

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

**TELECONFERENCE BUSINESS SESSION**

NCDA&CS Old Health Building  
Conference Room 316  
216 W. Jones Street  
Raleigh, NC 27603  
October 12, 2018

**8:00 a.m.**

**Teleconference # 919-733-2511**

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

**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**

APPROVAL OF AGENDA Chairman John Langdon

1. Supervisor Appointments Mr. Eric Pare

2. Supervisor Contracts Ms. Kelly Hedgepeth

3. Technical Specialist Designation Mr. Jeff Young

4. Hurricane Florence Report Mr. Vernon Cox

5. Consideration of Draft Cost Share Program Response to Hurricane Florence Damage Mr. Vernon Cox

**IV. PUBLIC COMMENTS**

**V. ADJOURNMENT**



**NORTH CAROLINA  
SOIL & WATER CONSERVATION COMMISSION  
BUSINESS SESSION MEETING MINUTES  
TELECONFERENCE  
October 23, 2018**

NCD&CS Old Health Building  
Conference Room 316  
216 West Jones Street  
Raleigh, NC 27603  
Call-in # 919-715-0769

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

Commission Members	Guests	Guests
John Langdon	Helen Wiklund	Michael Shepherd
Wayne Collier	Josh Vetter	Tom Ellis
Chris Hogan	Kristina Fischer	Keith Larick
Dietrich Kilpatrick	Bryan Evans	Chip Campbell
Derek Potter	Sandy Stewart	Frank Lopez, NCSU
Myles Payne	Eric Pare	Jesse Kirby
Mike Willis	James Massey	Vickie Baker
<b>Commission Counsel</b>	Jeff Young	Randolph SWCD
Phillip Reynolds	Karen Davis	Wayne SWCD
<b>Guests</b>	Lynn Whitehurst	Lisa Fine
Vernon Cox	Rick McSwain	Ken Parks
David Williams	Ricky Hayes	Mitch Miller
Julie Henshaw	Tim Beard	Guest

Chairman John Langdon called the meeting to order at 8:03 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 welcomed everyone to the meeting.

**Approval of Agenda:** Chairman Langdon asked for a motion to approve the agenda.

Commissioner Collier moved to approve the agenda and Commissioner Potter seconded.  
Motion carried.

- Hurricane Florence Report:** Chairman Langdon recognized Director Cox to present.

The General Assembly convened on October 15, 2018 to consider disaster recovery needs in the aftermath of Hurricane Florence. The General Assembly approved \$70M in funding for the Department of Agriculture's proposed programs. The Division of Soil and Water Conservation received a total of \$28.5M as outlined below.

- \$10M for Emergency Watershed Program (EWP) non-federal match for stream debris removal/renovation
- \$7.5M state supplement for Emergency Conservation Programs (ECP) to help farmers repair damages to fields, gullies, waterways, or terraces
- \$5M for Agricultural Pond Repairs
- \$3M for Animal Waste Lagoon Management and Pasture Renovation Practices
- \$2M for Best Management Practice (BMP) repairs not covered by ECP
- \$1M for Non-Field Farm Road Repairs

The General Assembly also authorized the Department to administer an Agricultural Disaster Assistance Program to provide compensation for crop and livestock losses. However, funding for the assistance program has not yet been appropriated by the General Assembly.

Assistant Commissioner Stewart stated that the General Assembly will return to session on November 27, 2018 to consider the level of funding to appropriate for the program. The Department of Agriculture is in the final stages of developing the procedures to administer the program. The list of eligible counties is not finalized but it will cover all Presidential declared-disaster counties; there are currently about 38-42 counties. The direct assistance will come in the form of direct payments to farmers and operators in those counties, and it will be based on a pro-rated share of the total amount of funds appropriated by the General Assembly for the program. A farmer's loss would be calculated based on their Farm Service Agency's (FSA) reported acres for each crop, and the loss would be calculated based on county averages, i.e., county average yield, statewide average price, and FSA County Committee's estimated crop loss per county. The General Assembly passed the Bill to establish the program and farmer sign-up begins on or about November 7, 2018 - December 10, 2018. The funds will be available about January 1, 2019.

Director Cox stated this would be in addition to any Federal disaster relief funds to the counties.

Assistant Commissioner Stewart stated it would be appropriate for the district supervisors to engage State Legislators and ask for funding assistance. The Disaster Assistance Program will be rolled out on October 31, 2018 with a training session scheduled for county extension agents and FSA staff in the affected counties.

Commissioner Kilpatrick asked about the loss of quality due to the hurricane and Assistant Commissioner Stewart stated the quality losses should be factored into the overall county percent loss.

Director Cox stated this is the first Commission Meeting Dr. Stewart is attending and appreciates his leadership in helping the Division move forward with this disaster response. Director Cox added there is uncertainty regarding the list of eligible counties, but there are funds available for division programs if more counties become eligible.

- 2. Disaster Response Best Management Practices:** Chairman Langdon recognized Deputy Director Williams to present.

A list of 31 counties was presented that were declared disaster counties, as of October 14, 2018. The Division received funding from the General Assembly for a variety of practices to assist with disaster recovery. The Division presented the following new practices along with some slight modifications to some existing practices that were previously adopted in response to Hurricane Matthew.

**2A. Emergency Agricultural Pond Repair/Retrofit:** The Commission approved this practice after Hurricane Matthew, but the Division is recommending a couple of changes. 1. Eliminate the deadline date since the previous date does not apply to Hurricane Florence. This practice is for those farmers that had to make emergency repairs to their ponds, such as when the pond dam is the access road. 2. The landowner is not available for additional cost share unless the General Assembly appropriates special disaster recovery funds.

Chairman Langdon asked for a motion. Commissioner Willis motioned to approve the Emergency Agricultural Pond Repair/Retrofit and Commissioner Collier seconded. Commissioner Potter expressed concern about the open-ended date. Mr. Williams stated the Division is trying to make the practice more general so that it can be used whenever necessary. Motion carried.

**2B. Emergency Auxiliary Spillway Repair/Retrofit:** The Commission approved this practice after Hurricane Matthew. The only change being proposed is that if the cooperater does not act on deficiencies to the structure noted by the engineer and the structure fails, the cooperater will not be eligible for future assistance for repair unless the General Assembly appropriates special disaster recovery funds.

Chairman Langdon asked for a motion. Commissioner Potter moved to approve the Emergency Auxiliary Spillway Repair/Retrofit and Commissioner Kilpatrick seconded. Motion carried.

**2C. Emergency Access Restoration:** This practice is specifically for farmers that must make their own repairs before they have an opportunity to receive approved technical assistance. This practice allows the Division to help farmers with 40% cost share, which is a second level of assistance for a second-level repair with minimal requirements. The date was removed, and the practice includes the provision that the farmer is unable to get future assistance to repair the practice unless the General Assembly provides special disaster recovery funds.

Chairman Langdon asked for a motion. Commissioner Collier moved to approve the Emergency Access Restoration and Commissioner Potter seconded. Motion carried.

**2D. Disaster Pasture Renovation:** After Hurricane Florence, many pastures and spray fields were under water for a long time and may have been damaged or killed. Chairman Langdon stated in eastern North Carolina, this practice would be used to renovate spray fields used for wastewater application to pick up the nutrients and convert those fertilizer nutrients into forage

and to remove and utilize the waste. Mr. Williams stated that the practice is intended to be used for renovation of both spray fields and regular pastures damaged by Hurricane Florence.

Chairman Langdon asked for a motion. Commissioner Potter moved to approve the Disaster Pasture Renovation practice and Commissioner Collier seconded.

Mr. Williams stated Policy 1 is intended to address spray fields and the following should be removed, *“and it does not apply to hayland that is not normally grazed.”* The policy should read, *“This practice must not to be used to convert idle farmland to pastures.”*

Commissioner Willis moved to amend Policy 1 as proposed by Mr. Williams. Commissioner Collier seconded the amendment. Motion carried.

Chairman Langdon called for the vote on the motion to approve the Disaster Pasture Renovation practice, as amended. Motion carried.

**2E. Disaster Winter Forage Crop Incentive:** This incentive is to help farmers plant a winter forage crop to replace forage that had been damaged or destroyed by Hurricane Florence. It is also intended to help swine operations that need additional land application sites so that they can more easily manage their waste lagoons during the winter season. The incentive rate for this practice is \$20/acre. This incentive can be used in conjunction with the Disaster Lagoon Management Incentive and Disaster Pasture Renovation.

Chairman Langdon asked for a motion. Commissioner Kilpatrick moved to approve the Disaster Winter Forage Crop Incentive and Commissioner Collier seconded. Motion carried.

**2F. Disaster Lagoon Management Incentive:** This is a new practice that is intended to assist farmers in managing their lagoons in the aftermath of the unprecedented rainfall amounts that were generated by Hurricane Florence. This practice can be used by farmers to apply or transport waste offsite to other fields that are not included in their existing waste management plan. The Division is proposing a cost share rate of \$0.01 per gallon if the producer needs to pump and haul the waste, e.g., by trailer, to a wastewater treatment plant or an off-site land application field. A payment of \$0.005 per gallon is proposed when the wastewater is pumped via a portable hose application system. The deadline is March 1, 2019 for eligible transfers to be completed. This is a one-year contract expiring on June 30, 2019. Mr. Williams added that the specific dates could be removed and include the provision that future assistance would be subject to special disaster funds authorized by the General Assembly. Commissioner Collier stated to keep the date and the Commission can come back and address it at a future event. Director Cox stated this is an exceptional practice, and this is not intended to provide assistance as part of our normal cost share program.

Chairman Langdon asked for a motion. Commissioner Collier moved to approve the Disaster Lagoon Management Incentive and Commissioner Willis seconded. Motion carried.

**2G. Disaster Repairs and Renovations:** This is a policy that describes how the Cost Share Program can provide assistance with BMPs where the maintenance period has expired, or the practice was cost shared by another entity. When these practices are damaged, the policy

recommendations would allow cost share funds to be used to repair or renovate the practice by bringing it back to the current requirements and restoring the function of the practice. Cost share payments are recommended to be at 75% of actual cost, not to exceed the average cost of installing the original practice.

Chairman Langdon asked for a motion. Commissioner Kilpatrick moved to approve the Disaster Repairs and Renovations policy and Commissioner Willis seconded. Commissioner Potter asked about the extended maintenance. Mr. Williams stated that this is a reasonable requirement since the renovation will bring the practice up to the current standard. Motion carried.

**3. Disaster Response Allocations:** Chairman Langdon recognized Ms. Henshaw to present.

All BMPs are eligible for cost share assistance retroactive to September 14, 2018. The Division is not recommending allocating all resources. At the November Meeting, the Division will provide adjustments if additional counties are declared eligible. The districts can go to an on-line form to request funds and return funds. There are two teleconferences scheduled for those impacted counties. The Division recommends setting an encumbered by deadline date of December 31, 2018 for the districts to contract funds. As of January 1, 2019, the Division can recall all unencumbered funds and reallocate based on the requests received from Districts.

**3A. Emergency Access Restoration & Non-Field Farm Road Repair Draft Allocation:** There is \$1M available to allocate for this practice. The proposed allocation is based on projects submitted by districts through an on-line survey. Districts will receive \$7,500 per project requested with the total proposed allocation of \$570,000 to 10 counties for 76 applications.

Chairman Langdon asked for a motion. Commissioner Willis moved to approve the Emergency Access Restoration & Non-Field Farm Road Repair Draft Allocation and Commissioner Kilpatrick seconded. Motion carried.

**3B. Disaster Pasture Renovation Draft Allocation:** There is \$500,000 set aside for this BMP. The proposed allocation is based on a proportion of the acres of pastureland reported in the 2012 Census of Agriculture. The recommendation is that each district receive a minimum allocation of \$4,500 (20 acres at \$225 per acre). The proposed initial allocation is 50% of total available practice funds or \$250,000.

Chairman Langdon asked for a motion. Commissioner Collier moved to approve the Disaster Pasture Renovation Draft Allocation and Commissioner Willis seconded. Motion carried.

**3C. Disaster Winter Forage Crop Incentive Draft Allocation:** There is \$500,000 set aside for this BMP. The proposed allocation is based on the proportional number of hog operations in each county as reported in the 2012 Census of Agriculture. All districts will receive a minimum allocation of \$800 (40 acres at \$20 per acre). The initial proposed allocation is for \$250,000. Pamlico County does not have any active operations but there are currently two inactive lagoons that have not been closed. The recommendation is that the Pamlico District receive the minimum allocation for this practice.

Chairman Langdon asked for a motion. Commissioner Collier moved to approve the Disaster Winter Forage Crop Incentive Draft Allocation and Commissioner Kilpatrick seconded. Motion carried.

**3D. Disaster Lagoon Management Incentive Draft Allocation:** There is \$2M available to allocate for this practice. The proposed allocation is based on the proportional number of hog operations in each county as reported in the 2012 Census of Agriculture. All districts will receive a minimum allocation of \$16,000 which is calculated on the basis of removing 30 inches of water from a 2-acre pond at the cost share rate of \$0.01 per gallon. The proposed initial allocation is \$1.3M.

Chairman Langdon asked for a motion. Commissioner Willis moved to approve the Disaster Lagoon Management Incentive Draft Allocation and Commissioner Kilpatrick seconded. Motion carried.

Mr. Williams stated the Division requests a Just-in-Time Allocation for pond repairs. The Division is requesting authority to allocate funds to pond repair projects that may come up prior to the November Meeting. The same limitations and restrictions used during Hurricane Matthew would be imposed. The Division would be delegated authority to approve contracts not to exceed \$100,000 and anything over \$100,000 would have to be considered by the Commission on a case-by-case basis.

Chairman Langdon asked for a motion. Commissioner Willis moved to approve the Just-in-Time Allocations for pond repairs and Commissioner Payne seconded. Motion carried.

Director Cox stated it is hard to anticipate all the needs of the districts. There will be some adjustments and additional allocations may need to be made. The Division will work closely with the districts and Commission to make sure the funds are used effectively.

Director Cox stated the November Meeting is in Raleigh at the Fairgrounds in the Graham Building. The agenda will likely include an update to the disaster response allocations, regional CCAP allocations, address the issue of the potential litigation from Rutherford County, consideration of policies for district supervisor training and supervisor appointments.

**Public Comments:**

**Adjournment:** Meeting adjourned at 9:37 a.m.



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



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Helen Wiklund, Recording Secretary

***These minutes were approved by the North Carolina Soil & Water Conservation Commission on November 14, 2018.***

## Emergency Agricultural Pond Repair/Retrofit

### Definition/Purpose

Repair of existing low-hazard agricultural pond systems. Benefits may include water supply, erosion control, flood control, and sediment and nutrient reductions from farm fields.

### Policies

1. The pond shall be for agricultural use.
2. For projects involving dam or spillway repairs:
  - a. The Design and final repair/retrofit/expansion must be approved by a NC professional engineer or by an individual with job experience on design/construction of Ponds, and approved by the Division to do comparable design/construction.
  - b. Each component that was damaged requiring repair must be repaired to NRCS 378 standard as follows:
    1. Dam- Fill must be replaced to suitable grade and be properly compacted and vegetated to remain stable. Side slopes must be at a 2:1 maximum with a front-rear side slope combination of 5:1.
    2. Principal Spillway- Must be sized to handle design storm capacity per standard with stable outlet grade, including rip-rap basin if needed. Suitable materials must be used including adequate trash protection.
    3. Auxiliary Spillway- Must be sized and shaped according to appropriate design storm and sloped for allowable velocities. The spillway cross-section must be stabilized with suitable vegetation or approved material that does not impede flow through the spillway. This restriction includes but is not limited to culvert pipes or trees of any size within the designed channel (must be maintained by mowing).
  - c. Fill material must be a suitable soil and adequately compacted for dam sealing and structural stability.
  - d. A modified Emergency Action Plan shall be completed for all repairs.
3. Trees can remain in the embankment if they are not dead or unhealthy, and if they are located such that they could not pose structural damage to dam, pipes, or spillway structures etc. Trees, shrubs and woody vegetation shall be mowed or removed as noted in the Operation and Maintenance Plan.
4. Livestock shall be excluded from the dam and spillway. Consider the need to protect the auxiliary spillway from traffic if used more than 3 times/week or need access immediately following a rainfall event to prevent rutting.
5. Cooperators are responsible for obtaining and complying with all required permits.
6. Minimum life of BMP is 5 years.
7. It is the producer's responsibility to ensure the entire structure is maintained for the life of the

contract (5 yrs.). All woody vegetation must be kept off the repaired portion(s) of the dam, structures, and emergency spillway.

8. In the event the landowner chooses not to act on deficiencies noted by the engineer and the structure fails, the landowner is not eligible for additional cost share and will be responsible for repairing the structure at their expense or repayment of cost share funds based on a prorated amount, unless the pond is damaged in a disaster and the General Assembly appropriates funds for disaster response. However, the cooperators will be eligible to apply for cost share to replace the emergency restoration with a repair that meets the relevant NRCS standard.
9. Cost share shall not exceed 40% of average cost (or actual cost with receipts for components with no established average cost).
10. If the pond is no longer used for agriculture during the maintenance period, the cost share contract shall be considered out of compliance.
11. The District shall inspect the site annually during the maintenance period.

## Emergency Auxiliary Spillway Repair/Retrofit

### Definition/Purpose

Repair or retrofit of auxiliary spillways on existing low-hazard agricultural pond systems that were damaged during disaster events. The benefit of repairs reduces the likelihood of pond functions being jeopardized during a storm event. These functions include water supply, erosion control, flood control, and sediment and nutrient reductions from farm fields.

Auxiliary spillways are excavated channels designed to pass excess storm runoff around the dam so that water does not rise high enough to damage the dam by overtopping. The spillway must also convey the water safely to the outlet channel below without damaging the downstream slope of the dam.

### Policies

1. The pond shall be for agricultural use.
2. For emergency spillway repairs and retrofits:
  - a. The design must be approved by a NC professional engineer, staff working under the responsible charge of a division PE or by staff with NRCS job approval for ponds.
  - b. Emergency spillway sizing and installation shall meet specifications in the NRCS Conservation Practice Standard Code 378. Side slopes and spillway bottom must be stable and vegetated or lined with an approved material.
  - c. Spillways must be excavated on natural ground. Fill may not be present in any portion of the spillway unless approved by the engineer or person with proper job approval authority.
  - d. A modified Emergency Action Plan shall be completed for all pond spillway repairs and retrofits.
3. Trees must be removed from any portion of an existing emergency spillway. Trees outside the spillway that are not dead or unhealthy, and if they are located such that they could not pose structural damage to dam, pipes, or spillway may remain. The spillway shall remain free of trees, shrubs and woody vegetation.
4. Livestock shall be excluded from the dam and spillway. Consider the need to protect the emergency spillway from traffic if used more than 3 times/week or need access immediately following a rainfall event to prevent rutting.
5. Cooperators are responsible for obtaining and complying with all required permits.
6. Minimum life of BMP is 5 years.
7. It is the producer's responsibility to ensure the entire dam structure is maintained for the life of the contract (5 yrs.). All woody vegetation must be kept off the repaired portion(s) of the dam, structures, and emergency spillway. In the event the landowner chooses not to act on deficiencies noted by the engineer and the structure fails, the landowner is not eligible for additional cost share and will be responsible for repairing the structure at their expense or

repayment of cost share funds based on a prorated amount, unless the pond is damaged in a disaster and the General Assembly appropriates funds for disaster response.. However, the cooperators will be eligible to apply for costshare to replace the emergency restoration with a repair that meets the relevant NRCS standard.

8. Cost share shall not exceed 75% of average cost (or actual cost with receipts for components with no established average cost).
9. If the pond is no longer used for agriculture during the maintenance period, the cost share contract shall be considered out of compliance.
10. The District shall inspect the site annually during the maintenance period.

**Standards**

North Carolina NRCS Technical Guide, Section IV, Code #378 (Pond), Code #402. (Dam), NC Dam Safety Law (15A NCAC 02K .0100)

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## Emergency Access Restoration

### Definition/Purpose

Repair or stabilization of existing access roads utilized for agricultural operations, including roads to existing crop fields, pastures, livestock production facilities, agricultural structures, or forestland incidental to agricultural land.

### Policies

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

**Disaster Pasture Renovation**

Definition/Purpose

A Pasture Renovation Practice means to establish and maintain a conservation cover of grass, where disaster has caused damage to pasture vegetation. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances. (DIP)

Policies

1. This practice must not be used to convert idle farmland to pastures, and it does not apply to hayland that is not normally grazed.
2. The cooperators must manage fertility, stocking rates, and stop/start grazing heights (shown in the Target Grazing Height table), to minimize the potential for cost shared fields to be overgrazed and to ensure that a good stand is maintained.
3. Grazing animals shall be excluded from renovated pastures until forage reaches desired start grazing height as shown in the Target Grazing Height table.

Species	Growth Periods	Target Grazing Height -----inches-----	
		to start	to stop
Bermudagrass: Common, hybrid & seeded varieties	Apr-Sep	4-6	2-3
	Frosted	3+	2-3
Bluegrass, Kentucky with White Clover	Mar-May	4-6	2-3
	Jun-Aug	6-8	2-4
	Sep-Oct	6-8	2-3
	Nov-Feb	4-6	2-3
Fescue or Orchardgrass with/without Ladino Clover	Feb-Mar	4-6	2-3
	Apr-Jun	6-8	2-3
	Jul-Aug	6-8	3-4
	Sep-Oct	6-8	2-3
Red Clover and mixtures with cool-season grasses	Nov-Jan	4-6	2-3
	Apr-May	6" to bud	3-4
	Jun-Sep	10" to bud	3-4
Switchgrass, Indiangrass, Big Bluestem	Nov-Dec	Frosted	2-3
	Apr-Jun	14-18	5-7
	Jul-Aug	18-22	5-7
	Sep-Oct	16-20	8-12

4. BMP soil, nitrogen and phosphorus impacts are not required on the contract since it is an emergency practice.
5. Minimum life of BMP is 10 years.
6. All NC Agriculture Cost Share Program policies relative to vegetation seeding rates and times are to be followed.

7. When determining the acreage for which payments can be made for this practice, only the acreage actually planted shall be considered. The area occupied by farm roads, best management practices, ditches, structures, etc. shall not be included in planted acreage.
8. This practice shall be based on actual costs with a cap of \$225/acre charge to ACSP (up to \$270/acre if applicant qualifies as a beginning/limited resource farmer or is in an Enhanced Voluntary Agricultural District).

**Standard**

NRCS Technical Guide, Section IV, Standard #512 (Pasture and Hay Planting).

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## Disaster Winter Forage Crop Incentive

### Definition/Purpose

A Disaster Winter Forage Crop is a crop of small grain or grass grown to supplement winter forage where existing forage (stored or unharvested) was lost or damaged as a result of a natural disaster. This practice may also be used to extend the land application season where necessary to manage waste lagoons where excessive rainfall late in the application season threatens an operation's ability to manage lagoon levels on existing waste utilization plan (WUP) acres and crops. The purpose is to scavenge and cycle plant nutrients. The winter forage crop also adds organic matter to the soil, improves infiltration, aeration and tilth, improves soil quality, reduces soil crusting, provides residue for conservation tillage, and sequesters carbon.

### Policies

1. For a disaster winter forage crop to accomplish the purpose of this practice, it must become quickly established, grow vigorously, and accumulate significant biomass. Only the following crops are eligible for this incentive. They **must** be planted by the planting deadline and sown at the seeding rates given below for each region.

Crop	Minimum Planting Rate	Coastal Plain Plant Deadline	Piedmont Plant Deadline	Mountains Plant Deadline
Barley	2-3 bu	Oct. 15	Oct. 10	Oct. 10
Oats	3 bu	Oct. 15	Oct. 10	Nov. 1
Rye	2 bu	Nov. 30	Nov. 30	Nov. 1
Triticale	90 lb	Nov. 30	Nov. 30	Nov. 1
Wheat	2-3 bu	Nov. 30	Nov. 30	Nov. 1
Annual Ryegrass	2 bu	Nov. 30	Nov. 30	Nov. 1

\*Note: Planting deadline in standard print and earliest kill date shown in *italics*.

2. The incentive rate for this practice is \$20/acre.
3. This practice shall not be used to plant a forage crop for applying animal waste on fields included in an existing WUP if the existing plan already includes fall-planted annuals as part of the existing WUP. However, if the operation had already planted fall annuals, and the crop was killed due to flooding, the damaged fields are eligible for this practice.
4. Seedbed preparation may be done by any suitable method. Seedbed preparation may be eliminated when the crops are seeded by broadcasting into a standing crop, into residues of a previous crop by conservation tillage methods or when the harvesting procedure or residue shredding will cover seeds. No-till methods are preferred.
5. Drill or broadcast methods of seeding may be used.

6. No payment for this incentive shall be made until the crop has emerged and a suitable stand can be documented.
7. Certified seeds or bin seed may be used to receive the incentive payment.  
**Cooperators using bin seed must be careful to adhere to the restrictions imposed by the federal Plant Variety Protection Act, the NC seed rules and statutes, and laws governing the use of seed from patented plants.**
8. Growers who have previously received state or federal cost share for any conservation tillage practice are eligible for this BMP.
9. When determining the acreage for which payments can be made for this practice, only the acreage actually planted shall be considered. The area occupied by farm roads, best management practices, ditches, structures, etc. shall not be included in planted acreage.
10. Producers who use this practice for the purpose of managing lagoon levels must follow all applicable requirements of the Department of Environmental Quality, including soil sampling, setbacks, and temporary modifications to waste utilization plans.
11. This practice can be used in conjunction with Disaster Lagoon Management Incentive and Disaster Pasture Renovation.
12. This disaster practice does not count against any annual or lifetime limit for conservation tillage, cover crops, or nutrient scavenger crops.

### Standards

NC NRCS Technical Guide, Section IV, Standard #340 (Cover Crop), # 328  
(Conservation Cropping Rotation)

## Disaster Lagoon Management Incentive

### Definition/Purpose

The purpose of the Disaster lagoon management incentive is to allow producers to better manage lagoon levels impacted by excessive rainfall late in the application season and maintain compliance with permits. Producers may use one of the following methods to decrease lagoon levels through this practice:

- Applying or transporting waste to sites that are approved emergency application/treatment sites that are not part of the generator operation's existing waste utilization plan; OR
- Applying on existing sites by a contractor using a method (e.g., Airway) that will permit more timely application of lagoon liquid than the producer's normal application methods.

### Policies

1. Waste application must be applied at approved rates in accordance with the approved temporary waste utilization plan (WUP) amendment and all applicable requirements of the Department of Environmental Quality.
2. Payments of \$0.01 per gallon transported via pump and haul will be based upon the number of gallons pumped and transported to alternative application/treatment sites, including publicly owned treatment works (POTW).
  - a. The applicant must present land application records documenting the amount of waste transported to alternate application sites.
  - b. For waste transported to POTWs or other offsite treatment facilities, the applicant must present load tickets.
3. Payments of \$0.005 per gallon pumped via portable hose application system will be based on the number of gallons applied at application sites covered by a temporary WUP amendment. The applicant must present land application records documenting the amount of waste transported to alternate application sites.
4. Waste must be transported or applied at alternative locations prior to March 1, 2019. The contract expiration date will be June 30, 2019.
5. Biosecurity measures outlined by the NC Department of Agriculture and Consumer Services must be followed for all transported waste.
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. Also include the number of acres affected, animal type, and animal units.
7. Where a temporary amendment to the WUP is required, the temporary amendment must be included with the contract.
8. There is no contract maintenance period.

### **Standards**

1217 Interagency Committee Guidance

### Disaster Repairs and Renovations

1. If an existing BMP is under active maintenance, then it is listed as a repair. If the BMP is not under active maintenance or was implemented without cost share funds, then it is a renovation.
2. State the reason for the need to repair or renovate the BMP on the contract. Up to seventy-five percent (75%) of the actual cost of the repair or renovation, not to exceed the average costs, may be paid. Repair or renovation contracts follow the normal contract approval process unless granted an exception by the division.
3. The life of the practice is renewed when the cooperator receives cost share to repair or renovate a BMP. For example: repairing or renovating a grassed waterway that has been installed for two years will dictate that the cooperator must still maintain the grassed waterway an additional ten years from the date of repair or renovation.
4. If a BMP that was repaired using cost share funds is found out of compliance and not repaired/reimplemented within the allotted time period, a pro-rated repayment of the original cost shared amount (not the repair amount) would be required. Repayment for renovation contracts are based on the repair amount.
5. Repair or Renovation contracts for commission members or district supervisors must receive commission approval prior to approval by the division.

Item 3A: Emergency Access Restoration Draft Allocation

<b>County</b>	<b># Apps</b>	<b>Draft Allocation</b>
Cumberland	1	\$ 7,500
Hyde	1	\$ 7,500
Johnston	2	\$ 15,000
Jones	8	\$ 60,000
Lee	5	\$ 37,500
Lenoir	31	\$ 232,500
Robeson	1	\$ 7,500
Sampson	19	\$ 142,500
Wayne	6	\$ 45,000
Wilson	2	\$ 15,000
<b>Totals</b>	<b>76</b>	<b>\$ 570,000</b>

Item 3B: Disaster Pasture Renovation Draft Allocation

County	Census of Agriculture Data Item	Percent of Pastureland Acres	Draft Allocation with Minimum
ANSON	AG LAND, PASTURELAND - ACRES	5.9492%	\$ 12,592
BEAUFORT	AG LAND, PASTURELAND - ACRES	0.8387%	\$ 4,500
BLADEN	AG LAND, PASTURELAND - ACRES	2.8887%	\$ 6,114
BRUNSWICK	AG LAND, PASTURELAND - ACRES	1.2112%	\$ 4,500
CARTERET	AG LAND, PASTURELAND - ACRES	0.3377%	\$ 4,500
COLUMBUS	AG LAND, PASTURELAND - ACRES	3.8112%	\$ 8,067
CRAVEN	AG LAND, PASTURELAND - ACRES	0.8646%	\$ 4,500
CUMBERLAND	AG LAND, PASTURELAND - ACRES	3.1504%	\$ 6,668
DUPLIN	AG LAND, PASTURELAND - ACRES	8.1138%	\$ 17,173
GREENE	AG LAND, PASTURELAND - ACRES	0.7439%	\$ 4,500
HARNETT	AG LAND, PASTURELAND - ACRES	5.2969%	\$ 11,211
HOKE	AG LAND, PASTURELAND - ACRES	1.0862%	\$ 4,500
HYDE	AG LAND, PASTURELAND - ACRES	0.2578%	\$ 4,500
JOHNSTON	AG LAND, PASTURELAND - ACRES	8.3620%	\$ 17,699
JONES	AG LAND, PASTURELAND - ACRES	2.0343%	\$ 4,500
LEE	AG LAND, PASTURELAND - ACRES	4.0896%	\$ 8,656
LENOIR	AG LAND, PASTURELAND - ACRES	1.2627%	\$ 4,500
MOORE	AG LAND, PASTURELAND - ACRES	5.9790%	\$ 12,655
NEW HANOVER	AG LAND, PASTURELAND - ACRES	0.0000%	\$ 4,500
ONslow	AG LAND, PASTURELAND - ACRES	1.3614%	\$ 4,500
ORANGE	AG LAND, PASTURELAND - ACRES	5.5675%	\$ 11,784
PAMLICO	AG LAND, PASTURELAND - ACRES	0.0994%	\$ 4,500
PENDER	AG LAND, PASTURELAND - ACRES	2.0478%	\$ 4,500
PITT	AG LAND, PASTURELAND - ACRES	1.4623%	\$ 4,500
RICHMOND	AG LAND, PASTURELAND - ACRES	2.0130%	\$ 4,500
ROBESON	AG LAND, PASTURELAND - ACRES	4.4493%	\$ 9,417
SAMPSON	AG LAND, PASTURELAND - ACRES	10.1460%	\$ 21,475
SCOTLAND	AG LAND, PASTURELAND - ACRES	1.0589%	\$ 4,500
UNION	AG LAND, PASTURELAND - ACRES	11.1470%	\$ 23,593
WAYNE	AG LAND, PASTURELAND - ACRES	3.0225%	\$ 6,397
WILSON	AG LAND, PASTURELAND - ACRES	1.3472%	\$ 4,500
		100.0000%	\$ 250,000

Amount of Funding to Allocate 10/23/18	\$ 250,000
Total Acres of Pastureland	281,619
Minimum Allocation (20 acres)	\$ 4,500.00

Item 3C: Disaster Winter Forage Crop Incentive Draft Allocation

Program	Year	County	Data Item	Percent of Hog Operations with Inventory	Draft Allocation with Minimum
CENSUS	2012	ANSON	HOGS - OPERATIONS WITH INVENTORY	0.6977%	\$ 1,733
CENSUS	2012	BEAUFORT	HOGS - OPERATIONS WITH INVENTORY	1.0078%	\$ 2,503
CENSUS	2012	BLADEN	HOGS - OPERATIONS WITH INVENTORY	5.1163%	\$ 12,706
CENSUS	2012	BRUNSWICK	HOGS - OPERATIONS WITH INVENTORY	1.1628%	\$ 2,888
CENSUS	2012	CARTERET	HOGS - OPERATIONS WITH INVENTORY	0.4651%	\$ 1,155
CENSUS	2012	COLUMBUS	HOGS - OPERATIONS WITH INVENTORY	3.4109%	\$ 8,471
CENSUS	2012	Craven	HOGS - OPERATIONS WITH INVENTORY	0.9302%	\$ 2,310
CENSUS	2012	CUMBERLAND	HOGS - OPERATIONS WITH INVENTORY	1.6279%	\$ 4,043
CENSUS	2012	DUPLIN	HOGS - OPERATIONS WITH INVENTORY	21.7054%	\$ 53,903
CENSUS	2012	GREENE	HOGS - OPERATIONS WITH INVENTORY	3.7984%	\$ 9,433
CENSUS	2012	HARNETT	HOGS - OPERATIONS WITH INVENTORY	2.3256%	\$ 5,775
CENSUS	2012	HOKE	HOGS - OPERATIONS WITH INVENTORY	1.2403%	\$ 3,080
CENSUS	2012	HYDE	HOGS - OPERATIONS WITH INVENTORY	0.1550%	\$ 800
CENSUS	2012	JOHNSTON	HOGS - OPERATIONS WITH INVENTORY	4.8062%	\$ 11,936
CENSUS	2012	JONES	HOGS - OPERATIONS WITH INVENTORY	2.7132%	\$ 6,738
CENSUS	2012	LEE	HOGS - OPERATIONS WITH INVENTORY	0.3101%	\$ 800
CENSUS	2012	LENOIR	HOGS - OPERATIONS WITH INVENTORY	4.1860%	\$ 10,396
CENSUS	2012	MOORE	HOGS - OPERATIONS WITH INVENTORY	1.8605%	\$ 4,620
CENSUS	2012	NEW HANOVER	HOGS - OPERATIONS WITH INVENTORY	0.1550%	\$ 800
CENSUS	2012	ONslow	HOGS - OPERATIONS WITH INVENTORY	5.1163%	\$ 12,706
CENSUS	2012	ORANGE	HOGS - OPERATIONS WITH INVENTORY	1.8605%	\$ 4,620
		PAMLICO	2 LAGOONS, NO INVENTORY	0.0000%	\$ 800
CENSUS	2012	PENDER	HOGS - OPERATIONS WITH INVENTORY	3.3333%	\$ 8,278
CENSUS	2012	PITT	HOGS - OPERATIONS WITH INVENTORY	2.3256%	\$ 5,775
CENSUS	2012	RICHMOND	HOGS - OPERATIONS WITH INVENTORY	0.8527%	\$ 2,118
CENSUS	2012	ROBESON	HOGS - OPERATIONS WITH INVENTORY	2.7907%	\$ 6,930
CENSUS	2012	SAMPSON	HOGS - OPERATIONS WITH INVENTORY	16.8992%	\$ 41,968
CENSUS	2012	SCOTLAND	HOGS - OPERATIONS WITH INVENTORY	0.3876%	\$ 963
CENSUS	2012	UNION	HOGS - OPERATIONS WITH INVENTORY	1.0078%	\$ 2,503
CENSUS	2012	WAYNE	HOGS - OPERATIONS WITH INVENTORY	7.2093%	\$ 17,904
CENSUS	2012	WILSON	HOGS - OPERATIONS WITH INVENTORY	0.5426%	\$ 1,348
					\$ 250,000

Amount of Funding to Allocate 10/23/18	\$ 250,000
Total Operations	1290
Minimum (40 ac)	\$ 800

\*Pamlico had no hog operations listed in the Census of Agriculture; but there are 2 existing lagoons and the district is included in the allocation at the minimum level.

Item 3D: Disaster Lagoon Management Incentive Draft Allocation

County	Census of Agriculture Data Item	Percent of Hog Operations with Inventory	Draft allocation with Minimum
ANSON	HOGS - OPERATIONS WITH INVENTORY	0.6977%	\$ 16,000
BEAUFORT	HOGS - OPERATIONS WITH INVENTORY	1.0078%	\$ 16,000
BLADEN	HOGS - OPERATIONS WITH INVENTORY	5.1163%	\$ 62,311
BRUNSWICK	HOGS - OPERATIONS WITH INVENTORY	1.1628%	\$ 16,000
CARTERET	HOGS - OPERATIONS WITH INVENTORY	0.4651%	\$ 16,000
COLUMBUS	HOGS - OPERATIONS WITH INVENTORY	3.4109%	\$ 41,541
CRAVEN	HOGS - OPERATIONS WITH INVENTORY	0.9302%	\$ 16,000
CUMBERLAND	HOGS - OPERATIONS WITH INVENTORY	1.6279%	\$ 19,826
DUPLIN	HOGS - OPERATIONS WITH INVENTORY	21.7054%	\$ 264,352
GREENE	HOGS - OPERATIONS WITH INVENTORY	3.7984%	\$ 46,262
HARNETT	HOGS - OPERATIONS WITH INVENTORY	2.3256%	\$ 28,323
HOKE	HOGS - OPERATIONS WITH INVENTORY	1.2403%	\$ 16,000
HYDE	HOGS - OPERATIONS WITH INVENTORY	0.1550%	\$ 16,000
JOHNSTON	HOGS - OPERATIONS WITH INVENTORY	4.8062%	\$ 58,535
JONES	HOGS - OPERATIONS WITH INVENTORY	2.7132%	\$ 33,044
LEE	HOGS - OPERATIONS WITH INVENTORY	0.3101%	\$ 16,000
LENOIR	HOGS - OPERATIONS WITH INVENTORY	4.1860%	\$ 50,982
MOORE	HOGS - OPERATIONS WITH INVENTORY	1.8605%	\$ 22,659
NEW HANOVER	HOGS - OPERATIONS WITH INVENTORY	0.1550%	\$ 16,000
ONSLOW	HOGS - OPERATIONS WITH INVENTORY	5.1163%	\$ 62,311
ORANGE	HOGS - OPERATIONS WITH INVENTORY	1.8605%	\$ 22,659
PAMLICO	2 LAGOONS, NO INVENTORY	0.0000%	\$ 16,000
PENDER	HOGS - OPERATIONS WITH INVENTORY	3.3333%	\$ 40,597
PITT	HOGS - OPERATIONS WITH INVENTORY	2.3256%	\$ 28,323
RICHMOND	HOGS - OPERATIONS WITH INVENTORY	0.8527%	\$ 16,000
ROBESON	HOGS - OPERATIONS WITH INVENTORY	2.7907%	\$ 33,988
SAMPSON	HOGS - OPERATIONS WITH INVENTORY	16.8992%	\$ 205,817
SCOTLAND	HOGS - OPERATIONS WITH INVENTORY	0.3876%	\$ 16,000
UNION	HOGS - OPERATIONS WITH INVENTORY	1.0078%	\$ 16,000
WAYNE	HOGS - OPERATIONS WITH INVENTORY	7.2093%	\$ 87,803
WILSON	HOGS - OPERATIONS WITH INVENTORY	0.5426%	\$ 16,000
			\$ 1,333,333

Amount of Funding to Allocate 10/23/18	\$ 1,333,333
Total Operations	1290
Minimum Allocation (30 inches from a 2 acre pond at 1 cent per gallon)	\$ 16,000

\*Pamlico had no hog operations listed in the Census of Agriculture; but there are 2 existing lagoons and the district is included in the allocation at the minimum level.