and expand the diversified/urban programs offered to districts beyond agriculture.
3. Encourage the recruitment and appointment of supervisors who are willing and able to assist the Association in achieving the goals and objectives of its diversified strategic plan.
4. Encourage Commissioner Troxler to develop a new arm of NCDA that specifically will address the natural resource conservation, and the environmental needs across the State of North Carolina.
5. And finally, for the commission to look at the protocols in which information is disseminated to districts and supervisors that we can remain informed and engaged on the front end of policy matters, so that supervisors can be proactive and active in policy decisions rather than reactive.

I thank you so much for your time and consideration. It has been an honor to stand and speak before this body. Thank you for all that you do for districts and for the manner in which you all carry out your duties. Thank you.