

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

**WORK SESSION**

Halifax County Ag Center  
Auditorium  
359 Ferrell Lane  
Halifax, NC 27839  
May 15, 2018  
**6:30 p.m.**

**BUSINESS SESSION**

Halifax County Ag Center  
Auditorium  
359 Ferrell Lane  
Halifax, NC 27839  
May 16, 2018  
**9:00 a.m.**

**I. CALL TO ORDER**

The State Government Ethics Act mandates that at the beginning of any meeting the Chair reminds all the members of their duty to avoid conflicts of interest and inquire as to whether any member knows of any conflict of interest or potential conflict with respect to matters to come before the Commission. If any member knows of a conflict of interest or potential conflict, please state so at this time.

**II. PRELIMINARY – Business Meeting**

Welcome Chairman John Langdon

**III. BUSINESS**

1. Approval of Agenda Chairman John Langdon

2. Soil Health Initiatives Mr. Will Mann  
     A. Area IV Soil Health Report Ms. Michelle Lovejoy  
     B. The Foundation’s Soil Health Initiative

3. Approval of Meeting Minutes Chairman John Langdon  
     A. March 27, 2018 Work Session Meeting Minutes  
     B. March 28, 2018 Business Session Meeting Minutes

4. Division Report Director Vernon Cox

5. Association Report Mr. Dietrich Kilpatrick

6. NRCS Report Mr. Tim Beard

7. Consent Agenda

- A. Supervisor Appointments
- B. Supervisor Contracts
- C. Technical Specialist Designation

Mr. Eric Pare  
Ms. Kelly Hedgepeth  
Mr. Jeff Young

8. Cost Share Program Rules

Ms. Julie Henshaw

9. Request for Exception to Criteria for Extension of Previous  
Program Year Contracts Policy

Ms. Julie Henshaw

10. CREP Workgroup Report

Mr. Eric Galamb

**IV. PUBLIC COMMENTS**

**V. ADJOURNMENT**

DRAFT

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1. Approval of Agenda Chairman John Langdon

2. Approval of Meeting Minutes Chairman John Langdon

A. March 27, 2018 Work Session Meeting Minutes

B. March 28, 2018 Business Session Meeting Minutes

3. Division Report Director Vernon Cox

B. Soil Health Initiative  
Area IV Soil Health Report Mr. Will Mann

4. Association Report Mr. Dietrich Kilpatrick

5. NRCS Report NRCS Representative

6. Consent Agenda Mr. Eric Pare

A. Supervisor Appointments  
B. Supervisor Contracts Ms. Kelly Hedgepeth

C. Technical Specialist Designation

Mr. Jeff Young

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DRAFT



**NORTH CAROLINA  
SOIL & WATER CONSERVATION COMMISSION  
WORK SESSION MEETING MINUTES  
May 15, 2018**

Halifax County Agricultural Center  
Auditorium  
359 Ferrell Lane  
Halifax, NC 27839

Commission Members	Guests	Guests
John Langdon	Vernon Cox	Will Mann
Wayne Collier	David Williams	Michael Shepherd
Dietrich Kilpatrick	Julie Henshaw	Louise Hart
Myles Payne	Jeff Young	Rick McSwain
Derek Potter	Helen Wiklund	Ken Parks
	Eric Pare	Donald Rogers
	Bryan Evans	Tom Ellis
Commission Counsel	Kristina Fischer	Lisa Fine
Phillip Reynolds	Ralston James	Michelle Lovejoy
	Eric Galamb	

Chairman John Langdon called the meeting to order at 6:37 p.m. Chairman Langdon inquired whether any Commission members need to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. None were declared. Chairman Langdon stated Commissioner Hogan is absent from the Work Session and will be absent from the Business Meeting tomorrow, and Commissioner Willis is absent from the Work Session but will attend the Business Meeting tomorrow. Chairman Langdon welcomed everyone to the meeting.

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

**2. Soil Health Initiatives:**

**2A. Area IV Soil Health Report:** Mr. Will Mann will present at the Business Meeting tomorrow and the agenda will be amended to reflect the change.

**2B. The Foundation's Soil Health Initiative:** Chairman Langdon recognized Ms. Michelle Lovejoy to present.

- The Foundation started working on the Soil Health Initiative in 2013
  - Halifax County is an early participant
- In 2013, Cotton Incorporated began a discussion with NRCS at the National Technology Support Center in Greensboro about compaction issues in crop fields and resources needed to be put in place to alleviate those issues
- NRCS technical staff wants to learn about multi-species cover crops being used in Southeastern Farming Systems, which is where the Foundation started with the Soil Health Initiative
- Requirements of each participating district and producer was highlighted
- A map highlighted the distribution across the state by county of case studies
- Highlighted the funds expended to date, the locally-lead project partners and next steps for the project.
- Other related education activities include the Mobile Soils Classrooms and Soils Pop-Up Stations
- Cotton Producers and Soybean Producers Associations have expressed interest in promoting the use of heavy rye cover crops to promote soil health.
- Demonstration projects are being planned in the coastal plain and piedmont regions. The Foundation has also made a request to two corporate partners to consider providing funding for one roller/crimper as part of the project.

The Foundation is pleased to share the results from the demonstration projects and is eager to provide information to the Commission as it considers whether to incorporate additional soil health practices into the Cost Share Program.

Chairman Langdon expressed his appreciation to the Foundation for sharing information from its demonstration projects.

- 3. Approval of Meeting Minutes:** Chairman Langdon asked for comments on the minutes. Commissioner Collier stated there are a few minor changes with the March 28, 2018 Business Meeting Minutes. On page 5 in Item 6, remove the “s” before the word “One,” on page 8 in Item 13A, remove the word “payments” before the words “on two ponds,” and on page 9 in Item 13B, add a “d” to the word “state” to read, “Deputy Director Williams stated the cap approved in January 2017 on pond repair contracts that the Division could approve was \$50,000.”

**3A. March 27, 2018 Work Session Meeting Minutes**

**3B. March 28, 2018 Business Meeting Minutes**

- 4. Division Report:** Chairman Langdon recognized Director Vernon Cox to present. Director Cox stated the report will be presented at the Business Meeting tomorrow.
- 5. Association Report:** Chairman Langdon recognized Commissioner Kilpatrick to present. Commissioner Kilpatrick stated the report will be presented at the Business Meeting tomorrow.
- 6. NRCS Report:** Chairman Langdon asked if Mr. Tim Beard, State Conservationist, will be present at the Business Meeting tomorrow. Director Cox stated Mr. Beard will not be in attendance but that an NRCS representative will present.

Chairman Langdon asked Director Cox to discuss the easement issue in Lincoln County as it relates to Supervisor Tommy Houser, NRCS, the issue regarding any potential conflicts of interest. Director Cox asked Mr. Rick McSwain to speak on the issue, since he was working in Lincoln County at that time the issue arose. Chairman Langdon stated he has not spoken to any Commission member about the easement issue and will ask for unanimous consent to write a letter of support to the Lincoln District and copy Mr. Tim Beard with NRCS. Mr. McSwain stated when the Lincoln District applied for an easement for Mr. Houser, who was and still is Chairman of the Board of Supervisors, Mr. Houser did not participate in any decision when the Board voted on the easement. At that time, Mr. McSwain stated he was part of the staff working on the issue, when the Board applied for the easement. During the process, Lincoln District received a farmland preservation grant from the NC Department of Agriculture and then applied for funds through NRCS, but NRCS denied the District's application for funding. NRCS provided a list of reasons why the easement was denied and one reason was conflict of interest. NRCS assisted the District on how to reapply in 2017, and the Board was turned down again due to objections by NRCS regarding conflict of interest. NRCS stated a Board cannot hold an easement for a Board member. Lincoln District could not find anything in NRCS' policy stating this reason. The Board decided they had been misled and their only option was to appeal the decision of NRCS by going to court. One week ago, the judge called a hearing via teleconference, and decided that the case should go to trial. The trial date in federal court is expected to be sometime in June in Charlotte. Chairman Langdon stated the judge did not think NRCS had enough facts to make the decision. Commissioner Payne stated while attending an NACD Meeting, North Carolina presented a resolution that was passed unanimously in support of the Lincoln District. Chairman Langdon stated it would be appropriate and is in favor of Mr. Phillip Reynolds, Commission Counsel, writing a letter of support to Lincoln District to use at the hearing. Each Commissioner agreed the letter should be written. Mr. McSwain has been asked to appear as a witness at the trial as well as Mr. Bill Yarborough, Agricultural Programs Administrator for the NC Department of Agriculture and Consumer Services, and representatives from Washington, DC, and NRCS.

- 7. Consent Agenda:** Chairman Langdon recognized Mr. Eric Pare, Ms. Lisa Fine for Ms. Kelly Hedgepeth, and Mr. Jeff Young to present.

**7A. Supervisor Appointments:** Mr. Pare presented three recommendations.

- Lora Eddy, Dare SWCD, filling the unexpired elected term of Larry Bray resigning from his elected term for 2014-2018; resignation letter is included
- Tim J. Loflin, Davidson SWCD, filling the unexpired appointed term of Jerry H. Hilton resigning from his elected term for 2016-2020; resignation letter is included
- Alton Ray Skinner, Edgecombe SWCD, filling the unexpired elected term of Rodger Grimes resigning from his elected term for 2014-2018; resignation letter is included

**7B. Supervisor Contracts:** Ms. Fine stated there are seven contracts which include Caldwell and Hertford contracts. Caldwell's contract is pending design, which is due to expire in June and needs the Commission's approval before the July Commission Meeting.

**7C. Technical Specialist Designation:** Mr. Young stated Mr. Jeff Belflower is seeking technical specialist designation, and the Division recommends his designation.

**8. Cost Share Program Rules:** Chairman Langdon recognized Ms. Julie Henshaw to present. Ms. Henshaw provided a recap of the Cost Share Program Rules and highlighted the changes.

- Cost Share Committee has held meeting on the rules in all eight areas of the state to receive comments throughout the rule making process.
- The process started in May 2013 and there have been two rounds of public meetings to receive for feedback on the rules
  - The most recent public comment period was from November 2017 - January 15, 2018; received only two comments for grammatical changes
- Cost Share Rules Committee will ask for action at the July Commission Meeting
- Districts will be notified in writing of any increases or decreases in technical assistance allocations once the rules are adopted for the upcoming fiscal year.
- All Cost Share Program Rules are being incorporated into Rule 02 NCAC 59D and Rule 02 NCAC 59H will be repealed
- Highlighted Cost Share Program changes with regards to technical assistance spending, funding spent on BMPs, and JAA requirements

Chairman Langdon stated at the Business Meeting tomorrow, Commissioner Willis may propose opening a discussion on the lack of Job Approval Authority (JAA). Ms. Henshaw discussed the way the Cost Share Program Rule is drafted as it pertains to district employees and Job Approval Authority (JAA). Director Cox stated NRCS is understaffed and facing challenges. Some district staff do not have a close working relationship with NRCS to receive necessary training to receive Job Approval Authority (JAA). The Division has submitted a proposal to Mr. Tim Beard to support a training initiative in which the Division will work with the Association to provide training across the state to technical staff. Mr. Beard is supportive of the proposal, and NRCS is waiting for their budget allocation. Commissioner Potter stated the lack of cooperation through areas of the state will impact districts and that the rules must be carefully written to take this into consideration. Ms. Henshaw noted that the rule does provide flexibility in this area. Districts may obtain JAA from the Commission or NRCS and Rule 02 NCAC 59D.0108(f)(2) states that *“The District Board of Supervisors may request a one-year extension for their employees in meeting the Job Approval Authority requirement for extenuating circumstances.”*

**9. Request for Exception to Criteria for Extension of Previous Program Year Contracts Policy:**

Chairman Langdon recognized Ms. Julie Henshaw to present. Ms. Henshaw stated on June 30 of each program year all outstanding third-year contracts automatically expire and all funds encumbered to those contracts are returned to state accounts. This year these contracts are from Program Year 2016 and earlier, and some of these contracts should be extended an additional year. The current Commission policy is that if the request for payment is not received by the day before the July Commission meeting, a district supervisor must appear before the Commission to request an extension. The Division, with concurrence of the AgWRAP Review Committee for AgWRAP contracts, is requesting that the Commission waive the requirement that a supervisor attend the July Commission Meeting to request an extension for the following contracts:

- 2016 AgWRAP contracts for new ponds and pond repair/retrofits; supervisors do not need to appear in person to make the extension but submit a letter

- Projects identified by Technical Services engineers for projects where designs were not delivered in time to meet vegetative planting windows due to staff vacancies and increased workload.

**10. CREP Workgroup Report:** Chairman Langdon recognized Mr. Eric Galamb to present. Mr. Galamb stated his appreciation to Mr. David Smith for allowing us to tour his CREP project. CREP has 8,690 acres in permanent easements but currently only has 872 acres in existing buffer (forested area). The Program allows upgrades at a 1:1 ratio for the buffers (1 acre of existing buffer:1 acre of new land enrolled). There is a large discrepancy in the 1:1 ratio with approximately 800 acres of existing buffer vs. 8,000 acres of new enrollment acres, which equates to a 1:10 ratio. A CREP Workgroup was created and Commissioner Kilpatrick is the Chairman with all the regions represented to discuss the 1:1 policy. An agreement with the USDA Farm Service Agency (FSA) stated the Program ratio would be 1:1. The addition of existing buffers to the Program was meant to encourage landowners to upgrade from a 10 or 15-year contract to a permanent easement or from a 30-year contract to a permanent easement. The Program started to receive new applications for buffers greater than the 1:1 ratio of existing buffers. The CREP Workgroup recommends adopting Option 3 of the following three options:

- Option 1: Continue with the unlimited existing buffer until the Program achieves a 1:1 ratio
- Option 2: Implement a 1:1 ratio going forward
- Option 3: Use a 1:10 ratio with a 10% allowance so that the surveyors do not need to make another trip to adjust the easement area.

**Public Comments:** Chairman Langdon discussed an article entitled, “*USDA staff chief heads home, White House adviser joins team.*” Secretary of Agriculture Sonny Perdue’s chief of staff, Ms. Heidi Green, is moving back to Georgia, and Mr. Ray Starling will be the new USDA Chief of Staff. Chairman Langdon met with Mr. Starling in his office with the National Cattlemen’s Beef Association (NCBA) to push for funding for NRCS and the CREP Programs and discussed the weaknesses within NRCS.

Chairman Langdon thanked Director Cox for putting the tours together with Mr. Mann and for his efforts and relationships with the landowners.

**Adjournment:** Meeting adjourned at 8:23 p.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 July 18, 2018.***



**NORTH CAROLINA  
SOIL & WATER CONSERVATION COMMISSION  
BUSINESS MEETING MINUTES  
May 16, 2018**

Halifax County Agricultural Center  
Auditorium  
359 Ferrell Lane  
Halifax, NC 27839

Commission Members	Guests	Guests
John Langdon	Vernon Cox	Will Mann
Wayne Collier	David Williams	Keith Larick
Dietrich Kilpatrick	Julie Henshaw	Janine McLawhorn
Myles Payne	Helen Wiklund	Michael Shepherd
Derek Potter	Jeff Young	Rick McSwain
Mike Willis	Eric Pare	Louise Hart
	Eric Galamb	Brad Moore
Commission Counsel	Kristina Fischer	David Harris
Phillip Reynolds	Ralston James	Rodney Wright
	Bryan Evans	Jerry Raynor
	Charlie Bass	

Chairman John Langdon called the meeting to order at 9:04 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.

Commissioner Willis declared that he had a conflict of interest for Agenda Item 6B, which is part of the Consent Agenda, and will recuse himself. Mr. Reynolds stated Commissioner Willis can vote on the Consent Agenda, since the contracts are grouped together and Commissioner Willis will not receive funds from the contract. Chairman Langdon welcomed everyone to the meeting and thanked Halifax County Soil and Water Conservation District for their hospitality, along with Division Director Vernon Cox and his staff, Mr. Bryan Evans, and especially Mr. Will Mann for his work.

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

**2A. March 27, 2018 Work Session Meeting Minutes**

**2B. March 28, 2018 Business Meeting Minutes**

Commissioner Collier moved to approve the March 27, 2018 minutes and the corrected March 28, 2018 minutes and Commissioner Kilpatrick seconded. Motion carried.

**3. Division Report:** Chairman Langdon recognized Director Vernon Cox to present. Director Cox provided an update of the following:

- Personnel: Four new hires; new AgWRAP Coordinator starting May 29; Division is fully staffed
- Status of the PILOT Supervisor Training Program Update
  - Eight PILOT districts: 40 district supervisors participating; only 6 supervisors have not recorded any credits with two supervisors having hardship concerns or not planning to run for election again
  - Teleconference scheduled with the 8 PILOT counties in June to discuss training issues
- Nutrient Trading Strategy Update with regards to the Falls Lake and Jordan Lake Watersheds
  - Municipalities are approaching agricultural landowners to fund practices that would allow municipalities to generate credits towards nitrogen or phosphorus delivery reductions
    - On-going monitoring and discussions with the Division of Water Resources and the Farm Bureau; municipalities are very interested in this opportunity
    - Agricultural mandate should be removed so that agriculture can cooperate with municipalities to implement BMPs and improve water quality
  - General Assembly convenes today with the Division requesting two engineers and one engineer technician; Commissioner Troxler supports this request

Chairman Langdon stated a strategy plan must be in place with hurricane season less than a month away. Director Cox stated the challenge is responding in a timely manner and the rules are always changing. Chairman Langdon stated a former Commission member informed him that he dropped by the Soil and Water office unexpectedly and observed that everyone was happy and smiling and doing their work. Commissioner Collier applauded the efforts of Director Cox, Deputy Director Williams and the new technical employee in Cumberland County for working on their disaster relief payments. The district received good feedback. Commissioner Kilpatrick congratulated the Division on the great job of cleaning out the creek in Craven County.

**3B. Soil Health Initiative:** Area IV Soil Health Report presented by Mr. Will Mann.

- Growing interest in Area IV with soil health practices and non-traditional crops
- Important to look at specific practices to improve soil health in a short time; tests have been completed and been in touch with ARS, USDA and private entities
- Visited some no-till tobacco farms in Virginia and looked at their practices which can be duplicated in North Carolina
- Soil erosion control is one main objective along with the lack of soil organic matter, soil compaction, weeds, and low fertility in Halifax County
- Halifax County is concerned about the biggest problem on a farm
  - Cover crops will not work for every farmer; rotation is important to the farms

- Soil health is not just cover crops or no till; it is a holistic approach
- The various types and the most economical types of cover crops must be planted
- Thanked Ms. Michelle Lovejoy for the good work that has been done on the Soil Health Initiative by linking the district together with areas across the state, and hopefully, will present a video to the Commission and to Commissioner Troxler
- Discussed controlling weeds, the different species, and the use of sunn hemp
- North Carolina has the climate to grow anything
- Amount of organic production in Area IV is massive
- Soil temperature needs to be at 70F for 100% moisture for crops to grow

**4. Association Report:** Chairman Langdon recognized Commissioner Kilpatrick to present.

- Ms. Michelle Lovejoy gave a strategic report at the Work Session and will be holding retreats
- Conservation license plate is available
- UNC School of Government is working to get locations set for regional trainings in 2019
- North American Envirothon has raised \$70K; fundraising continues
- Farm family event is in progress

**5. NRCS Report:** Chairman Langdon recognized Mr. Jerry Raynor filling in for Mr. Tim Beard.

- DUNS and SAM registration are no longer required; national level decision
- DUNS and SAM registration are still required for entities participating in easement programs but not for landowners/farmers participating in EQIP
- Congressional rescission was handed down on all prior year funding allocated to NRCS, a few hundred million dollars is no longer available in the budget including prior year contracts, operational costs and agreements with partners; 45-day hold on all funding
- NRCS has less than 120 employees in North Carolina
- NRCS will hire 1,100 in field positions; North Carolina has been allocated 3 positions

Chairman Langdon stated a concern that the staff are well educated but inexperienced. They need training and experience to get the programs and money spent through our districts. Mr. Raynor stated certain staff will be able to be trained but some will not have the same level of field experience. NRCS is looking to the partnership to assist with training, since NRCS will not have the manpower. This is a national problem. On the topic of Job Approval Authority (JAA), Mr. Raynor stated you should not lose your Job Approval Authority (JAA) while waiting for the opportunity to demonstrate on-going competency to install a certain practice.

Chairman Langdon asked the staff if they have any questions for Mr. Raynor. A discussion began with Mr. Brad Moore from Alamance SWCD, who stated he has documentation that goes against what Mr. Raynor just stated about losing your Job Approval Authority (JAA). Mr. Moore encourages the leaders in the community, legislators, the Commission and the soil and water boards to look at making their own standard, which is equivalent to NRCS standards and work together to continue in a partnership. Mr. Raynor asked for Mr. Moore to provide the documentation on Job Approval Authority. Mr. Bryan Evans, Executive Director of the NC Association of Soil & Water Conservation Districts, added the national standard states after 3 years if an employee did not demonstrate working on the same practice, their Job Approval

Authority could be pulled (not automatically pulled). Mr. Moore added the districts would like to see a program where the Commission has control over granting JAA. The state of Virginia has control over their state funded program and for JAA for their technicians. Mr. Rodney Wright from Rockingham SWCD stated years ago while working in Stokes, he received Job Approval Authority (JAA) for commonly installed practices. When NRCS stated they had lost the JAA information from the NRCS database on Mr. Rodney Wright and Mr. Jason Byrd from Rockingham SWCD, everything changed. Director Cox stated the staff must excel and it starts with training and this issue must be fixed. Commissioner Kilpatrick stated this is not a locally-led organization, but rather being led from Washington.

Chairman Langdon stated during the Work Session, the Commission unanimously agreed that Mr. Phillip Reynolds will write a letter of support to Lincoln County with regards to the easement issue. Chairman Langdon spoke to Commissioner Willis, who was not in attendance at the Work Session, and Commissioner Willis shared his support of the letter. A copy of the letter will be sent to Mr. Tim Beard.

Chairman Langdon called an 8-minute break at 11:01 a.m. The meeting reconvened at 11:20 a.m.

**6. Consent Agenda:** Chairman Langdon asked for a motion.

**6A. Supervisor Appointments:**

- Lora Eddy, Dare SWCD, filling the unexpired elected term of Larry Bray for 2014-2018 with an attached resignation letter from Mr. Bray
- Tim J. Loflin, Davidson SWCD, filling the unexpired appointed term of Jerry H. Hilton for 2016-2020 with an attached resignation letter from Mr. Hilton
- Alton Ray Skinner, Edgecombe SWCD, filling the unexpired elected term of Rodger Grimes for 2014-2018 with an attached resignation letter from Mr. Grimes

**6B. Supervisor Contracts:** Seven contracts totaling \$21,639

**6C. Technical Specialist Designation:** Mr. Jeff Belflower, USDA, NRCS Civil Engineer

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

**7. Cost Share Program Rules:** Chairman Langdon recognized Ms. Julie Henshaw. Ms. Henshaw summarized the revisions proposed in the revised draft rules, recognized several Cost Share Committee members, and reviewed the timeline.

- All the Cost Share Program rules are now located in 02 NCAC 59D
- Rule 02 NCAC 59H Community Conservation Assistance Program (CCAP) is being repealed and incorporated into Rule 02 NCAC 59D
- Each program (ACSP, CCAP, AgWRAP) has separate allocation guidelines and procedures and they can be administered independently

- Technical Assistance rule changes were summarized with regards to performance, payment allocations and obtaining Job Approval Authority (JAA) for a minimum of two best management practices (BMPs)

Commissioner Potter stated there is a lot emphasis on Job Approval Authority (JAA) in the rules and there are issues with those requirements. There are some areas of the state that cannot obtain Job Approval Authority (JAA) in a timely manner due to inadequate training opportunities.

**8. Request for Exception to Criteria for Extension of Previous Program Year Contracts Policy:**

Chairman Langdon recognized Ms. Julie Henshaw. Ms. Henshaw stated referenced the Criteria for Extension of Previous Program Year Contracts policy. The Commission has recognized that some contracts should be extended for one year, but if a Request for Payment (RFP) is not received by the next Commission meeting on July 18, 2018, a supervisor must appear before the Commission and request an extension. The staff is requesting an exception to the policy for the supervisor to appear in person for two groups of contracts.

- AgWRAP contracts for new ponds and pond repair/retrofits projects
- Select Cost Share Program contracts based on the recommendation of the Technical Services Section staff due to delays from staff shortages and increased workload.

Ms. Henshaw stated if the exception is approved, a letter requesting an extension will be submitted to the Commission for the contracts from 2016 for the Commission's approval, but a supervisor would not be required to attend and make the requests for these specific contracts.

Chairman Langdon asked for a motion. Commissioner Collier moved to approve the request for exception and Commissioner Potter seconded. Motion carried.

**9. CREP Workgroup Report:** Chairman Langdon recognized Mr. Eric Galamb. Mr. Galamb thanked Mr. Smith and the staff for the farm visit and tour of Mr. Smith's CREP easement. Mr. Galamb provided an overview of the CREP Program.

- Program began in 1999, focusing on the Tar-Pamlico, Neuse, and Chowan river basins and the Jordan Lake watershed
- In 2008, participation eligibility was expanded into the Yadkin-Pee Dee river basin and the southeastern part of the state
- Program is voluntary with two different types of easements: 30-year easement and permanent easements
- Most of the current easements are in the Coastal Plain
- The overall program is below the allowed 1:1 ratio for existing forested buffer to new buffer acreage. A CREP workgroup was formed to make recommendations with regards to new acreage to existing buffer for CREP enrollments. Three options were presented and the workgroup recommends approving Option 3, i.e., no more than 10 acres of existing buffer can be enrolled for every acre of existing buffer enrolled into the program with a 10% ~~error~~ (flexibility) for survey results.

Chairman Langdon asked Mr. Will Mann for his opinion. Mr. Mann stated preserving the revenue and water quality aspects of the land, and the existing buffer would be best. CREP is a successful program. The 1:10 ratio would give some economic viability and generate interest.

Chairman Langdon asked for a motion. Commissioner Willis moved to adopt Option 3 and change the word *error* to *flexibility*. Commissioner Payne seconded. Motion carried.

**Public Comments:** Chairman Langdon stated the Commission and its members hold an elevated level of leadership. Chairman Langdon added he does not and the Commission does not intentionally want to have an image of being unapproachable. The district staff and supervisors are welcome to openly discuss issues. It is better to hear it from the grassroots; the Commission encourages the districts to come forward. The Commission is here to help a district employee/district supervisor.

Commissioner Willis stated as we work together with our partners in conservation, we are working towards getting new employees trained in Job Approval Authority (JAA)/IDPs. It is a slow process and probably 5+ years behind and this needs to be a priority. With technology and new conservation ways to assist our landowners, need to keep up with the new technologies and ideas, and build solid employees. Commissioner Willis appreciated Mr. Raynor coming and having an open discussion and working together to move our programs forward.

**Adjournment:** Meeting adjourned at 12 p.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 July 18, 2018.***



**NORTH CAROLINA  
SOIL & WATER CONSERVATION COMMISSION  
WORK SESSION MEETING MINUTES  
March 27, 2018**

NC State Fairgrounds  
Jim Graham Building – Gate 11  
Hall of Fame Meeting Room  
1025 Blue Ridge Road  
Raleigh, NC 27607

<b>Commission Members</b>	<b>Guests</b>	
John Langdon	Vernon Cox	Michelle Lovejoy
Wayne Collier	David Williams	Bryan Evans
Chris Hogan	Julie Henshaw	Joey Hester
Dietrich Kilpatrick	Kelly Hedgepeth	Tom Hill
Myles Payne	Helen Wiklund	Michael Shepherd
Derek Potter	Eric Pare	Sandra Weitzel
Mike Willis	Jeff Young	Rick McSwain
<b>Commission Counsel</b>	Kristina Fischer	Rob Baldwin
Phillip Reynolds	Ralston James	Joe Hudyncia
	Davis Ferguson	Chester Lowder
	Tom Ellis	Ken Parks

Chairman John Langdon called the meeting to order at 6:10 p.m. Chairman Langdon inquired whether any Commission members need to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. Chairman Langdon declared a conflict of interest for Agenda Item 9A and will recuse himself from that item. Chairman Langdon stated a vice chairman needs to be nominated to preside over Agenda Item 9A. Mr. Reynolds stated the Commission has chosen not to act on items in the work session, but it is appropriate to discuss potential nominations tonight for the vice chairman's position and vote on it tomorrow. Mr. Reynolds added Chairman Langdon will recuse himself and turn the meeting over to the presiding officer, if there is no objection based upon a consensus to handle the item. Chairman Langdon asked for a recommendation for vice chairman. Commissioner Hogan recommended Commissioner Collier as vice chairman and Commissioner Willis seconded. Commissioner Collier accepted the nomination as vice chairman.

Chairman Langdon welcomed everyone to the meeting. Chairman Langdon stated there is an ex-officio seat from the Commission that serves on the North Carolina Sedimentation Control Commission and a name must be brought forth tomorrow to fill the seat. Commissioner Collier recommended Commissioner Willis to serve and the Commissioners agreed. Mr. Reynolds stated tomorrow's agenda

does not have to be updated or reprinted. Tomorrow, during the Approval of the Agenda, the item can be added as an *“item noted,”* since only one person is interested in the seat. By consensus, the Commission will recommend to Governor Cooper to appoint Commissioner Willis to the North Carolina Sedimentation Control Commission. This is a 3-year term; when the member leaves the North Carolina Soil & Water Conservation Commission, a new member must be recommended.

1. **Approval of Agenda:** Chairman Langdon asked for comments on the agenda. Ms. Henshaw stated Agenda Item 9B will become part of Agenda Item 8B, since Mr. Charles Hughes is now a supervisor and no longer a Commission member. Mr. Reynolds stated it will be noted *“as is,”* since Mr. Hughes is no longer a member of the Commission.
2. **Reading of Statements of Economic Interests Evaluations:** Chairman Langdon recognized Mr. Phillip Reynolds. Mr. Reynolds stated that a couple of members have changed seats, i.e., the first vice chairman and the immediate past president, however, they do not have to have new evaluations of Statements of Economic Interests. Mr. Payne and Mr. Potter, as the new members to the Commission, will have their statements read into the minutes tomorrow. The Division will keep a copy of these records on file.
3. **Approval of Meeting Minutes:** Chairman Langdon asked for comments on the minutes. None were declared.

**3A. January 7, 2018 Work Session Meeting Minutes**

**3B. January 7, 2018 Business Meeting Minutes**

4. **Election of Vice Chairman:** This item was handled at the beginning of the meeting.
5. **Division Report:** Chairman Langdon recognized Director Vernon Cox to present. Director Cox stated the report will be presented at the Business Meeting tomorrow. A copy of the report is included as an official part of the minutes.
6. **Association Report:** Chairman Langdon recognized Commissioner Kilpatrick to present. Commissioner Kilpatrick stated the report will be presented at the Business Meeting tomorrow. A copy of the report is included as an official part of the minutes.
7. **NRCS Report:** Chairman Langdon asked if Mr. Tim Beard, State Conservationist, will be present at the Business Meeting tomorrow. Director Cox stated Mr. Beard will be in attendance to present and provided the report.

Chairman Langdon shared a blog from NACD by Laura Demmel written on March 19, 2018, which is titled, *“Conservation Districts Key in the Agricultural Sustainability Conversation.”* The blog stated, *“From the farm level to the retailer, companies, and organizations are assessing how to best measure the sustainability of food and agricultural products produced at every point in the supply chain. Conservation districts have the opportunity to enter into the conversation on the farm and ranch level.”*

8. **Consent Agenda:** Chairman Langdon recognized Mr. Eric Pare and Ms. Kelly Hedgepeth to present. A copy of the report is included as an official part of the minutes.

**8A. Supervisor Appointments:** Mr. Pare presented three recommendations.

- Lloyd K. Ransom, Columbus SWCD, filling the unexpired appointed term of Bobby N. Stanley, who passed away; attached is a resignation letter from Mr. Ransom resigning from his elected term to fill the vacant appointed term for 2016-2020
- George B. Belflower Jr., Rutherford SWCD, filling the unexpired elected term of Dewalt Koone for 2014-2018 with an attached resignation letter from Mr. Koone
- Peter T. Hight, Warren SWCD, filling the unexpired elected term of Leonard J. Killian, who passed away for 2014-2018

**8B. Supervisor Contracts:** Ms. Hedgepeth stated the blue sheet for Item 8B has an additional contract from Polk County. With the additional contract from Mr. Charles Hughes, which has moved from Agenda Item 9B to 8B, there are now 11 contracts totaling \$53,366. Mr. Hughes will update Form 1A to Form 1B.

9. **Commission Member Contracts:** Chairman Langdon recognized Ms. Kelly Hedgepeth to present. A copy of the report is included as an official part of the minutes.

**9A. Consideration of an ACSP Contract for John Langdon:** Chairman Langdon recused himself and Commissioner Collier presided over Agenda Item 9A. Ms. Hedgepeth presented a Commission member contract for Chairman Langdon. Form 1A was filled out for approval which will be signed by the Commissioner of Agriculture and the vice chairman once approved. The contract is in order.

Chairman Langdon resumed presiding over the meeting.

**9B. Consideration of an ACSP Contract for Charles Hughes:** This item was handled with Agenda Item 8B.

10. **District Supervisor Conditional Appointments:** Chairman Langdon recognized Mr. Eric Pare to present. A copy of the conditional appointments is included as an official part of the minutes.

**10A. 2017 Conditional Appointments Status:** Mr. Eric Pare presented a blue sheet for Item 10A for conditional supervisor appointments for the following list of supervisors that received conditional appointment between May 2016 and February 1, 2017.

Conditional appointment date	SWCD	First name	Last name	2018 SOG attendance
November 2016	Bladen	Albert C.	Beatty	2 <sup>nd</sup> extension
November 2016	Gaston	Robin	Armstrong	2 <sup>nd</sup> extension
November 2016	Hertford	Clint	Brinkley	attended
November 2016	Martin	Corris J.	Jenkins, III	attended
November 2016	Richmond	William	Thompson	
November 2016	Rutherford	Bill	Eckler	2 <sup>nd</sup> extension
November 2016	Union	Edward B.	Staton	attended
January 2017	Gaston	Kevin	Mauney	2 <sup>nd</sup> extension
January 2017	Pitt	Carl	Briley	2 <sup>nd</sup> extension

The Commission granted extension requests on March 15, 2017. Mr. Pare contacted the districts to get the extension letters; the supervisors were not contacted directly. Chairman Langdon stated the Commission should approve each supervisor. Director Cox stated a one-day regional training will be available in 2019. The supervisors will be approved for a one-year extension, and the Division will follow-up with Mr. Thompson. Deputy Director Williams stated this is not the first time that supervisors have been given an extension. This is the first time these appointments would automatically terminate, if the training is not completed. Previously, the Commission would not consider the supervisors for reappointment. Now, these appointments are conditional upon attending the UNC-SOG training. This change was made in 2016. Commissioner Collier stated each supervisor should be notified in November to register for the upcoming training in February. Chairman Langdon stated newly-appointed supervisor, Don Rogers, with Johnston County has completed 18 hours of training in two months since being appointed, including the required School of Government training. Mr. Pare will follow-up with Mr. Thompson and the Commission can only approve the extension requests received. The Commission deferred action on Mr. Thompson until the May meeting—not granting him an extension. Mr. Thompson will continue to serve until the May meeting at which time the Commission will take action. The three supervisors that attended the UNC-SOG will be fully appointed.

**10B. 2018 Extension Requests:** Mr. Pare stated 29 supervisors were conditionally appointed upon completing the UNC-SOG training and 18 supervisors attended the training and should be considered fully appointed. The remaining 10 supervisors will require the Commission's action, if their terms are to be extended. Mr. Matthew Reynolds never responded to supply an extension letter. Chairman Langdon suggested each supervisor should appear in person and explain their reason for an extension request. Commissioner Collier agreed the supervisor should appear before the Commission, especially when a second extension is requested. Mr. Reynolds will be notified of his deferment and 18 supervisors will be granted an extension.

Chairman Langdon thanked Mr. Pare.

**11. Agriculture Cost Share Program Supplemental Allocation:** Chairman Langdon recognized Ms. Kelly Hedgepeth to present. A copy of the allocation is included as an official part of the minutes. Ms. Hedgepeth presented a blue sheet that replaced Item 11. In the future, a report will confirm all applications that were submitted were received and correct. The total amount is for a proposed allocation of \$385,418. Commissioner Collier stated Martin County has requested additional funds and received those funds. Ms. Hedgepeth asked for a Just-in-Time Allocation for additional funds. Presently, the Division does not have unobligated cost share funds. However, if funds are returned, those funds can be reallocated through the end of May or the Commission can wait until next year. The Division provides Just-in-Time Allocations for the other programs but not for ACSP. Commissioner Collier stated the Commission should approve the Just-in-Time Allocations for ACSP funds that are returned. Commissioner Willis added we need to lessen the future allocation penalty; the allocation should not hurt the district.

**12. Agricultural Water Resources Assistance Program Regional Applications:** Chairman Langdon recognized Ms. Julie Henshaw to present. A copy of the report is included as an official part of the minutes. Ms. Henshaw stated our internal staff reviewed 31 applications and three were withdrawn by the applicant leaving 28 for review. This is the second batching period of the year, and there is approximately \$370,000 in funds to award. There are 14 applications for recommendation of funding from 10 districts. These recommended applications are those that have the highest-ranking scores. During this regional application period, there were no irrigation conversion systems application submitted; only pond repair/retrofits and new ponds applications were received.

**13. Disaster Response Program:** Chairman Langdon recognized Deputy Director David Williams to present. A copy of the report is included as an official part of the minutes.

**13A. Program Update:** Deputy Director Williams stated the update will be presented tomorrow.

**13B. Consideration of Increasing the Cap on Disaster Pond Repair:** The Commission approved a cap of \$50,000 for pond repair contracts. Contracts above \$50,000 would be reviewed by the Commission on a case-by-case basis. With more than half of the applications over \$50,000, the Division is recommending an increase to \$100,000. There are 10-15 contracts out of 91 contracts that would exceed the \$100,000 threshold. Director Cox stated the Division is only looking at a preliminary cost estimate for these repairs. Deputy Director Williams stated there is \$7.2M available to be allocated for pond repair. The average estimated repair cost is \$217,000 with \$21,500 for engineering services.

**14. Technical Specialist Training Update:** Chairman Langdon recognized Mr. Jeff Young to present. A copy of the report is included as an official part of the minutes. Mr. Young discussed the new course required for technical specialists on the topic of NC Rules and Regulations Governing Animal Waste. A 2-hour course on this topic was created by Michael Shepherd in conjunction with the Division of Water Resources (DWR). Two individual who received conditional approval for technical specialist designations in January 2018 the attended the training offered on March 15, 2018 in Raleigh. Both individuals have now met all the requirements for their technical specialist designation. Mr. Young gave an update on the status of the Technical Specialist Continuing Training Workgroup and asked for the Commission's consent to proceed with the Workgroup's recommendations.

Chairman Langdon called for a break at 7:44 p.m. The meeting reconvened at 7:55 pm.

**15. Nutrient Sensitive Watershed Annual Agricultural Reports:** Chairman Langdon recognized Mr. Joey Hester to present. A copy of the report is included as an official part of the minutes. Mr. Hester stated there are four major watershed reports. There are some 25 years of regulations that go into the rules, i.e., the development and the implementation of the rules and how the mandates are met. All four basins are meeting the mandates. The agricultural community will be impacted by the mandates, primarily in the Falls Lake and Jordan Lake Watersheds.

**16. District Issues:** Chairman Langdon recognized Ms. Kelly Hedgepeth.

**16A. Consideration for ACSP Contract on Local Government Land 02NCAC 59D.0101(h):** Ms. Hedgepeth stated contract 85-2018-001-12 is for \$5,670.00. It is for a stream restoration practice, which the district will install in Little Snow Creek. Ms. Hedgepeth stated Mr. Marvin Cavanaugh will be in attendance tomorrow from Stokes Soil & Water Conservation District as well as a staff member. There is an easement on the property, and by statute, the district must ask for the Commission's approval, according to 02 NCAC 59D.0105(h).

**Public Comments:** Mr. Rob Baldwin stated his predecessor, Mike Pardue and Michelle Lovejoy, Executive Director with the NC Foundation for Soil and Water Conservation, entered into an agreement between NRCS, the NC Foundation for Soil and Water Conservation and the Wilkes Soil and Water Conservation District. The agreement supplied money from NRCS National Water Quality Initiative (NWQI) to do a watershed study. The initial grant was for approximately \$45,000, which was to pay the salary for a watershed coordinator. Mr. Baldwin provided several highlights from the grant:

- A forestry workshop will be conducted to address conservation issues
- Drones are the future to show conservation applications and the changing landscape
- Employed a student at Appalachian State University as a technical writer
- Requesting CWA 319 grant monies to clean up a tributary within the watershed
- Working with Phillip Trew with High County Council of Governments to apply for a 205-J Grant to pursue 319 monies for the Reddies River and Yadkin River intersection
- Generated a 147-page Watershed Study that Perdue University is using as a model
- Received an \$865,000 grant through NRCS National Water Quality Initiative (NWQI), which will be used through EQIP to fund various Best Management Practices (BMPs)
- Employed a Watershed Contractor, Swan Creek Solutions, to contract these funds

Chairman Langdon stated the Resource Institute is compiled of NRCS employees that have retired and are working for Resource Institute.

Mr. Baldwin stated employees no longer have Job Approval Authority (JAA) and Certified Conservation Planner (CCP) credentials after retirement and NRCS is not hiring the technical staff back.

Chairman Langdon stated the weaknesses are known within NRCS, and there is a need to maintain relationships and keep an open communication.

Commissioner Willis stated Wilkes County has very effective district employees. The money goes through the district and gets to landowners and farmers; new partnerships create these projects. Wilkes District goes above and beyond to put the funds on the ground.

Ms. Michelle Lovejoy stated The Foundation stands to help all the partners by looking at all the factors. One item of interest is targeted conservation, which is being discussed on a national scale and has come up when The Foundation did a strategic plan and is coming up in this strategic plan.

This watershed will be interesting to watch over the next 10-15 years. The watershed is in a unique position. The headwaters are at the Blue Ridge Parkway continental divide, which goes into state park land, game lands, agricultural lands and a small municipality for drinking water. Definitive water quality improvements can be achieved by doing what conservation districts do best.

Director Cox stated this is an intensive watershed project, and it will do some good work.

Commissioner Collier stated while attending two Area Meetings there is a concern about the CREP Program's land rental rates. The land rental rates are very low in some counties and high in other counties, as a tobacco or potato producer. There is a big discrepancy where the land rental rates are twice as high in some areas, which would be way over the \$150 cap. FSA sets the land rental rates, and part of the rates are based on the National Statistical Surveys.

Chairman Langdon added the rates may be high due to the impact on erosion.

Deputy Director Williams stated the land rental rates can be \$20-\$30/county up to \$100-\$150/county with the local rental rates are set at the county level but the cap is set at the state level.

Commissioner Collier added to check the conservancy because they pay more money, if someone is interested in the CREP Program.

Commissioner Willis stated the \$100-\$150 rental rates are being paid in Wilkes County.

Chairman Langdon noted the absence of Charles Hughes and Ben Knox and welcomed Derek Potter and Myles Payne and glad to see Kristina Fischer and Bryan Evans.

**Adjournment:** Meeting adjourned at 8:26 p.m.



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



Helen Wiklund, Recording Secretary

***These minutes were approved by the North Carolina Soil & Water Conservation Commission on May 16, 2018.***



**NORTH CAROLINA  
SOIL & WATER CONSERVATION COMMISSION  
BUSINESS MEETING MINUTES  
March 28, 2018**

NC State Fairgrounds  
Jim Graham Building – Gate 11  
Hall of Fame Meeting Room  
1025 Blue Ridge Road  
Raleigh, NC 27607

<b>Commission Members</b>		
John Langdon	Jeff Young	Michelle Lovejoy
Wayne Collier	Kristina Fischer	Tim Beard
Chris Hogan	Ralston James	Lisa Fine
Dietrich Kilpatrick	Bryan Evans	Ken Parks
Myles Payne	Helen Wiklund	Joey Hester
Derek Potter	Eric Pare	Rick McSwain
Mike Willis	Sandra Weitzel	Michael Shepherd
<b>Commission Counsel</b>	Louise Hart	Joe Hudyncia
Phillip Reynolds	Rob Baldwin	Tom Hill
<b>Guests</b>	Davis Ferguson	Keith Larick
Vernon Cox	Tom Ellis	Jason Byrd
David Williams	David Harris	Brad Moore
Julie Henshaw	Michele Raquet	Rodney Wright
Kelly Hedgepeth	Marvin Cavanaugh	Tom Smith

Chairman John Langdon called the meeting to order at 9:00 a.m. Chairman Langdon inquired whether any Commission members need to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. Chairman Langdon declared that he had a conflict of interest for Agenda Item 9A and will recuse himself. Chairman Langdon stated the Commission will elect a new vice chairman, since Commissioner Knox's position has been replaced. The vice chairman will preside over Agenda Item 9A.

Chairman Langdon welcomed everyone to the meeting along with Commissioner Potter and Commissioner Payne to the Commission. Mr. Payne thanked the Commission for the opportunity to serve.

Chairman Langdon asked Mr. Reynolds to explain Agenda Item 9B with regards to the contract submitted by Mr. Hughes, a former Commission Member. Mr. Reynolds stated Agenda Item 9B is being removed from the agenda and being added to Agenda Item 8B. At the time the contract was submitted,

Mr. Hughes was a Commission Member, which required additional approval from the Commission and Commissioner of Agriculture. Since Mr. Hughes has been replaced by Commissioner Potter, and Mr. Hughes is still a district supervisor, Agenda Item 9B will be handled with all the other supervisor contracts within the Consent Agenda.

Chairman Langdon stated after a new vice chairman is elected, the Commission Members will discuss the nomination of a representative from the Soil and Water Conservation Commission to sit on the North Carolina Sedimentation Control Commission. With Mr. Hughes having served on the North Carolina Sedimentation Control Commission, the seat is vacant now, and his replacement will be under consideration by Governor Cooper. This will be added as Agenda Item 4A.

1. **Approval of Agenda:** Chairman Langdon asked for a motion to approve the agenda. Commissioner Collier moved to approve the amended agenda and Commissioner Hogan seconded. Motion carried.
2. **Reading of Statements of Economic Interests Evaluations:** Chairman Langdon recognized Mr. Phillip Reynolds. Mr. Reynolds stated the Statements of Economic Interests have been received for Mr. Payne and Mr. Potter. The Governor's Office sent the paperwork to the Division where it will be kept on file. By statute, portions of the letter must be read into the minutes and available upon request.

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

*Our office is in receipt of Mr. Myles G. Payne's 2018 Statement of Economic Interest as a prospective appointee to the Soil and Water Conservation Commission. We have reviewed it for actual and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.*

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

*Mr. Payne will fill the role of First Vice President of the North Carolina Association of Soil and Water Conservation Districts on the Commission. Mr. Payne owns Payne Dairy, Inc. He is Vice Chairman of the Alexander County Soil and Water Conservation District and a board member of the North Carolina Farm Bureau. As such, he has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should issues involving his farm, his district or the Farm Bureau come before the Commission for official action.*

*Pursuant to N.C.G.S. 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. 138A-24(e) with regards to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the State Government Ethics Act.*

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

*Our office is in receipt of Mr. Benjamin D. Potter's 2018 Statement of Economic Interest as a prospective appointee to the Soil and Water Conservation Commission ("the Commission"). We have reviewed it for actual*

*and potential conflicts of interest pursuant to Chapter 138A of the North Carolina General Statutes ("N.C.G.S."), also known as the State Government Ethics Act.*

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

*Mr. Potter will fill the role of a representative from the coastal region. Mr. Potter is the President of B. D. Potter Farms, Inc. He is also Director with AgCarolina Farm Credit. As such, he has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should issues involving his farm or AgCarolina come before the Commission for official action.*

*Pursuant to N.C.G.S. 138A-15(c), when an actual or potential conflict of interest is cited by the Commission under N.C.G.S. 138A-24(e) with regards to a public servant sitting on a board, the conflict shall be recorded in the minutes of the applicable board and duly brought to the attention of the membership by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the State Government Ethics Act.*

Chairman Langdon thanked Mr. Reynolds.

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

**3A. January 7, 2018 Work Session Meeting Minutes**

**3B. January 7, 2018 Business Meeting Minutes**

Commissioner Hogan motioned to approve the minutes and Commissioner Kilpatrick seconded. Motion carried.

**4. Election of Vice Chairman:** Chairman Langdon called for a nomination and motion for a member of the Commission to serve as the vice chairman of the Soil and Water Conservation Commission. Commissioner Hogan nominated Commissioner Collier as vice chairman and Commissioner Willis seconded. Motion carried.

**4A. Nomination of Representative to the North Carolina Sedimentation Control Commission:** Chairman Langdon called for a nomination and motion for a representative to serve on the North Carolina Sedimentation Control Commission and to provide a recommendation to Governor Cooper for appointment. Commissioner Collier motioned to nominate Commissioner Willis as the representative and Commissioner Hogan seconded. Motion carried.

**5. Division Report:** Chairman Langdon recognized Director Vernon Cox to present. A copy of the report is included as an official part of the minutes. Director Cox congratulated the new members to the Commission and congratulated Chairman Langdon on his reappointment as Chairman of the Commission for the next three years. Director Cox stated the building we are meeting in is the location of the North Carolina Association of Soil and Water Conservation Districts Hall of Fame. The pictures of the people on the walls are a reminder of the good work that has been accomplished in North Carolina for soil and water conservation.

- Personnel Updates – New Hires and Vacancies
  - Program Assistant IV - Heather Reichert filling Dottie Jones' position
  - CREP Survey Technician – Ben Wilkins starting April 9
  - Cost Share Administrative Assistant II – Paula Day starting April 9

- Environmental Specialist (AgWRAP) – vacant
- Administrative Assistant (Time-Limited) - vacant
- Pilot Supervisor Training Program Update
  - Twenty district supervisors achieved the 6-hour training requirement as of March 1, 2018
  - Drew Brannon (Henderson SWCD) and Donald Rogers (Johnston SWCD) achieved 18.25 STCs
  - All five district supervisors in New Hanover SWCD achieved 6+ STCs
- Established an Ad Hoc Workgroup to address issues related to Districts utilizing non-program funds for cost share.
- Soil & Water Cost Share Rules 02 NCAC 59D Update
  - If approved, the rules will become effective in 2018 but the first allocation using the new rules will not occur before July 1, 2019
- May 16, 2018 is the next Soil and Water Conservation Commission Meeting being held in the Halifax District Office. On the afternoon of May 15, 2018, we will have a field tour to visit CREP sites and see the innovative conservation cover practices being implemented. We have met with representatives from the Soybean Growers Association, Cotton Growers Association and NC State University, who are interested in this practice. The NC Foundation of Soil and Water Conservation is seeking funding for some demonstration projects for this practice
  - Mr. Cox also updated the Commission on a recent meeting with Mr. Roian Atwood, sustainability director of Wrangler Jeans. Wrangler is interested in soil health and demonstrating that their production process and supply chain are sustainable.
  - Ms. Michelle Lovejoy, executive director of the NC Foundation of Soil and Water Conservation, Mr. Bryan Evans, executive director of the NC Association of Soil and Water Conservation Districts, Mr. David Parrish, chief executive officer of the Cotton Growers Association, and Mr. Vernon Cox, director of the Division of Soil and Water Conservation, met with Mr. Roian Atwood in February and explained the opportunity to aid farmers and promote conservation and soil health among North Carolina cotton growers.
  - Mr. Atwood is also a former participant in the Envirothon

Chairman Langdon shared a blog from NACD which stated, *“Conservation Districts Key in the Agricultural Sustainability Conversation”* by Laura Demmel sent out on March 19, 2018 wrote, *“From the farm level to the retailer, companies, and organizations are assessing how to best measure the sustainability of food and agricultural products produced at every point in the supply chain. Conservation districts have the opportunity to enter into the conversation on the farm and ranch level.”* Chairman Langdon stated it is important to have these conversations and for the Commission to go on these field trips to help understand these new opportunities.

Mr. Cox stated many corporations are looking at their sustainability needs and analyzing their supply chain.

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

- Strategic Planning/Long Range Visioning Update

- Participated in a series of surveys provided by the NC Foundation of Soil and Water Conservation as part of their long-range vision plan
  - District dues at 100% for 2017
  - Conservation license plates still available
  - Eight partners participated in the NACD Fly-In and met 13 representatives and 2 senators
  - Conservation Action Team (CAT) welcomes Mr. Tyler Ross, Madison SWCD, replacing Mr. Rick McSwain, who retired from Lincoln SWCD and is working for the Division
  - Supervisor training pilot is underway. We will look to continue to improve that program as we go further along.
  - Commissioner Kilpatrick mentioned his ongoing emphasis on improving involvement of District Supervisors at Area and Annual meetings. One initiative that he is working on is to coordinate with the First Vice-President and Second Vice-President of the Association to attend district meetings in their region and emphasize the importance of District Supervisor involvement.
  - NC is hosting the 2019 NA Envirothon and the Association has collected approximately one-third, or \$60,000, of the budget
  - During the NACD Fly-In, we met with Under Secretary Bill Northey who has tentatively agreed to speak at the 2019 Annual Meeting
  - Mr. Bryan Evans stated the Association has not fully moved to just asking for those interested in the license plates as funds are still being collected and the Department of Agriculture's Public Affairs Division will help to publicize where to get the form
- 7. NRCS Report:** Chairman Langdon recognized Mr. Tim Beard, State Conservationist, to present. A copy of the report is included as an official part of the minutes.
- Under Secretary Bill Northey has been confirmed; a former supervisor and former Secretary of Agriculture of Iowa and invited Mr. Beard's counterpart in Iowa to be a special assistant in Washington
  - Secretary Perdue has announced a reorganization which includes multiple agencies under one umbrella called Farm Production and Conservation (FPAC) with a goal to organize this business center by September 30, 2018
  - New web site launched for farmers
  - Secretary Perdue has emphasized improved customer service. Employees will be allowed to telework no more than one day a week
  - Mr. Leonard Jordan is still the Acting Chief for NRCS
  - On a national level, NRCS is being allowed to fill 150 positions. This includes 3 positions that are to be filled in North Carolina
    - Our state engineer has moved to the national office; our priority is to fill that position; two supervisor soil conservationist positions have been advertised
  - Deploying 150 new computers state-wide to NRCS and district employees
  - NRCS is working on the partnership MOU and finalizing the document
  - Mr. Kent Clary, state soil scientist, is retiring which will have an impact in the state due to lack of staff

Chairman Langdon stated he received a couple of telephone calls from a former Commission Member, who is currently a district supervisor. The former Commissioner claims that he is being discriminated against; he is not eligible to participate in the easement program due to a

conflict of interest. NACD approved a resolution on this issue; however, Washington (USDA NRCS) has maintained that it is a conflict of interest for a district to hold an easement on property owned by a district supervisor. The pioneer of Soil and Water Conservation, Hugh Hammond Bennett, put this program together for farmers to showcase good soil and water conservation and for those supervisors to lead by example. It puts the supervisor in a place where he cannot participate in these programs. Mr. Beard stated it is a concern, which is being worked through by addressing the rules and appeals process.

Chairman Langdon asked for an update on the Omnibus Appropriations Bill. Mr. Beard stated there is some certainty with what our budget/allocation will be but NRCS does not have a full budget yet.

- 8. Consent Agenda:** A copy of the report is included as an official part of the minutes.

**8A. Supervisor Appointments:**

- Lloyd K. Ransom, Columbus SWCD, filling the unexpired appointed term of Bobby N. Stanley, who passed away; attached is a resignation letter from Mr. Ransom resigning from his elected term to fill the vacant appointed term, for 2016-2020
- George B. Belflower Jr., Rutherford SWCD, filling the unexpired elected term of Dewalt Koone for 2014-2018 with an attached resignation letter from Mr. Koone
- Peter T. Hight, Warren SWCD, filling the unexpired elected term of Leonard J. Killian, who passed away, for 2014-2018

**8B. Supervisor Contracts:** Ms. Hedgepeth stated there are nine contracts totaling \$40,189 with an additional page with 10 contracts totaling \$52,189.

Chairman Langdon asked for a motion on the consent agenda. Commissioner Hogan motioned to approve the consent agenda and Commissioner Payne seconded. Motion carried.

- 9. Commission Member Contracts:** Chairman Langdon recused himself from Item 9A. Vice Chairman Collier recognized Ms. Kelly Hedgepeth to present. A copy of the report is included as an official part of the minutes.

**9A. Consideration of an ACSP Contract for John Langdon:** Ms. Hedgepeth stated Contract #51-2018-408-09 for Chairman John Langdon for a non-field farm road repair is in order. By statute, cost share contracts with Commission members must be approved by both the Soil and Water Conservation Commission and by the Commissioner of Agriculture.

Vice Chairman Collier called for a motion. Commissioner Hogan motioned to approve the contract and Commissioner Willis seconded. Motion carried.

- 10. District Supervisor Conditional Appointments:** A copy of the appointments is included as an official part of the minutes.

**10A. 2017 Conditional Appointments Status:** Chairman Langdon stated he received the letters from the supervisors from Macon SWCD and Richmond SWCD; they were mailed to his farm

office. Mr. Reynolds stated the supervisor from Macon SWCD was requesting his first extension request, which is Item 10B, and there are additional extension requests under Item 10A. Mr. Thompson did not attend the required training and did not submit an extension letter. The staff was asked during the work session to get additional information from Mr. Thompson to consider his appointment at the next meeting. Chairman Langdon stated there should not be any reason for deferment. Mr. Reynolds stated that would be fully appropriate to consider Mr. Thompson's extension request with the others in Item 10A and the supervisor in Macon SWCD in Item 10B.

Mr. Pare stated letters will be sent out to those supervisors who are still conditionally appointed and those supervisors that did attend UNC-SOG are fully appointed.

Chairman Langdon called for a motion. Commissioner Potter motioned to approve the conditional appointments and Commissioner Payne seconded. Motion carried.

**10B. 2018 Extension Requests:**

Chairman Langdon called for a motion. Commissioner Potter motioned to approve the extension requests and Commissioner Kilpatrick seconded. Motion carried.

- 11. Agriculture Cost Share Program Supplemental Allocation:** Chairman Langdon recognized Ms. Kelly Hedgepeth to present. A copy of the allocation is included as an official part of the minutes.

Ms. Hedgepeth stated the allocation totals \$385,418. The same allocation parameters were used that were used at the beginning of the fiscal year to allocate the funds to the districts. The districts met the 75% encumbrance requirement per Commission policy for supplemental allocations.

Chairman Langdon called for a motion. Commissioner Willis motioned to approve the ACSP supplemental allocation and Commissioner Hogan seconded. Motion carried.

Ms. Hedgepeth asked for a Just-in-Time Allocation for any funds that are canceled from this point to the remainder of the year to allocate the contracts that are encumbered.

Chairman Langdon called for a motion. Commissioner Collier made a motion to approve the Just-in-Time Allocation and Commissioner Hogan seconded. Motion approved.

- 12. Agricultural Water Resources Assistance Program Regional Applications:** Chairman Langdon recognized Ms. Julie Henshaw to present. A copy of the applications is included as an official part of the minutes.

Ms. Henshaw stated there are 14 applications for approval to proceed to contracting. The applications have been reviewed by the internal review team within the Division and the AgWRAP Review Committee. The applications are for seven new ponds and seven pond repair retrofits. There are seven applications in the western region, six in the central region and one in the eastern region. Only one application was received in the eastern region due to the amount of work required for the Disaster Response Program. The Division received 31 applications in

Batch 2, which totals over \$800,000 with only approximately \$370,000 to award. From the 31 applications, three applications were withdrawn by the applicants and 28 are being considered for funding. It is recommended that the highest-ranking projects be funded, which is half of the ones submitted.

Chairman Langdon called for a motion. Commissioner Payne motioned to approve the AgWRAP regional allocations and Commissioner Kilpatrick seconded. Motion carried.

- 13. Disaster Response Program:** Chairman Langdon recognized Mr. David Williams to present. A copy of the report is included as an official part of the minutes.

**13A. Program Update:** Deputy Director Williams stated the presentation was given before the House Disaster Response Oversight Committee. The figures shown are a breakdown of the allocations of the disaster response funding, which the Commission approved and was stated by the General Assembly specifically with a cap of \$1M for pasture renovation for drought response. The Commission determined how the remaining \$32.2M would be divided. A map of the counties in blue were eligible for Hurricane Matthew disaster relief, which includes pond repair, stream debris removal, and non-field farm road repair, and the counties in brown in the west were eligible for drought response which includes pasture renovation. The statute required the Division to coordinate with various federal programs that the funds are expended that does not affect any person's eligibility for federal funding nor to use state funds to cover costs that can be covered by federal funds. The Division is coordinating with all agencies to not duplicate efforts.

The largest program is the Stream Debris Removal Program with over \$36M requested with the Division allocating \$20.23M to 51 local projects in 38 counties, with those projects pledging over \$1M in match. The Division has approved over \$2.7M in payments on 25 projects affecting over 400 miles and the removal of 117 beaver dams. The Commission has allocated \$1.5M for non-field farm roads to 22 districts with 200 applications received and 120 cost share contracts approved for \$444,362. The Division has paid out \$187,868 on 55 completed contracts. The Commission authorized Just-in-Time Allocations for requests more than the initial allocations. The Division is not aware of new applications and may propose to switch some of those unallocated funds available for additional stream debris work.

For agricultural pond repairs, there are 91 applications received. Resource Institute has been hired to do the engineering assessments for these ponds and complete repairs. Payments for repairs have been made on two ponds. A couple of counties chose not to participate in the Emergency Conservation Program (ECP). Based on preliminary cost estimates from Resource Institute, the average pond repair cost is \$217,000, the average engineering cost is \$21,500, and the range for repair costs is \$22,000-\$659,000. State funding is also available to supplement the Emergency Conservation Program (ECP). One statutory concern presented to the General Assembly is the statutory limit on AgWRAP payments to an individual applicant (\$75,000/individual/year). Based on cost estimates in the engineering assessments completed

thus far, over 40% of the pond repairs will require cost share amounts above \$75,000. In those cases, these payments will have to be spread out over multiple years, possibly as many as three. The Division has requested from the General Assembly a special provision to suspend the annual payment cap or raise it to \$200,000 for this program.

In July the Commission approved the Drought Pasture Renovation Practice, and it allocated \$1 million to 18 districts requesting an allocation. Some districts did not encumber all their allocation to contracts by December 1, 2017. The Division used the unencumbered funds for Just-in-Time Allocation to districts who needed additional allocation. A total of 203 contracts have been approved for repairs on 3,702 acres. Pasture renovation has been completed on 1,268 acres.

Commissioner Kilpatrick thanked Deputy Director Williams for the Division's work on stream debris removal in the east; there have been many complaints but now the district is receiving thank yous. Deputy Director Williams stated letters of appreciation are being compiled for the General Assembly and can be mailed to the Department and the Commissioner of Agriculture. Commissioner Potter agreed with Commissioner Kilpatrick and stated Pamlico's County Manager sent a message that local landowners are very appreciative. Chairman Langdon stated it is important to be more athletic and nimble; hopefully, another disaster does not hit the state before we finish the practice. Chairman Langdon stated North Carolina should be a role model and impress our legislators.

**13B. Consideration of Increasing the Cap on Disaster Pond Repair:** Deputy Director Williams stated the cap approved in January 2017 on pond repair contracts that the Division could approve was \$50,000. The engineering assessments completed to date indicate that 50% or more of the repair projects will involve cost share greater than \$50,000. The Division recommends increasing the cap to \$100,000. The Commission could still consider any above this amount, as they will be exceptional cases.

Chairman Langdon called for a motion. Commissioner Hogan motioned to approve increasing the cap to \$100,000 and Commissioner Payne seconded. Motion carried.

Chairman Langdon thanked Deputy Director Williams. Chairman Langdon called a break at 10:32 a.m. The meeting reconvened at 10:42 a.m.

**14. Technical Specialist Training Update:** Chairman Langdon recognized Mr. Jeff Young to present. A copy of the report is included as an official part of the minutes.

Mr. Young assembled a technical specialist workgroup from the public and private sector and discussed ideas on how to set up the training process, course credits, deadlines and approval process. The workgroup discussed recommendations including if an individual could complete all 6-hours of required training in a single year. The deadline date (December 31) for training

requirements would be the same for all technical specialists with no staggered dates based on when SWCC approved the designation, and offer a 30-day grace period to appeal, if the training had not been completed, e.g., hardship cases may come before the Commission. The workgroup seeks the Commission's approval to delegate their authority so the workgroup can review materials and determine if a training course is qualified or not qualified rather than bringing it before the Commission. The timeline is to have the 3-year clock start on January 1, 2019 and start the 6-hours of training with an on-line database. It is the goal to have on-line database, but it is not certain IT will have a system operational by January 1, 2019. An off-line database can serve as an alternate method. It will be populated by technical specialists completing an online form found at the Division's web site. When a technical specialist enters their data, a unique number will be assigned to each individual and used for future tracking and correspondence.

In November 2017, the new Technical Specialist Training Rule became effective which specifies a new 2-hour class on the topic of NC Rules and Regulations Governing Animal Waste Management. In March, the course was presented by Mr. Michael Shepherd in Raleigh. Two individuals who received conditional approval for technical specialist designations in January 2018 attended the course, fulfilling the condition, and now full-fledged technical specialists.

Mr. Young asked for feedback from the Commissioners. Commissioner Hogan stated it looks like the workgroup is moving in the right direction. Chairman Langdon asked how the workgroup gets together. Mr. Young stated two members attend by teleconference/on-line and the others attend in person. Commissioner Collier asked if any comments have been offered by the technical specialists. Mr. Young stated a survey has not been sent to the Listserv, but the feedback from the 2-hour course was positive. Chairman Langdon stated this is an important part of the agricultural industry, and the Commission needs to work together to make this a good model and the Commission looks to Mr. Young for his advice and recommendations.

Chairman Langdon thanked Mr. Young for traveling here and the work he is doing for the state.

- 15. Nutrient Sensitive Watershed Annual Agricultural Reports:** Chairman Langdon recognized Mr. Joey Hester to present. A copy of the report is included as an official part of the minutes.

Mr. Hester stated the goal is to update where we have come from with regards to Nutrient Sensitive Watershed requirements, the strategies developed and how the agricultural part of the strategy works, where we stand today and a brief picture of the program. There are four strategies, and we have been working on it for 20 years. The Neuse River Basin Strategy rules were passed in 1998 based on a baseline period of 1991-1995. There is a need to report nitrogen and keep our current nitrogen loss at 30% under the baseline figure. A tool was created called NLEW, which was developed specifically to meet the requirements of the rule. The Tar-Pamlico rules were passed in 2001. Each basin must report collectively on an aggregate

basis for the agricultural sector. The information is aggregated at a county level, and then at the basin level. There is no way to measure phosphorus loss in the agricultural sector but we can document trends that contribute to the increase and decrease in the risk of phosphorus loss. The Jordan Lake Watershed Strategy was passed in 2009 based on a baseline of 1997-2001 with 3 separate sub-watershed nitrogen reduction goals. The Falls Lake Watershed Strategy has a 2006 baseline and is broken down into Stage 1 and Stage 2 goals. A map was provided showing the nutrient reduction strategy watersheds. The reporting hierarchy was discussed for each committee. An update was provided of the overview for Crop Year 2016 for the four river basins. The rules as they were written have been revised by the Rules Review Commission. The General Assembly split the Falls Lake and Jordan Lake strategies into their own Rules Review Processes. The Neuse and Tar-Pamlico rules are currently under review. There are two rule changes; first our reports are proposed to be submitted directly to the Division of Water Resources and second there is a baseline recalculation based on land use changes. The High Rock Nutrient Strategy is being finalized and there is a need to keep the farmers and districts informed of new requirements. Chairman Langdon stated we cannot control what the development community is doing but we can position ourselves to not be blindsided. Commissioner Kilpatrick stated Mr. Hester should attend a production meeting and present it to the members. Commissioner Collier stated the cooperative extension is having some educational meetings in Cumberland County with regards to solar farm issues, it would be informative for Mr. Hester to attend. Commissioner Potter stated there is a need for education of the people that will be affected.

Chairman Langdon thanked Mr. Hester for his report.

- 16. District Issues:** Chairman Langdon recognized Ms. Kelly Hedgepeth. Ms. Hedgepeth introduced Mr. Marvin Cavanaugh and Mr. Tom Smith with Stokes Soil & Water Conservation District to present Contract #85-2018-001-12 for an ACSP Contract on Government Land.

**16A. Consideration for ACSP Contract on Local Government Land 02NCAC 59D.0101(h):**

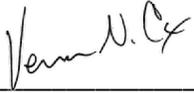
Mr. Cavanaugh stated the district plans to use \$1,202 from ACSP and \$4,468 from impaired and impacted stream restoration funds totaling \$5,670 to install a BMP practice, i.e., a wing deflector and plant trees for stabilization in conjunction with a stream restoration project. Stokes SWCD holds the easement to stabilize the area just below the stream crossing and monitor and maintain about 5 acres. The permits were reviewed with the core of engineers and Division of Water Resources. The installation will be completed by mid-to-late April 2018.

Chairman Langdon called for a motion. Commissioner Payne motioned to approve Contract #85-2018-001-12 and Commissioner Hogan seconded. Motion carried.

Mr. Cavanaugh stated the Farmers Appreciation Dinner is on Thursday, April 5, and open to the public and free with blue grass music and everyone is welcome.

Public Comments: Chairman Langdon indicated more guests came in and welcomed them. Chairman Langdon thanked everyone for their hard work and attendance and Association leadership and the Commission members and welcomed Commissioner Potter and Commissioner Payne. Commissioner Willis thanked Chairman Langdon for his continuity and for serving and welcomed Commissioner Payne and Commissioner Potter and learning about the eastern part of the state and hope supervisors come to the Commission meetings. Chairman Langdon thanked Mr. Reynolds for his time and counsel.

**Adjournment:** Meeting adjourned at 11:58 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 May 16, 2018.***



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CONSERVATION**

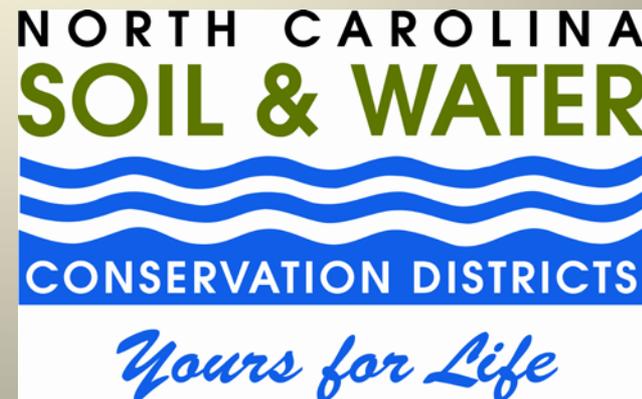
*Supporting locally led conservation since 1999*

“To promote, protect and improve North Carolina soil and water resources for the enhancement of economic growth and stewardship of the natural environment”



# Soil Health Initiative Cover Crops in NC Farming Systems & Education Outreach

NC Foundation for Soil and Water Conservation  
NC Soil and Water Conservation Commission  
May 14, 2018 Worksession  
Halifax County Agriculture Center



[ncsoilwater.org](http://ncsoilwater.org)

 @ncsoilwater

 NC Foundation for  
Soil and Water Conservation

# Current Organization

- \$15,500,000 program funds raised to date
- Leveraging private, corporate, state and federal resources
- Strategic Directions
  - Enhance Conservation Leadership
  - Grow Foundation's Fiscal Security
  - Build Conservation Partnership
  - Support Locally Led Conservation Message



## **PURPOSE:**

To demonstrate that multi-species cover crops offer greater soil health benefits than systems only using no-till or a monoculture cover crop.

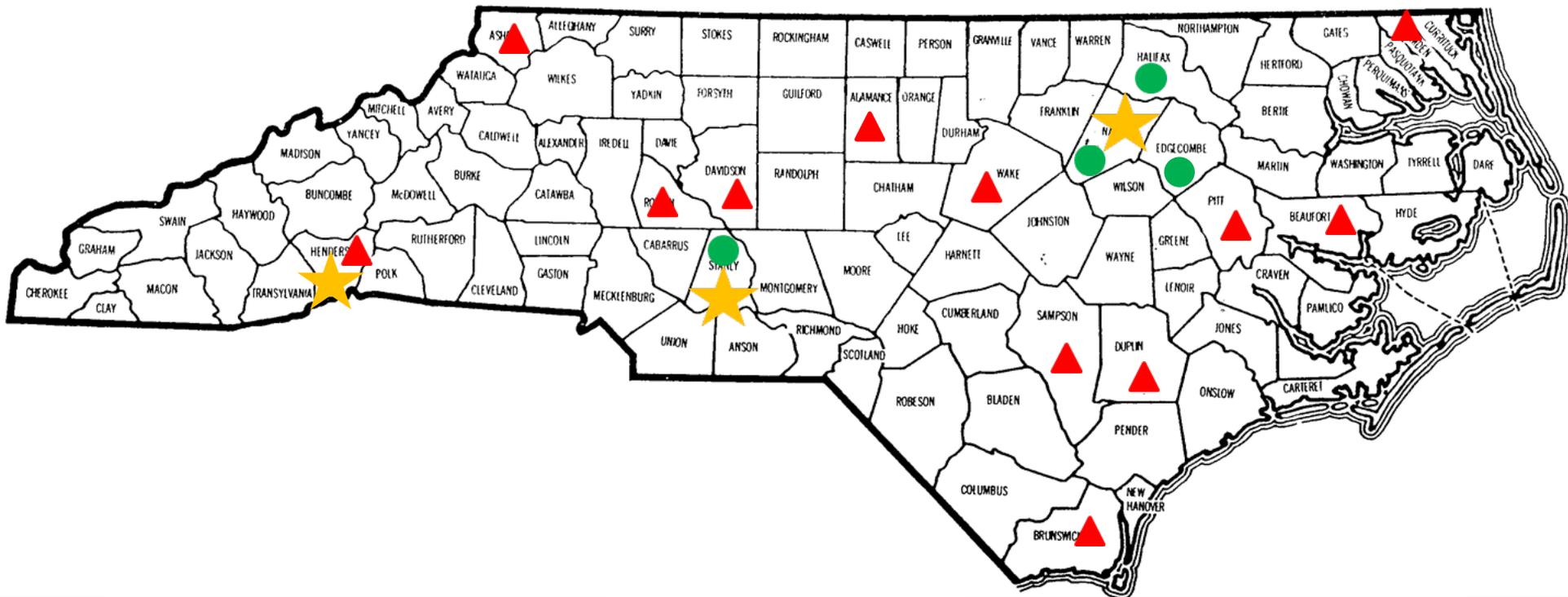
## **DISTRICT REQUIREMENTS**

1. Commit to work with a local workgroup to manage the project
2. Commit to hosting an annual soil health field day
3. Select a producer that
  - a. Has used no-till and understands soil health basics
  - b. Field in specific rotation depending on funding sources
  - c. Willing to continue in future years, pending funds



## PRODUCER REQUIREMENTS

1. Establish demonstration plot on field in right rotation
2. Use a minimum of 4 species in mix with 2 legumes
3. Cover crop establishment;
  - a. Broadcast mix prior to defoliation at 25%+ seeding rate
    - i. by Sept 15<sup>th</sup> (M) or 30<sup>th</sup> (C & P)
  - b. No-till drill seed in after harvest
    - i. by Oct 15<sup>th</sup> (M) or 31<sup>st</sup> (C & P)
4. Termination methods;
  - a. Do not terminate prior to April 15<sup>th</sup> (C & P) or May 1<sup>st</sup> (M)
  - b. Can use roller crimper, a burn down, or plant into cover
5. Minimum of 10 acres with 4 field strips 40 ft wide or greater;  
plant cover crop in alternating strips



- **RED TRIANGLE** = 1 to 2 years
- **GREEN DOT** = 3 to 6 years
- **YELLOW STAR** = Case Studies complete
- 2018 – contracted 4 of 10
- 2019 – request to continue 5+



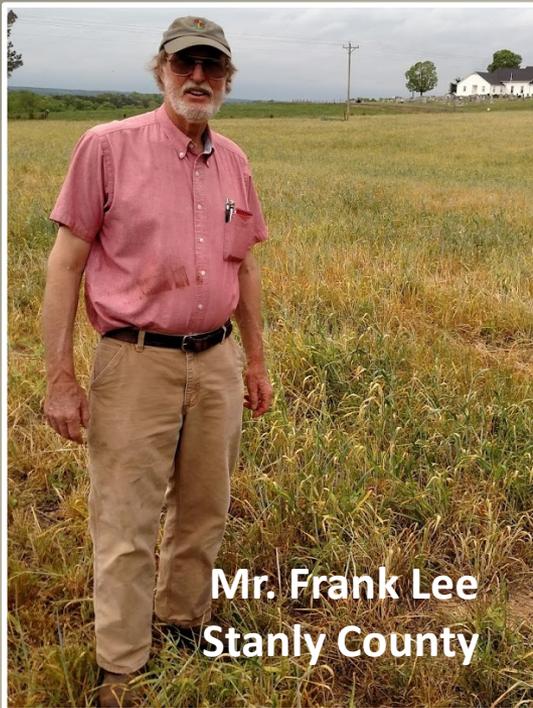
# Multi-Species Cover Crops Project

## **FUNDS TOTAL = \$320,911**

- ✓ Cotton Incorporated 2013 – 2018 = \$87,000
- ✓ USDA NRCS Conservation Innovation Grant = \$124,411
- ✓ NC Ag Development and Farmland Preservation TF = \$46,500
- ✓ Southern SARE (2) = \$63,000

## **LEAD PROJECT PARTNERS**

- Dr. Alan Franzluebbbers with USDA Ag Research Service / NCSU
- Dr. Steve Broome with NCSU Soil Science Dept
- Steve Woodruff with NRCS East National Tech Support Center
- Nathan Lowder with NRCS Soil Health Division



**Mr. Frank Lee**  
**Stanly County**

Seed mix fall 2015:

15 lb/A triticale

15 lb/A ryegrass,

10 lb/A crimson clover

2 lb/A radish

No-till planted after corn Oct 15

Terminated chemically May 2

**Biomass production**

**5800 lb/A on April 19, 2016**

Seed mix fall 2016:

50 lb/A triticale

15 lb/A Austrian winter pea

15 lb/A crimson clover

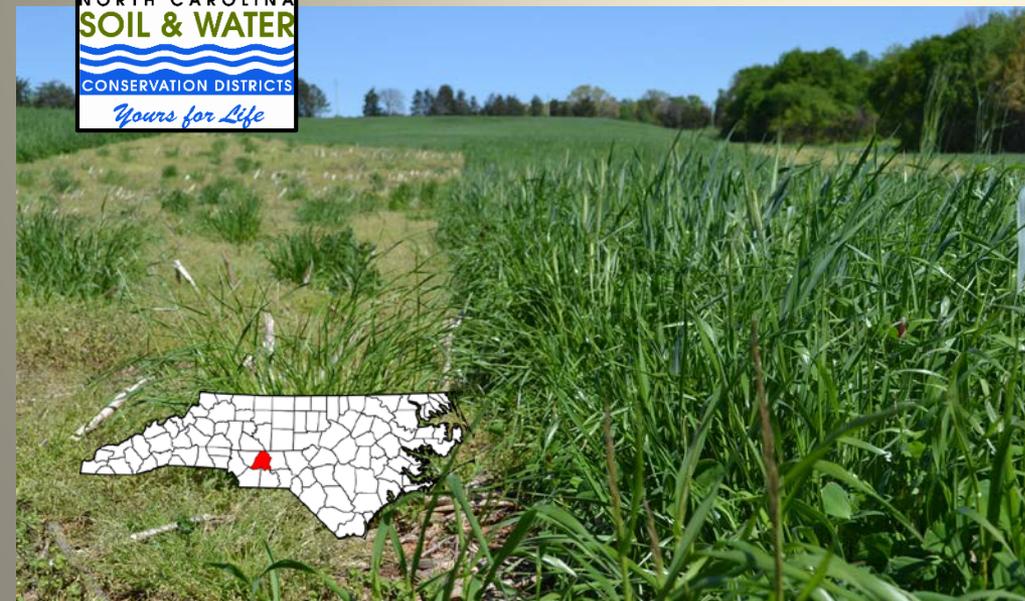
10 lb/A ryegrass

No-till planted after cotton Oct 29

Terminated chemically Apr 20

**Biomass production**

**2210 lb/A on April 18, 2017**





“Cover crops are beneficial if they are managed properly.” – Frank Lee

Residue nitrogen  
No cover – 60 lb/A  
Multi-species – 116 lb/A

	<u>Soil Biological Activity</u>	
	No cover	Multi-species
2016	435	516
2017	507	590

Surface residue  
No cover – 5076 lb/A  
Multi-species – 8364 lb/A



Lessons learned  
Soil properties were improved with multi-species cover crops.

Several years of no-till and cover cropping were important for improving the soil.



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# Multi-Species Cover Crops Project

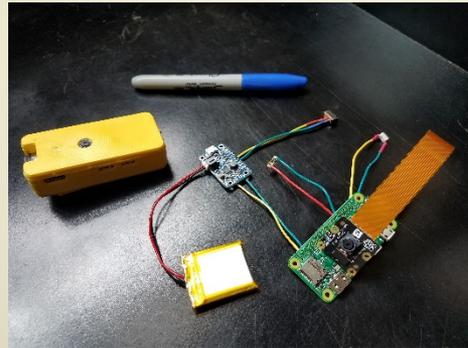
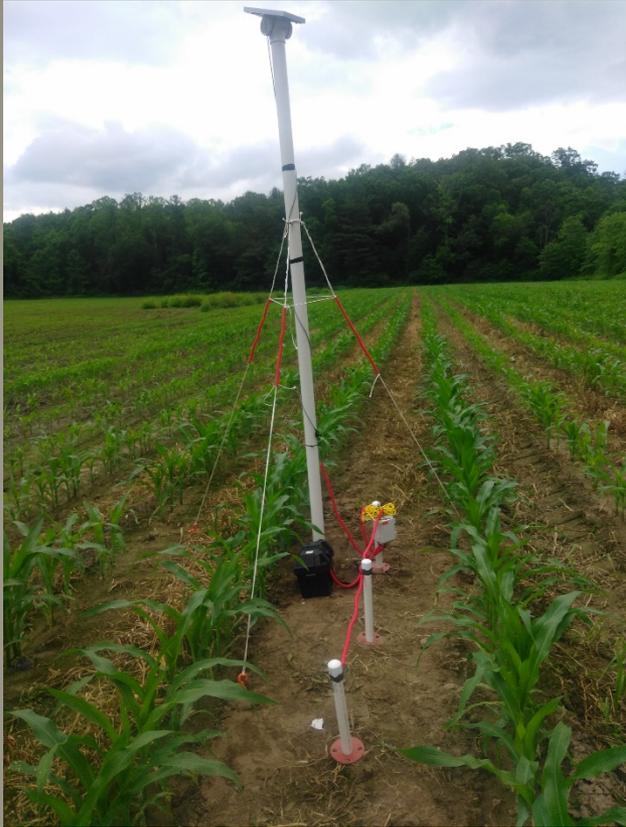
## NEXT STEPS

Measure heat stress & gains in soil moisture retention

✓ Nash, Stanly, & Wake sites

Contract 6 more sites for 2018 for a total of 10

Continue seeking funds – EPA & Cotton Inc.



# Educating the Citizen District Association's Mobile Soils Classrooms



**Amount raised by Foundation = \$60,000**

**1<sup>st</sup> Trailer**= Smithfield, Farm Credit Associations of NC, others

**2<sup>nd</sup> Trailer** = NC Tobacco Trust Fund Commission

**3<sup>rd</sup> Trailer** = NC Agriculture Development and Farmland Preservation Trust Fund

**4<sup>th</sup> Trailer** = Duke Energy Foundation

**Status** = Seeking funds for 5<sup>th</sup> trailer from EPA



# Designing a NEW Resource – Soils Pop-Up Stations

Raj Butalia & Association & Chatham District & State Parks + others



## Conceptual Template for a Soil Interpretive exhibit

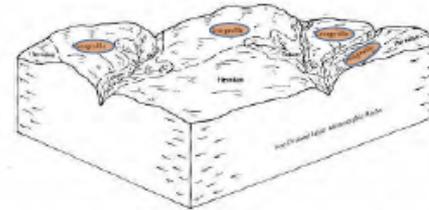
Text in red to be customized for each location

### SOIL STATION A

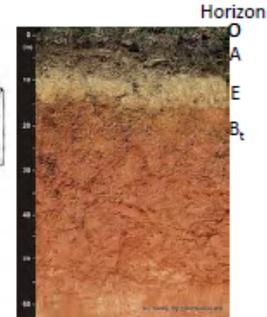
Geologic Setting, Landscape position, Soil Series Name, Dominant Textures



SOIL MAP – Series, Soil Station locations



(No 11.1a. Georgeville-Herder Landscapes in Fuzon County. From Sisk, 1995.



#### ROLE OF TOPOGRAPHY

Differences in soils from ridges to depressions along a topographic gradient.

TEXTURE, COLOR What they mean and how they are influenced by soil forming factors

WATER. Role in soil formation and behavior

LANDSCAPE. Customized for each station to display LS position using digital elevation data.

LIVING SOIL. Roles of Plant, fungi, animal (vertebrates, invertebrates) and microbes in the soil. Examples specific to each station

VEGETATION. Site specific, interaction with soil, Carbon dynamics

TYPICAL PROFILE. Series name (Georgeville), depth, horizons

SOIL 'PULLOUT'. Specifics of soil by depth, horizons within 'pullout'. Down to 1 meter.





# *NEW Cover Crop Project*

## **Heavy Rye in Cotton + Soybean Rotation**

### **Partners**

- ✓ NC Cotton Producers Association
- ✓ NC Soybean Producers Association
- ✓ Cooperative Extension
- ✓ NC State Dept Soil Science + USDA ARS
- ✓ Association + Districts
- ✓ Department + Division

### **Design**

- Select 4 producers – 3 in coastal plain near I-95 + 1 west of Uwharries
- Invite Districts to participate and form a local committee
- 10 acre demonstrations with field in cotton / soybean rotation
- Host annual field day
- Assess ways to encourage broad-scale adoption

**Added Value** - Seeking corporate partners for a roller / crimper



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# Become Involved!

- ✓ Honor a Conservationist - make an endowment donation
- ✓ *Volunteer to help with conservation projects*
- ✓ Check for updates on website **ncsoilwater.org**
- ✓ *Watch for funding announcements on the District Listserve*
- ✓ Follow and promote us on Twitter **@ncsoilwater** and Facebook

ncsoilwater.org

 @ncsoilwater

 NC Foundation for  
Soil and Water Conservation

# Managing Multi-Species Cover Crops in the Southeastern USA

*Executive Summary of NRCS Conservation Innovation Grant #69-3A75-14-233*



Cover crops are a conservation tool that have a key role to play in sustaining agriculture in the Southeast US. Year-round living roots and abundant biomass of high quality are needed to build soil organic matter and enhance soil fertility. There are a variety of cover crops that can be utilized, so producers can pick and choose to suit their local conditions.

## **Goal**

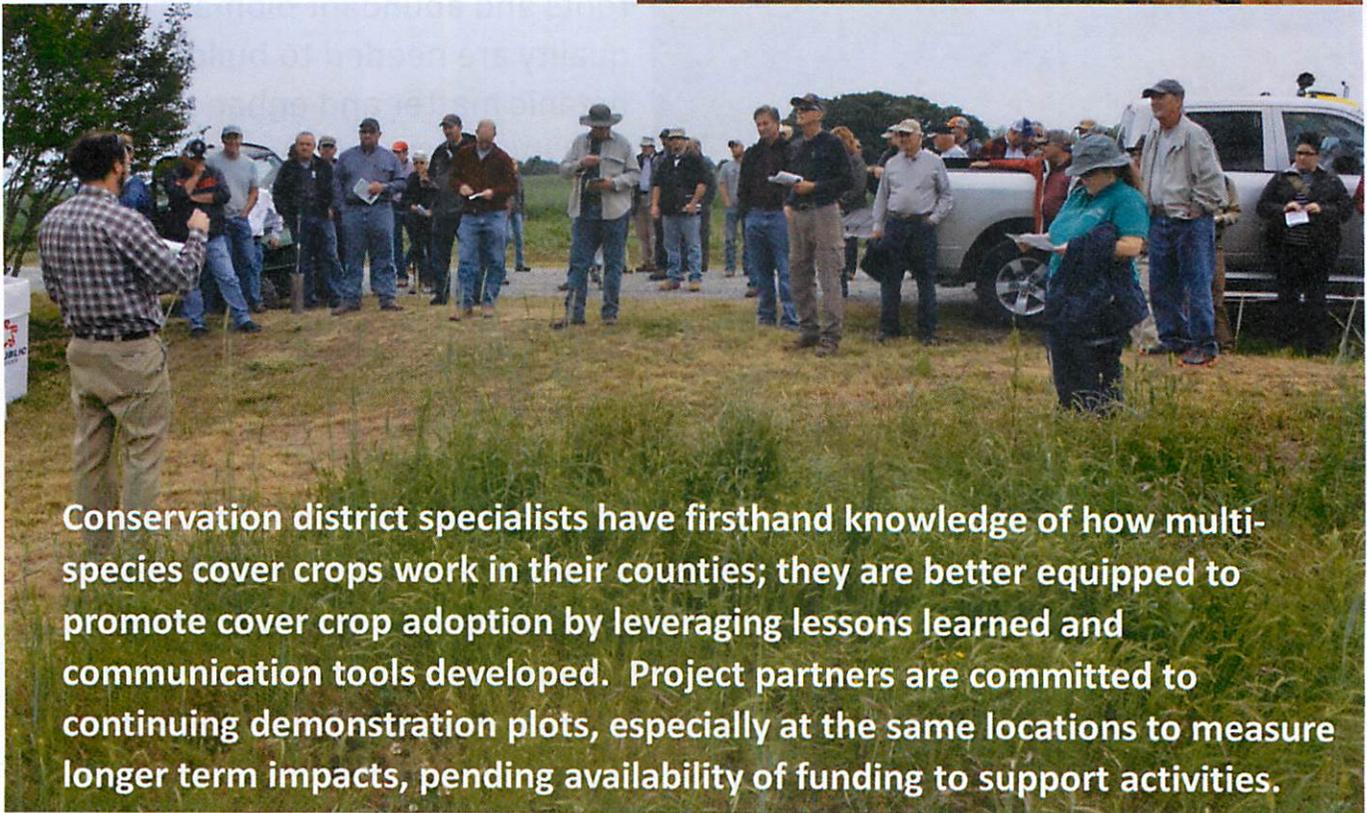
Demonstrate and quantify the impacts of multi-species cover crops in different production systems common to the Southeast.

## **Approach**

Work with a group of farmers from a dozen conservation districts in North Carolina in a team consisting non-profit project coordinator, conservation district specialists, resource specialists from USDA-Natural Resources Conservation Service, and scientists from NC State University and USDA-Agricultural Research Service. The initiative demonstrated to producers that a diverse mixture of cover crop species could be planted in a timely manner, allowed to grow and accumulate biomass and nitrogen, and then be terminated without using tillage to maximize soil health benefits. Quantifiable impacts of multi-species cover crops were determined to promote rapid information transfer from county level demonstrations to producers throughout the mountains, piedmont, and coastal plain areas of North Carolina.



Demonstrations intended to broaden adoption of appropriate multi-species cover cropping and build soil health for a more robust sustainable agriculture in the Southeast. Over 1000 producers were exposed to the value of multi-species cover crops and approaches to assess soil health.



**Conservation district specialists have firsthand knowledge of how multi-species cover crops work in their counties; they are better equipped to promote cover crop adoption by leveraging lessons learned and communication tools developed. Project partners are committed to continuing demonstration plots, especially at the same locations to measure longer term impacts, pending availability of funding to support activities.**

Overall, participating producers were pleased with the project and the process.



Phillip Whitaker, Henderson County Producer, said “One positive I have noticed is that even without a pre-emergent pesticide, the no-till planting has very few weeds.”

Frank Lee, Stanly County Producer, said “Cover crops are beneficial if they are properly managed.”

Plant and soil properties were characterized, and included the following:

**Biomass** – Sufficient cover crop biomass is critical for controlling erosion, preserving soil water during the summer growing season, and improving surface-soil properties. Relatively low biomass was recorded for many of the 2015/16 demonstrations. In the 2016/17 demonstrations, three of eight sites achieved a biomass rate greater than a minimum target of 3000 lb/A. In only one of seven demonstrations did multi-species cover crop biomass produce less than a single-species cover crop, but in two cases multi-species cover crop produced more than a single-species cover crop. In all cases, biomass production was greater in demonstration sites with either cover crop type compared to no cover crop (i.e. winter weeds).

**Nitrogen (N)** – Soil fertility can be enhanced with cycling of N from cover crop biomass to cash crops through slow decomposition of residues throughout the year. Cover crop biomass was enriched in N compared with no cover crop (i.e. winter annual weeds). There was no difference in N content between single and multi-species cover crops in the 2015/16 demonstrations. We set a minimum target of 50 lb N/A in cover crop biomass to enhance long-term soil fertility, but this was attained at only one site in 2015/16. Although data are not yet available, we project that at least three of the eight sites in 2016/17 will have achieved this minimum N content in cover crop biomass.

**Carbon (C)** – Storage of C in soil as organic matter is a key to enhancing soil fertility in the long-term. Transfer of C from cover crop biomass to soil organic matter is a slow process with only a small fraction of cover crop C eventually retained as soil organic C. Only one demonstration in 2015/16 had enough biomass C to potentially enhance soil organic C, provide a thick enough layer to benefit surface-soil moisture retention, and act as a biological source for microbial activity. No changes in total organic C were recorded; we didn't expect it to, as changes require several years before differences are detectable.

**Surface residue** – Like cover crop biomass, surface residues (i.e. combination of cover crop biomass and previous crop residues) are critical for controlling erosion, preserving soil water during the summer growing season, and improving surface-soil properties. When measured in 2015/16 demonstrations, surface residue mass was greater with single or multi-species cover crops compared with no cover crop in two of three direct comparisons.

**Soil bulk density** – Compaction is a concern in some soil types when no-tillage management is utilized. Bulk density was not impacted by cover crop treatment at any of the demonstrations in 2015/16. When measured in spring of 2016/17 near cover crop termination, soil bulk density was significantly greater with multi-species cover crops at three sites as compared with single-species or no cover crops. We will want to monitor this assessment over a number of years and pair it with in-field observations of water runoff or infiltration.

**Soil biological activity** – Energy embedded in soil organic matter and cover crop inputs drives soil biological activity. Trillions of bacteria, fungi, and actinomycetes in soil perform a variety of functions vital to soil health, e.g. decomposing plant litter, cycling nutrients, creating stable aggregates in soil, enhancing and stabilizing rooting channels, and competing with pathogenic organisms. One measure of soil biological activity is the potential of soil to mineralize N, i.e. the conversion of organic N that is unavailable to plants to inorganic N that is available to plants. In 2015/16, one of eight demonstration sites with multi-species cover cropping had greater N mineralization potential than adjacent plots without cover crops. Another measure of soil biological activity is the flush of CO<sub>2</sub> following rewetting of a dried soil. When averaged across eight demonstration sites in 2016/17, the flush of CO<sub>2</sub> in soil from multi-species cover crops was significantly greater as compared to either no cover crop or single-species cover crops. Even though the cover crop demonstrations were short in duration, we observed an increase in soil biological activity – suggesting it was a sensitive measure of soil health.

## Lessons learned

- A variety of multi-species cover crop mixes were developed and proven successful based on producer interests, district knowledge, and recommendations from other sources.
- Establishing multi-species cover crops was feasible at each location. Broadcasting seed was possible, but establishment success was dependent on timely rainfall. Drilling may be more successful in many instances.
- Matching cropping sequences with the right cover crop mixture can be a challenge. Adaptive management may be necessary.
- Producer concerns for late planting of cash crop after cover crops are substantial, but could be overcome with continued demonstration of soil and economic attributes of a functioning system.
- Engaging producers fully into seed selection and planting of cover crops is essential to make demonstrations viable.
- Field days enhanced local interest in cover crops and structuring events with a focus on producers talking to producers was a key element.
- Successful demonstration activities were possible only with the broad teamwork and skills offered by project partners. We found that an effective network involved a nonprofit serving as project coordinator, conservation districts, resource specialists from USDA-NRCS, and scientists from NC State University and USDA-ARS.
- Funding is secured for further demonstrations in Fall 2017 with eight current and four new Conservation Districts. Partners are mobilizing equipment to measure soil moisture and heat stress in three demonstrations. Project partners will seek ways to share lessons learned throughout 2017 and 2018.

## Partners



NC FOUNDATION for  
**SOIL & WATER  
CONSERVATION**



**Cotton  
Incorporated**



United States Department of Agriculture

Natural Resources Conservation Service

Agricultural Research Service



# KEEPIN' IT COVERED IN THE CAROLINAS

**NC Coastal Demonstration – see [ncsoilwater.org](http://ncsoilwater.org) for Mountain & Piedmont regions!**

Controlling soil erosion and weeds infestations are a concern for producers in the Coastal Plain region of North Carolina. Winter cover cropping could help, but what type of cover crop is most suitable? Are mixtures of cover crops beneficial? Could multi-species cover cropping improve soil health?

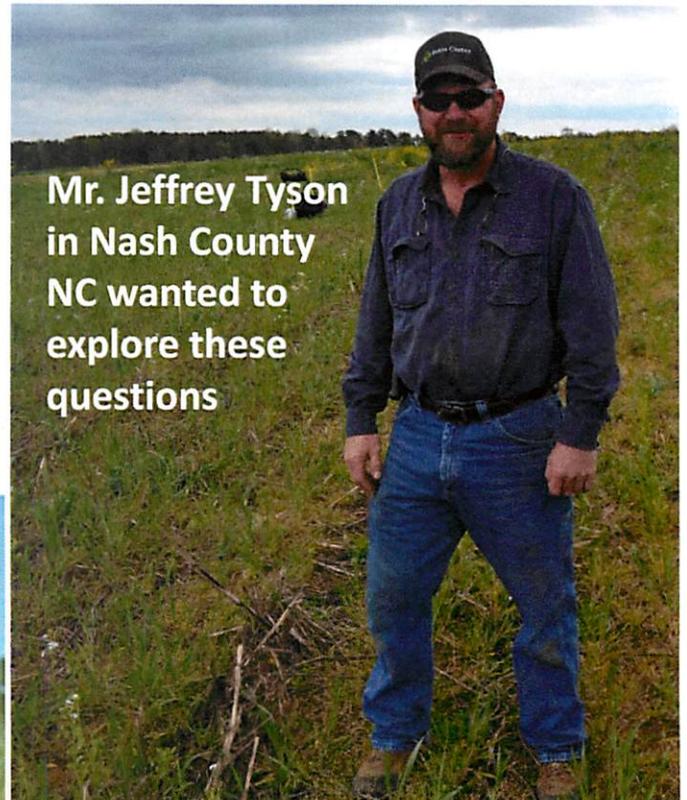
At the end of the soybean growing season in 2015, cover crops were sown:

- broadcast onto green beans on Oct 20
- drilled after harvest on Dec 8
- drilled after harvest on Jan 8

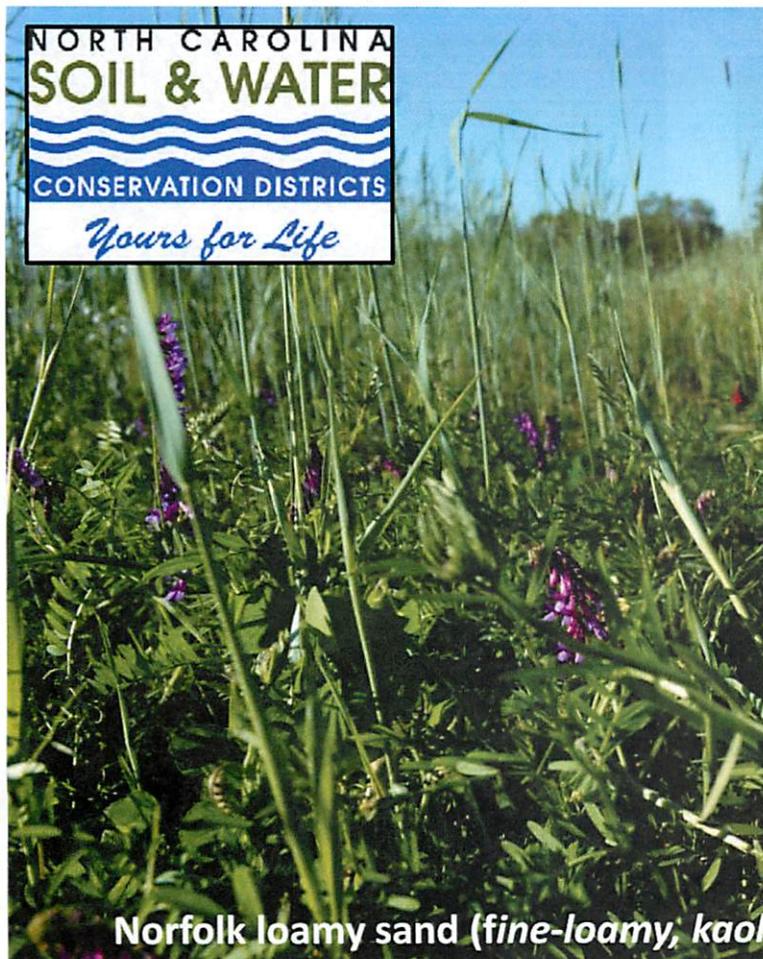
Multi-species cover crop mix in fall 2015:

54 lb/A rye, 15 lb/A Austrian winter pea, 8.5 lb/A crimson clover, 6.5 lb/A tillage radish, 1 lb/A woolypod vetch

Compared with no cover and single-species cover of Abruzzi rye (100 lb/A)



**Mr. Jeffrey Tyson  
in Nash County  
NC wanted to  
explore these  
questions**



**Cover crop biomass production on April 24, 2016 averaged 974 lb/A when broadcasted, 1086 lb/A when drilled on Dec 8, and 496 lb/A when drilled on Jan 8**



**Coastal Plain region**

**Norfolk loamy sand (fine-loamy, kaolinitic, thermic Typic Kandudults)**

**Multi-species cover crop**  
**1179 lb/A**

**Cover Crop Biomass**  
**April 3, 2017**

**No cover crop**  
**580 lb/A**

**Lessons learned**

- Soil properties were not affected by multi-species cover cropping in this on-farm demonstration. Multiple years of evaluation will likely be needed to fully assess changes in soil properties.
- Side-by-side strip trials were useful to make evaluations and to demonstrate the performance of cover crops in a systematic manner.

**Multi-species cover crop mix**

**Fall 2016:**

40 lb/A rye, 10 lb/A crimson clover, 2 lb/A daikon radish

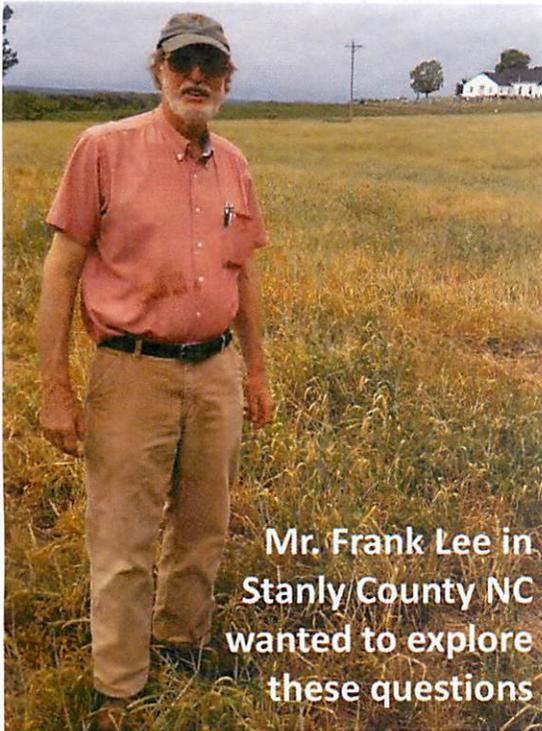


Natural Resources Conservation Service  
Agricultural Research Service



# KEEPIN' IT COVERED IN THE CAROLINAS

**NC Piedmont Demonstration – see [ncsoilwater.org](http://ncsoilwater.org) for Mountain & Coastal regions!**  
Controlling soil erosion, suppressing weeds, and building soil fertility are concerns for producers in the Piedmont region of North Carolina. Winter cover cropping could help, but what type of cover crop is most suitable? Are mixtures of cover crops beneficial? Could multi-species cover cropping improve soil health?



Mr. Frank Lee in Stanly County NC wanted to explore these questions

Replicated strips of multi-species cover crop and no cover crop were arranged on the same field in 2015/16 and 2016/17.

Multi-species cover crop mix in fall 2015:  
15 lb/A triticale, 15 lb/A ryegrass,  
10 lb/A crimson clover, 2 lb/A radish

Multi-species cover crop mix in fall 2016:  
50 lb/A triticale, 15 lb/A Austrian winter pea,  
15 lb/A crimson clover, 10 lb/A ryegrass

No-till planted after corn on Oct 15, 2015 and after cotton on Oct 29, 2016. Terminated chemically on May 2, 2016 and Apr 20, 2017.

Multi-species cover crop biomass production  
5800 lb/A on April 19, 2016  
2210 lb/A on April 18, 2017



Weedy overwinter biomass averaged  
1400 lb/A in 2016  
1640 lb/A in 2017



Piedmont region

Badin channery silt loam (*fine, mixed, semiactive, thermic Typic Hapludults*)

**Lessons learned**

Soil properties were improved with multi-species cover cropping in this on-farm demonstration.

Several years of previous no-tillage management and cover cropping were important for improving the soil surface.

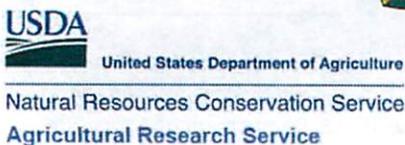
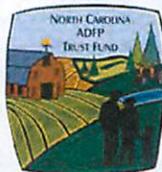
Side-by-side strip trials were useful to make evaluations and to demonstrate performance of cover crops in a systematic manner.

“Cover crops are beneficial if they are managed properly.”  
– Frank Lee

<u>Soil Biological Activity (mg/kg/3 days) 0-2" depth</u>		
	No cover	Multi-species cover
2016	435	516
2017	507	590

Surface residue (lb/A)  
No cover – 5076  
Multi-species cover – 8364

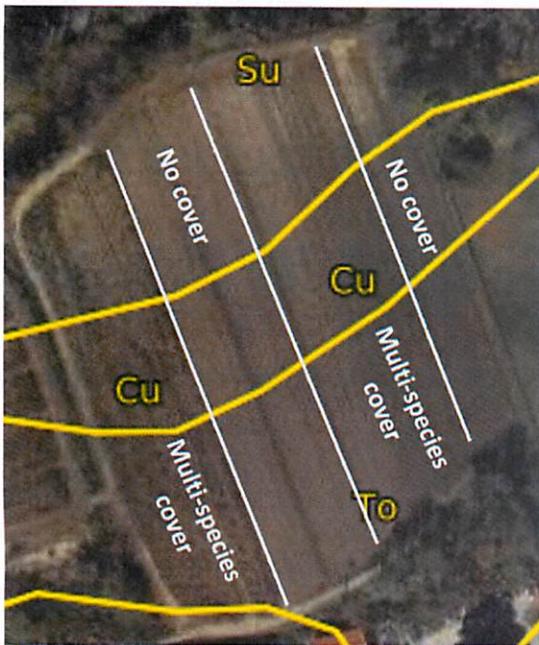
Residue nitrogen (lb/A)  
No cover – 60  
Multi-species cover – 116



# KEEPIN' IT COVERED IN THE CAROLINAS

**NC Mountain Demonstration – see [ncsoilwater.org](http://ncsoilwater.org) for Piedmont & Coastal regions!**

Suppressing weeds and building soil fertility are concerns for producers in the Mountain region of North Carolina. Winter cover cropping could help, but what type of cover crop is most suitable? Are mixtures of cover crops beneficial? Could multi-species cover cropping improve soil health?



Replicated strips of multi-species cover crop and no cover crop were arranged on a bottomland field in Henderson County in 2016/17.

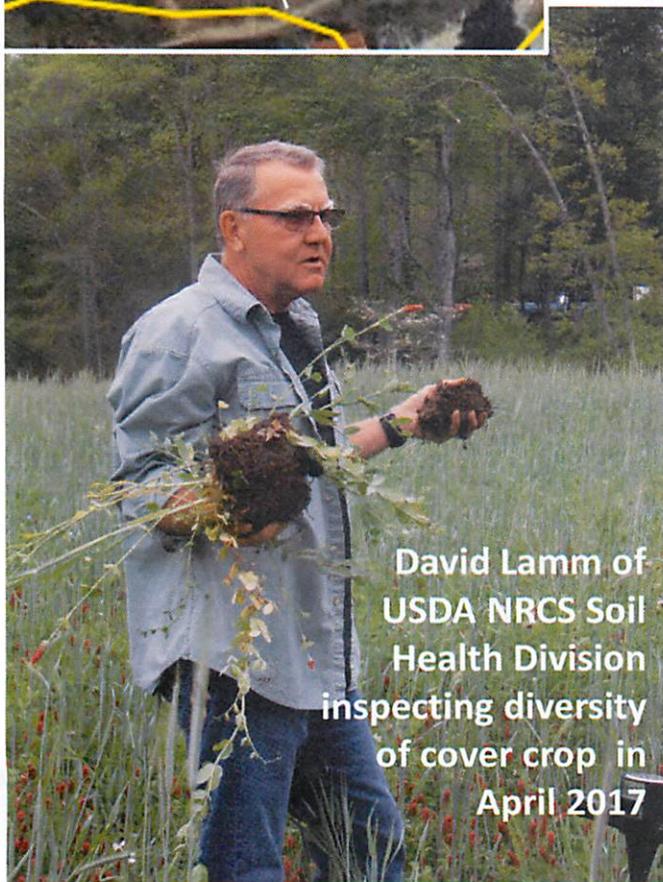
Multi-species cover crop mix in fall 2016:

100 lb/A Rhymin winter rye, 100 lb/A Austrian winter pea, 17 lb/A crimson clover, 7 lb/A Rackmaster trophy radish. No-till planted after sweet corn on Oct 29, 2016. Terminated chemically on May 20, 2017.

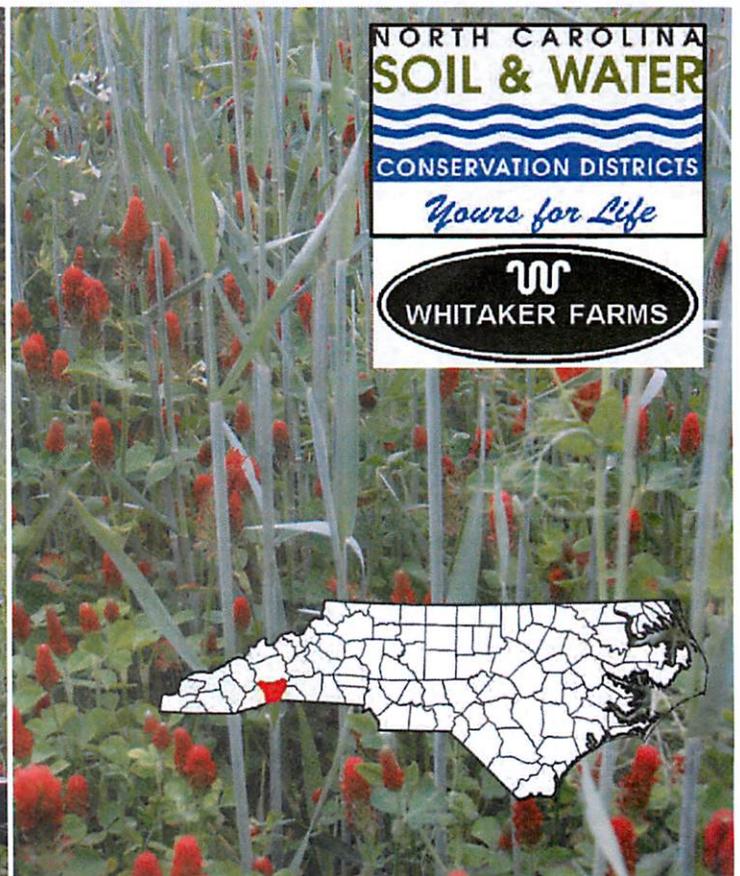
Su – Suncook loamy sand (Typic Udipsamments)

Cu – Comus fine sandy loam (Typic Udifluvents)

To – Toxaway silt loam (Cumulic Humaquepts)



David Lamm of  
USDA NRCS Soil  
Health Division  
inspecting diversity  
of cover crop in  
April 2017



*The material is based upon work supported by the Natural Resources Conservation Service, U.S. Department of Agriculture, under number 69-3A75-14-233*

**Lessons learned**

Although only a few soil properties evaluations were available, there was some indication for improvement with multi-species cover cropping in this on-farm demonstration.

Side-by-side strip trials were useful to make evaluations and to demonstrate performance of cover crops in a systematic manner.

“One positive I have noticed is that even without a pre-emergent pesticide, the no-till planting has very few weeds.” – Phillip Whitaker

**Soil Biological Activity (mg/kg/3 days) 0-2" depth**

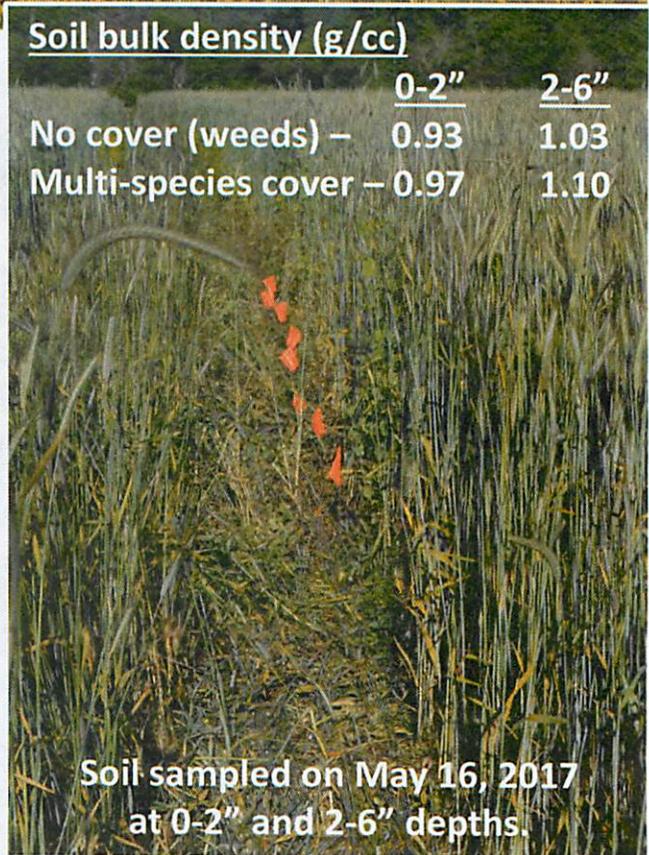
No cover	Multi-species cover
187	231

**Cover crop production (lb/A) – May 20**

No cover (weeds) –	2500
Multi-species cover –	9170

**Soil bulk density (g/cc)**

	0-2"	2-6"
No cover (weeds) –	0.93	1.03
Multi-species cover –	0.97	1.10



Soil sampled on May 16, 2017 at 0-2" and 2-6" depths.



NC FOUNDATION for SOIL & WATER CONSERVATION



Cotton Incorporated



NC STATE UNIVERSITY  
Crop & Soil Sciences



United States Department of Agriculture

Natural Resources Conservation Service  
Agricultural Research Service



## Personnel

- **New Hires:**

- CREP Survey Tech: Ben Wilkins
- Cost Share Admin Asst. II: Paula Day
- Admin. Asst.(Time-Limited) (5/21) – David Hurley

- **Vacancies:**

- Envir. Specialist (AgWRAP) – Hire Recommendation

NCDA&CS Division of Soil and Water Conservation  
Vernon Cox, Director  
May 16, 2018



## PILOT Supervisor Training Program

8 Pilot Districts -

Numbers are current as of 4/26/18.

- 33 - district supervisors have logged training credits
- 22 - achieved the 6-hour training requirement
- 6 - no credits recorded
- 1 - vacant

NCDA&CS Division of Soil and Water Conservation  
Vernon Cox, Director  
May 16, 2018



## Nutrient Trading Strategy Update

- Driven by municipalities
- No-Rulemaking - developing trading framework under the authority of existing rules
- Eligibility in Falls Lake and Jordan Lake Watersheds only
  - Trading is limited to *within* each watershed
- Point sources can purchase nutrient reduction practices on or adjacent to agricultural land
  - Livestock Exclusion System; Buffer Improvement
  - No others proposed at this time, but rules will allow future addition of practices
- Credits can be generated by buyer (e.g. municipality) or 3rd parties (e.g. mitigation bankers)
- DETAILS TBD: Credit Sharing, Practice Certification, Trade Approval, Inspection Authority, Credit Duration, etc.
- OTHER????

NCDA&CS Division of Soil and Water Conservation  
Vernon Cox, Director  
May 16, 2018



## NC General Assembly - 2018

- Convenes May 16<sup>th</sup>
- Budget Request: 2 Engineers + 1 Engineer Tech
- Short Session???

NCDA&CS Division of Soil and Water Conservation  
Vernon Cox, Director  
May 16, 2018



# Growing an interest for Soil Health in Area IV

# Production Factors

- *Soil Erosion*
- Lack of Soil Organic Matter
- Soil Compaction
- Weeds
- Low Fertility

# Cover Crops

*Are a universal tool that addresses Soil Erosion, Weed Control, Soil Compaction, lack of Soil Organic Matter and improves Soil Fertility*

## Species vs. Benefits of Cover Crops

Grasses- Fibrous Roots; **Summer** – **Sorghum Sudan**

**Winter** – **Cereal Rye, Oats,**

**Wheat, and Triticale**

Legumes – Large Root Network; **Hairy Vetch, Cowpeas,**  
**Red Clover, Winter Peas**

Brassicas – Large taproot (fine root hairs); **Oilseed**  
**Radish, Turnips (shallow rooted)**

# Broadcast

10-31-13



5-6-14



7-1-14

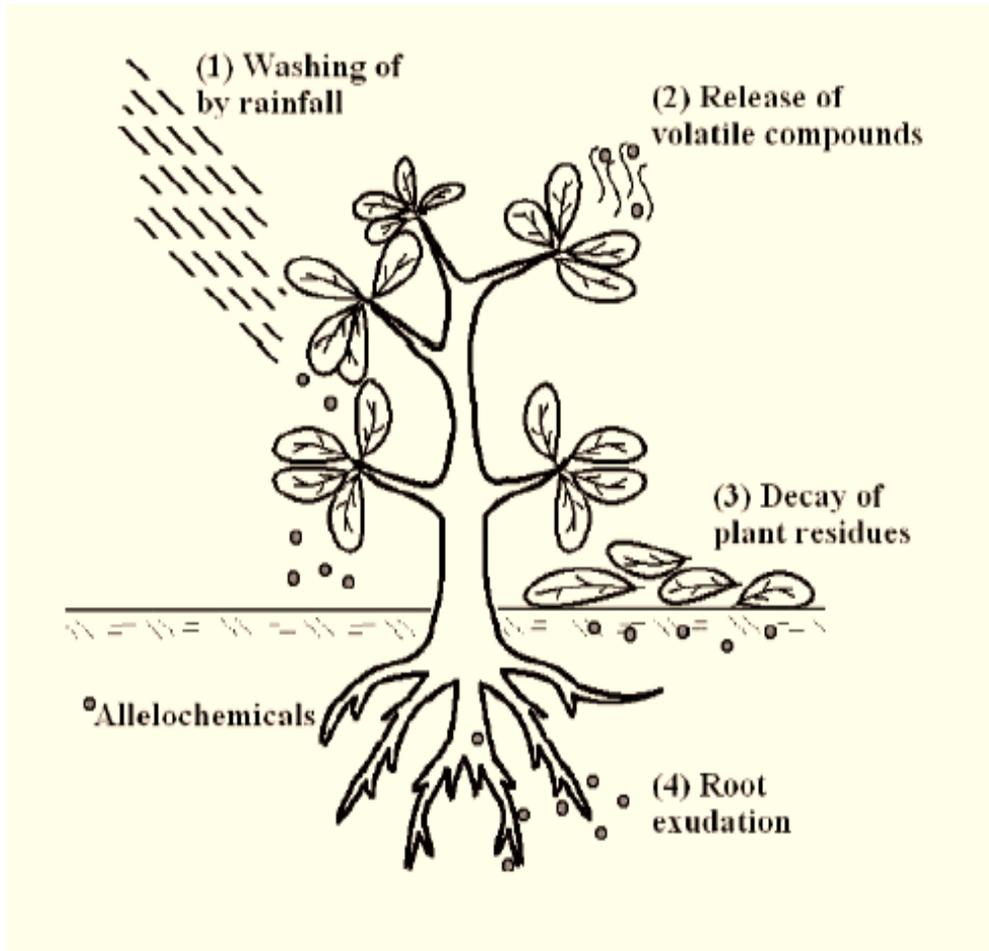




# Rollers



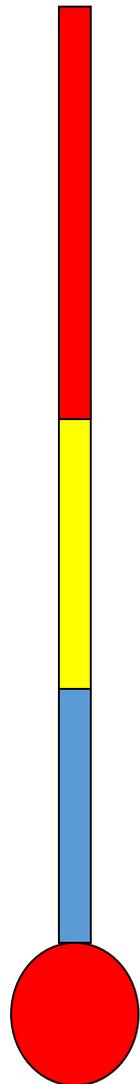
# Allelopathy of Cover Crops



- A tool in Weed Control
- Effectively retards growth, causes visible damage to roots & shoots
- Possible Death
- ***Cereal Rye, Sorghum-Sudan Hybrids, Brassicas, Buckwheat, Subterranean Clover*** are great Cover Crop species that produce strong Allelopathic effects



# When soil temperature reaches...



**140 F**

**Soil bacteria die**

**130 F**

**100% moisture is lost through evaporation and transpiration**

**100 F**

**15% of moisture is used for growth  
85% moisture lost through evaporation and transpiration**

**70 F**

**100% moisture is used for growth**

0 Fertilizer input  
8,000 lbs of Biomass  
\$65.00 per acre (estimate)  
Planted May





## Association Report to the Commission

May 16, 2018

### Strategic Planning/Long Range Visioning

As our planning process continues, we will be moving into our next phase where we will be holding retreats to discuss gathered information. The process has been beneficial thus far and we have learned some valuable things to move conservation forward to assure our future has volunteer conservation delivery.

### Conservation Education License Plate

The Association is still collecting applications for a new specialty license plate for North Carolina. We did not make our goal of 500 by this month, but will continue this effort. A new approach of taking an interest application will run through the better part of 2018. Additional information on the plate can be found on the Association website at:



[www.ncaswcd.org/index.php/conservation-education/specialty-conservation-license-plate/](http://www.ncaswcd.org/index.php/conservation-education/specialty-conservation-license-plate/)

### UNC School of Government Training

We have met and developed a plan with the UNC-SOG for the annual supervisor training to get it regionalized. We are now working on locations in the Mountain, Piedmont and Coastal Plain. Tentative dates are set for February 12 (Coastal), February 19 (Mountain) and February 26 (Piedmont). Richard Whisnant has assisted with this new concept and will continue to deliver the training.

### 2019 North American Envirothon

Fund raising efforts are continuing. We have received close to \$70K, primarily through the contributions of Districts in NC. Other outside entities have expressed an interest in assisting and we are working with those now.

### 2018 State Farm Family

We are finishing up the Area judging and moving into regional judging. State judging slated to be completed by the end of June. The Association is thankful to the Regional Coordinators for their assistance and the Districts for participating.

# Natural Resources Conservation Service

## North Carolina - The Update



### National News

#### Notes from the NRCS National Office

Effectively immediately, Natural Resources Conservation Service (NRCS) financial assistance program participants will no longer need a Dun and Bradstreet Universal Number System (DUNS) number, or to register in the System for Award Management (SAM). The Consolidated Appropriations Act of 2018 (2018 Omnibus Bill), signed by President Donald Trump on March 23, eliminated these requirements. According to U.S. Secretary of Agriculture Sonny Perdue, DUNS and SAM were designed for billion-dollar government contractors, not everyday farmers trying to support their families. These changes help streamline the customer experience of farmers, which is a top priority at USDA.

“This change greatly simplifies the contracting process for our customers and staff,” said Acting NRCS Chief Leonard Jordan. “Conservation program participants will soon receive letters from their local NRCS office with more details.”

The exemption does not apply to any current or future agreements or federal contracts with eligible entities, project sponsors, vendors, partners, or other non-exempt landowners or producers.

DUNS/SAM registration is still required for:

1. Partnership agreements entered through the Regional Conservation Partnership Program (RCPP).
2. All agreements with eligible entities under the Farm and Ranchland Protection Program (FRPP)
3. Agreements under the Agricultural Land Easement (ALE) component of ACEP.
4. Partnership agreements under the Wetland Reserve Enhancement Program (WREP) component of ACEP-Wetland Reserve Easements (WRE).
5. Watershed operations agreements with project sponsors.



6. Emergency Watershed Protection Program (EWP) agreements with project sponsors, including Recovery and Floodplain Easements.

7. All cooperative, contribution, interagency, or partnership agreements of Federal contracts used by NRCS to procure goods or services.

NRCS advises participants in its programs to ignore any emails, phone calls or other communications from third-party vendors offering assistance for registering in SAMS or applying for a DUNS number.

To learn more about NRCS financial and technical assistance, go to [www.nrcs.usda.gov](http://www.nrcs.usda.gov).

### State News

#### Emergency Watershed Protection Program (EWP)

In October 2016, Hurricane Matthew devastated eastern North Carolina with historic levels of rainfall and flooding impairing many watersheds. In the wake of Matthew, many homes, roads and private and public lands were damaged. Drainage systems were filled with debris and sediment and power outages lasted for several weeks in some areas. Through the Emergency Watershed Protection program (EWP), administered by NRCS, financial assistance (FA) and technical assistance (TA) was available for sites that met program requirements.

In order for a site to qualify for EWP, among other program stipulations, an imminent threat to life and/or property (utilities, homes, public roads, etc.) had to be determined, in which the condition was a direct result of Hurricane Matthew. A total of eight projects were funded after numerous site visits for eligibility determinations. There were three projects in Robeson County, three in Edgecombe, one in Wayne, and one in Cumberland.

**North Carolina**  
**Natural Resources Conservation Service**



The protection measures to be implemented included channel debris and sediment removal, streambank stabilization, and repair of damaged structures. Approximately \$1.2 million was approved to provide FA and TA for these projects.

As of May 2018, construction is complete on five out of the eight projects that were funded, and construction on a sixth site is underway. The remaining two projects will not be accomplished through EWP.

Before and After  
(Meadow Branch in  
Robeson County)



**Fiscal Year (FY) 2018 Program Quick View (as of 5/1/2018)**

Environmental Quality Incentives Program (EQIP), applications and contracts.

Preapproved/Approved Applications		
	Estimated Cost	# Preapproved/ Approved
Area 1	\$6,125,359.22	147
Area 2	\$4,455,491.15	179
Area 3	\$7,085,366.90	226
Contracts		
	Obligated Amt.	# Contracts
Area 1	\$562,734	20
Area 2	\$860,483	55
Area 3	\$695,083	43

Conservation Stewardship Program (CSP) Approved Acres.

Total Acres Approve Fiscal Year 2018	
Total Acres.	39,706
Acreage Break Down	
Longleaf pine	3,500 acres
General CSP	36,206 acres

**State Technical Advisory Committee (STAC)**

The State Technical Advisory Committee (STAC) met on March 14, 2018, in Raleigh. During the meeting, committee members expressed interest in NRCS providing training to STAC partners on the Conservation Stewardship Program (CSP) to help equip partners with information in their efforts to help promote the program. NRCS will be host to a STAC Partners CSP Training on May 24, 2018, at the NRCS Campus in Building 4405, from 9:30 to 3:00. For more information on this training opportunity please contact Julius George at Julius.George@nc.usda.gov. For more information on the STAC, please visit our NRCS North Carolina website at www.nc.nrcs.usda.gov.

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





DIVISION OF SOIL AND WATER CONSERVATION  
North Carolina Department of Agriculture & Consumer Services  
1614 Mall Service Center • Raleigh, NC 27699-1614  
919.733.2302 • www.ncagr.gov/swc/

INTERNAL USE ONLY:  
Appointed (Elected Seat)  
Current Term: 14-18

**RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR**

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

The supervisors of the Dare Field Office Soil and Water Conservation District of Dare County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing May 2018 and ending December 2018 to fill the expired or un-expired term of Larry Bray

Name of nominee: Lora Eddy  
Address of nominee, City, State, Zip: PO Box 115, Marl co., NC 27954  
Email address of nominee: lora.eddy@gmail.com  
Home phone: \_\_\_\_\_  
Mobile phone: 321-508-5281  
Business phone: 252-441-2626  
Occupation: Coastal Geologist & Coastal Engagement Coordinator for The Nature Conservancy's NC Albemarle-Pamlico Sounds Office  
Age: 41  
Education: BS Geology  
Positions of leadership NOW held by nominee: \_\_\_\_\_  
Former occupations or positions of leadership contributing to nominee's qualifications: Licensed Professional Geologist  
Other pertinent information: \_\_\_\_\_

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

**Signatures**

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

X [Signature] 5.1.18  
SWCD Chair (or Vice Chair if Chair is being nominated) Date  
Printed name: Larry Bray

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

X [Signature] 4/23/18  
Individual recommended for appointment Date  
Printed name: Lora Eddy



---

5.2.2018

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

To whom it may concern:

Please accept this letter as notice of my resignation as Board Supervisor of Dare SWCD effective 5/02/2018. I have enjoyed my 30 years serving in this position; however it is time for my retirement. It has been my pleasure to work with Dare SWCD and the community to spread the conservation message.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Bray". The signature is stylized with a large initial "L" and a long horizontal stroke.

Larry Bray, Chairman



**DIVISION OF SOIL AND WATER CONSERVATION**  
 North Carolina Department of Agriculture & Consumer Services  
 1614 Mail Service Center • Raleigh, NC 27699-1614  
 919.733.2302 • www.ncagr.gov/swc/

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

**RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR**

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

The supervisors of the Davidson Soil and Water Conservation District of Davidson County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing April 30, 2018 and ending December 7, 2020 to fill the expired or un-expired term of Jerry H. Hilton MAY 1

Name of nominee: Tim J. Loflin  
 Address of nominee, City, State, Zip: 1508 Jim Elliott Road, Denton, NC 27239  
 Email address of nominee: tim.loflin@yahoo.com  
 Home phone: 336-859-4236  
 Mobile phone: 336-250-6396  
 Business phone: \_\_\_\_\_  
 Occupation: Farmer and Coordinator of Features and Events for Denton Farm Park  
 Age: 57  
 Education: Graduate of Denton High School  
 Positions of leadership NOW held by nominee: Davidson County Board of Equalization and Review  
 Former occupations or positions of leadership contributing to nominee's qualifications: South Davidson Fire Dept. Chief and Board Member, Member and Master of Masonic Lodge 404, Member and Chair Handy Sanitary District,  
 Other pertinent information: Significant involvement in Extension Programs and Community Activities

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

**Signatures**

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

X David A. Smith March 15, 2018  
 SWCD Chair (or Vice Chair if Chair is being nominated) Date  
 Printed name: David A. Smith

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

X Tim J. Loflin March 15, 2018  
 Individual recommended for appointment Date  
 Printed name: Tim J. Loflin

JERRY H. HILTON - 219 Hilcox Lane, Thomasville, NC 27360

January 28, 2018

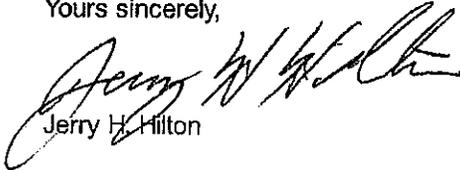
*Attention: Davidson Soil and Water Conservation Board*

Dear Sirs,

Effective January 31, 2018, I am resigning my position as Davidson Soil and Water Conservation District Supervisor.

It has been my pleasure and honor to serve in this capacity over the last 35 years.

Yours sincerely,



Jerry H. Hilton



**DIVISION OF SOIL AND WATER CONSERVATION**  
 North Carolina Department of Agriculture & Consumer Services  
 1614 Mail Service Center • Raleigh, NC 27699-1614  
 919.733.2302 • www.ncagr.gov/swc/

INTERNAL USE ONLY:  
 Appointed, Elected Seat  
 Current Term: 17-18

**RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR**

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

The supervisors of the Edgecombe Soil and Water Conservation District of Edgecombe County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing MAY 2018 and ending Dec 2018 to fill the expired or un-expired term of Rodger Grimes. B.

Name of nominee: Alton Skinner  
 Address of nominee, City, State, Zip: 704 Ellis Road Tarboro, NC 27886  
 Email address of nominee: conetoe8@aol.com  
 Home phone: n/a  
 Mobile phone: 252-883-0979  
 Business phone: n/a  
 Occupation: Farmer  
 Age: 69  
 Education: High School  
 Positions of leadership NOW held by nominee: Chairman of Edgecombe Drainage District #2  
 Former occupations or positions of leadership contributing to nominee's qualifications: Retired FSA Program Specialist  
 Other pertinent information: \_\_\_\_\_

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

**Signatures**

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

x Margaret S. Knight 4/27/2018  
 SWCD Chair (or Vice Chair if Chair is being nominated) Date  
 Printed name: Margaret S. Knight

I hereby certify that the above information is true and accurate.  
 x Alton R Skinner 4/27/2018  
 Individual recommended for appointment Date  
 Printed name: Alton R Skinner

March 13, 2018

To Whom it may concern

I, Rodger Grimes do hereby resign my position on the Edgecombe Soil and Water Conservation District, Board of Supervisors. This decision is for personal reasons. I appreciate the opportunity to have served the District.

Thank You,

Rodger Grimes

A handwritten signature in black ink that reads "Rodger Grimes". The signature is written in a cursive style with a large, prominent initial "R".

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

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Caldwell	14-2016-005	Allen Tolbert	micro-irrigation system	\$5,000	asking for approval pending design
Hertford	46-2018-001	S. Pate Pierce	abandoned well closure	\$1,500	
Hertford	46-2018-004	Samuel B. Howell	grade stabilization structure	\$9,139	
Hertford	46-2018-005	James Mason	abandoned well closure	\$1,500	
Hertford	46-2018-006	S. Pate Pierce	abandoned well closure	\$1,500	
Hertford	46-2018-007	James Mason	abandoned well closure	\$1,500	
Hertford	46-2018-009	S. Pate Pierce	abandoned well closure	\$1,500	

Total Number of Supervisor Contracts: 7

Total           **\$21,639**

5/14/2018

NCDA&CS  
DSWCNC -CSPs-1B  
(11/2012)

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

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

Program: AgWRAP

Best management practice: Micro-Irrigation System

Contract number: 14-2016-005 Contract amount: \$ 5,000

Score on priority ranking sheet: 65 points

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 1<sup>st</sup> out of 2 application

Were any higher or equally ranked contracts denied? Yes, Greg Bovino (Agricultural Well)

If yes, give an explanation as to why the supervisor's <sup>ranked 65 points</sup> contract was approved over the other contracts:  
Joe Watson uses farm as primary source for income and has more irrigation acres. Greg Bovino is a hobby farmer watering heirloom apple trees and didnt have as high of a need for AgWRAP assistance.

Supervisor name: Allen Tolbert

Allen Tolbert  
(District Supervisor's signature)

5-11-18  
Date

Approved by:

Jack S. Adams  
(District Chairperson's signature)

5-11-18  
Date

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

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

\_\_\_\_\_  
Date

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

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

<b>County</b>	<b>Contract Number</b>	<b>Supervisor Name</b>	<b>BMP</b>	<b>Contract Amount</b>	<b>Comments</b>
Hertford	46-2018-001	S. Pate Pierce	abandoned well closure	\$1,500	
Hertford	46-2018-004	Samuel B. Howell	grade stabilization structure	\$9,139	
Hertford	46-2018-005	James Mason	abandoned well closure	\$1,500	
Hertford	46-2018-006	S. Pate Pierce	abandoned well closure	\$1,500	
Hertford	46-2018-007	James Mason	abandoned well closure	\$1,500	
Hertford	46-2018-009	S. Pate Pierce	abandoned well closure	\$1,500	

Total Number of Supervisor Contracts: **6**

Total            **\$16,639**

NCDA&CS  
DSWC**ADDENDUM TO APPLICATION FOR ASSISTANCE  
NORTH CAROLINA COMMISSION COST SHARE PROGRAMS**

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

Program: NCACSPBest management practice: Abandoned Well ClosureContract number: 46-2018-001 Contract amount: \$ 1,500.00Score on priority ranking sheet: 125Cost Share Rate : 75% If different than 75%, please list % percent:  
Reason:Relative rank (e.g., ranked 8th out of 12 projects considered): 2 out of 2Were any higher or equally ranked contracts denied? No

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

Supervisor name: S. Pate Pierce

S. Pate Pierce  
\_\_\_\_\_  
(District Supervisor's signature)

3-1-18  
\_\_\_\_\_  
Date

Approved by:

John W. R. R.  
\_\_\_\_\_  
(District Chairperson's signature)

3/20/18  
\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Date

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

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

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

Program: NC ACSP

Best management practice: Grade Stabilization Structure

Contract number: 46-2018-004

Contract amount: ~~\$8,453.00~~ <sup>#</sup> 9139

Score on priority ranking sheet: 125

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 1 out of 2

Were any higher or equally ranked contracts denied? No

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

Supervisor name: Samuel B. Howell

Samuel B. Howell  
(District Supervisor's signature)

3/1/18  
Date

Approved by:

John Smith III  
(District Chairperson's signature)

3/20/18  
Date

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

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

\_\_\_\_\_  
Date

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

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

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

Program: NCACSP

Best management practice: Abandoned Well Closure

Contract number: 46-2018-005 Contract amount: \$ 1500.00

Score on priority ranking sheet: 125

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 1 out of 2

Were any higher or equally ranked contracts denied? No

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

Supervisor name: James W. Mason

[Signature]  
(District Supervisor's signature)

4/4/18  
Date

Approved by:

[Signature]  
(District Chairperson's signature)

4/17/18  
Date

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

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

\_\_\_\_\_  
Date

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

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

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

Program: NCACSP

Best management practice: Abandoned Well Closure

Contract number: 46-2018-006 Contract amount: \$ 1500.00

Score on priority ranking sheet: 125

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

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

Were any higher or equally ranked contracts denied? No

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

Supervisor name: S. Pate Pierce

[Signature]  
(District Supervisor's signature)

4-17-18  
Date

Approved by:

[Signature]  
(District Chairperson's signature)

4-17-18  
Date

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

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

\_\_\_\_\_  
Date

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

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

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

Program: NCACSP

Best management practice: Abandoned Well Closure

Contract number: 46-2018-007 Contract amount: \$ 1500.00

Score on priority ranking sheet: 125

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 2 out of 3

Were any higher or equally ranked contracts denied? No

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

Supervisor name: James W. Mason

[Signature]  
(District Supervisor's signature)

4/17/18  
Date

Approved by:

[Signature]  
(District Chairperson's signature)

4/17/18  
Date

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

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

\_\_\_\_\_  
Date

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

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

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

Program: NCACSP Abandoned  
Best management practice: Well Closure

Contract number: 46-2018-009 Contract amount: \$ 1500.00

Score on priority ranking sheet: 125

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 3 out of 3

Were any higher or equally ranked contracts denied? No

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

Supervisor name: S. Pat Pierce

[Signature]  
(District Supervisor's signature)

4-17-18  
Date

Approved by:

[Signature]  
(District Chairperson's signature)

4-17-18  
Date

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

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

\_\_\_\_\_  
Date

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



## Technical Specialist Designation Recommendations

May 16, 2018

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

Mr. Jeff Belflower, USDA, NRCS Civil Engineer, has requested to be designated technical specialist for the Waste Utilization Planning/Nutrient Management (WUP/NM), Inorganic Nutrient Management (INM), Runoff Controls (RC), Water Management (WM), Irrigation Equipment (I) and Structural Animal Waste (SD-Design, SI-Inspection) categories. He has successfully completed the required training and his technical competency as a Professional Engineer has been verified. Therefore, I recommend this designation for approval.

### COST SHARE PROGRAMS RULES REVISION OVERVIEW

Since May 2013, the Cost Share Committee has been working on how to revise and improve Soil and Water Conservation Commission Cost Share Program rules. The committee values district input and has solicited district participation through surveys and district meetings in all eight areas of the state during the course of the rule revision process. As part of G.S. 150B-21.34, all rules must be readopted, and Cost Share Program rules began this process at the July 2016 Soil and Water Conservation Commission meeting. As the rule process is concluding, the committee is sharing the timeline below and summary of revisions proposed in the revised draft rules. The committee anticipates requesting rule adoption at the July 18, 2018 Commission meeting.

Action	Date
SWCC will vote to approve the report so that it can be posted on the Department's and Office of Administrative Hearing's (OAH) websites. SWCC will make an initial determination to classify each rule as unnecessary; necessary without substantive public interest; or necessary with substantive public interest. <i>All Cost Share Program rules were considered necessary with substantive public interest.</i>	July 2016
SWCC accepted public comment on the classification of rules for 60 days.	August 31 – October 31, 2016
Commission completed determination classifying each rule in the final report after consideration to public comment as unnecessary, necessary without substantive public interest or necessary with substantive public interest.	November 2016
Final approval received from Rules Review Commission.	January 2017
Commission opened an informal stakeholder process and public comment period by hosting meetings in all eight areas of the state.	January – February 2017
Commission held a worksession to discuss the rules in-depth and provide recommendations to the Cost Share Committee.	April 5, 2017
Commission approved the start of the rule making process.	May 2017
Public comment period on rule revisions.	November 1, 2017 – January 15, 2018
Commission discusses the Cost Share Program Rules	May 2018
Commission approves final rules. <i>(proposed)</i>	July 2018
Rules Review Commission approves rules and rules become effective <i>(allocation rules will be used the next fiscal year – July 2019)</i>	Fall 2018

**RULE ORGANIZATION AND FORMAT**

All Soil and Water Conservation Commission Cost Share Programs will be found in the Agriculture Cost Share Program Rules (02 NCAC 59D). The Purpose Rule (02 NCAC 59D.0101) will include:

- A. Agriculture Cost Share Program;
- B. Community Conservation Assistance Program; and
- C. Agricultural Water Resources Assistance Program.

The goal with this format is to allow the addition of new programs, should they become available, by requiring the opening of the Purpose Rule and proposing a new separate allocation rule for the new program. This step will improve efficiency by having all program rules in one location, and reduce redundant rules that appeared in multiple places.

The Committee has drafted the new rule structure to include:

02 NCAC 59D .0101 PURPOSE

02 NCAC 59D .0102 DEFINITIONS FOR SUBCHAPTER 59D

02 NCAC 59D .0103 ALLOCATION GUIDELINES AND PROCEDURES FOR THE AGRICULTURE COST SHARE PROGRAM

02 NCAC 59D .0104 ALLOCATION GUIDELINES AND PROCEDURES FOR THE COMMUNITY CONSERVATION ASSISTANCE PROGRAM

02 NCAC 59D .0105 ALLOCATION GUIDELINES AND PROCEDURES FOR THE AGRICULTURAL WATER RESOURCES ASSISTANCE PROGRAM

02 NCAC 59D .0106 BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE PAYMENTS

02 NCAC 59D .0107 COST SHARE AND INCENTIVE PAYMENTS

02 NCAC 59D .0108 TECHNICAL ASSISTANCE FUNDS

02 NCAC 59D .0109 COST SHARE AGREEMENT

02 NCAC 59D .0110 DISTRICT PROGRAM OPERATION

**COST SHARE PROGRAM ALLOCATION AND GUIDELINES RULE SUGGESTIONS**

**Agriculture Cost Share Program:**

- Revise data sources from North Carolina Agricultural Statistics to US Census of Agriculture to include more types of commodities and acreage and animals grown in each county.
- Revise impaired waters and special watersheds parameters using best data to account for agricultural areas.
- Combine the performance parameters into one with the same combined weight. Instead of measuring amount encumbered and amount expended; the new parameter would be the amount of program funds installed for BMPs in a set period of time.

**Community Conservation Assistance Program:**

- Rule change proposed and effective November 1, 2016.
- Specified the ability of the Commission to specify the amount of funding available for regional and district allocations in the annual CCAP Detailed Implementation Plan and revised data sources in the rule to reflect best available data.

**Agricultural Water Resources Assistance Program:**

- Revise data sources from North Carolina Agricultural Statistics to US Census of Agriculture to include more types of commodities and acreage and animals grown in each county.
- Revise weights of parameters.
- Add text to include *The Commission may consider additional factors as recommended by the Division of Soil and Water Conservation when making their allocations.*

**TECHNICAL ASSISTANCE RULE IDEAS FOR CONSIDERATION**

- Consider paying for performance instead of a position
- Minimum technical assistance (TA) allocation = \$20,000/year
  - Districts would receive funding above \$20,000 based upon the amount of funding spent on BMPs in their county, compared to the total amount spent in the state.
- Performance is based on dollars spent on BMP installed in each county including other funding sources. Percentage (25%+) and method for evaluating other funding sources will be adopted in the Annual Detailed Implementation Plan (DIP).
  - Weight ACSP, CCAP & AgWRAP BMP expenditures at 100%, excluding engineering costs
  - Weight NRCS BMP expenditures or EQIP application ranked at 25%+ per DIP.
  - Weight grant funds expenditures at 25%+ per DIP.
    - Committee is currently developing a matrix to determine eligibility
    - Must be for water quality or quantity BMP implementation
    - District must have provided TA for BMPs installed
    - Grant projects outside of matrix eligibility to be determined by the Cost Share Committee
- The allocation would be determined every three years, unless there is a significant change in state appropriations, based on the district's performance during the best three of the last seven fiscal years.
- When allocations will be decreased, districts will receive notice of the new allocation amount one year in advance.
- If a district is not spending more from state cost share programs on BMPs than they receive for TA, they must account for and justify why they should continue to receive TA support.
  - The average of the last three years will be calculated when master agreements are completed.
  - The Commission will have the ability to reduce or defer TA funding.
- Retain the JAA requirement approved by Commission in 2010 in addition to the performance data.
  - *All technical district employee(s) shall obtain Job Approval Authority for a minimum of two best management practices from the Commission or the USDA Natural Resources Conservation Service within two years of being hired or within two years of the effective date of this rule, whichever is later. At least one of the best management practices for which the employee has obtained Job Approval Authority must be a design practice. Design practice means an engineering practice as defined by the Natural Resources Conservation Service or the Community Conservation Assistance Program Detailed Implementation Plan.*



1 **02 NCAC 59D .0102 DEFINITIONS FOR SUBCHAPTER 59D**

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

- 4 (1) ~~“Agriculture Agricultural Nonpoint Source (NPS) Pollution”~~ means pollution originating from a  
5 diffuse source as a result of agricultural activities related to crop production, production and  
6 management of poultry and livestock, land application of waste materials, and management of  
7 forestland incidental to agricultural production.
- 8 (2) “Agricultural purposes” means agricultural activities related to crop production, production and  
9 management of poultry and livestock, land application of waste materials, and management of  
10 forestland incidental to agricultural production.
- 11 (23) “Allocation” means the annual share of the state’s appropriation for each program to participating  
12 districts.
- 13 (34) “Applicant” means a person(s) who applies for best management practice cost sharing monies from  
14 the district. An applicant may also be referred to as a “cooperator”. All entities, with which the  
15 applicant is associated, including those in other counties, shall be considered the same applicant.
- 16 (45) “Average Costs” means the calculated cost, determined by averaging actual costs and current cost  
17 estimates necessary for best management practice implementation. Actual costs include labor,  
18 supplies, and other direct costs required for physical installation of a practice.
- 19 (56) “Best Management Practice (BMP)” means a structural or nonstructural management based practice  
20 used singularly or in combination to ~~reduce nonpoint source inputs to receiving waters~~ address  
21 natural resource needs.
- 22 (a) For the Agriculture Cost Share Program and the Community Conservation Assistance Program,  
23 BMPs shall reduce nonpoint source inputs to receiving waters.
- 24 (b) For the Agricultural Water Resources Assistance Program, BMPs shall increase the storage,  
25 availability, and use efficiency of water for agricultural purposes.
- 26 (7) “Commission” means the Soil and Water Conservation Commission
- 27 (68) “Conservation Plan” ~~of Operation (CPO)~~ means a written plan ~~scheduling~~ documenting the  
28 applicant’s decisions concerning land use, and both cost shared and non-cost shared BMPs to be  
29 installed and maintained on the ~~operating~~ management unit.
- 30 (79) “Cost Share Agreement” means an annual or long term agreement between the applicant and the  
31 district which defines the BMPs to be cost shared, rate and amount of payment, minimum practice  
32 life, and date of BMP installation. The agreement shall state that the recipient shall maintain and  
33 repair the practice(s) for the specified minimum life of the practice. The Cost Share Agreement  
34 shall have a maximum contract life of three years for BMP installation. The district shall perform  
35 an annual status review during the installation period.
- 36 (810) “Cost Share Incentive (CSI)” means a predetermined fixed payment paid to an applicant for  
37 implementing a BMP in lieu of cost share.

- 1           ~~(911)~~ “Cost Share Rate” means a cost share percentage paid to an applicant for implementing BMPs.
- 2           ~~(12)~~ “Department” means the North Carolina Department of Agriculture and Consumer Services.
- 3           ~~(13)~~ “Design practice” means an engineering practice as defined by the Natural Resources Conservation  
 4           Service or Soil and Water Conservation Commission in their Program Detailed Implementation  
 5           Plan(s).
- 6           ~~(104)~~ “Detailed Implementation Plan (DIP)” means the plan approved by the ~~commission~~ Commission  
 7           that specifies the guidelines for each program for the current ~~program~~, fiscal year including:  
 8           (a) annual program goals;  
 9           (b) district and statewide allocations;  
 10           (c) BMPs that will be eligible for cost sharing; and  
 11           (d) the minimum life expectancy of those practices.
- 12           ~~(15)~~ “District Allocation Pool” means the annual share of the state’s appropriation for each program to  
 13           be allocated to participating districts.
- 14           ~~(416)~~ “District BMP” means a BMP ~~designated~~ requested by a district and approved by the Division for  
 15           evaluation purposes. ~~to reduce the delivery of agricultural NPS pollution and which is reviewed and~~  
 16           approved by the Division to be technically adequate prior to funding.
- 17           ~~(17)~~ “Division” means the Division of Soil and Water Conservation.
- 18           ~~(4218)~~ “Encumbered Funds” means monies from a district's allocation ~~which that~~ have been ~~committed to~~  
 19           an applicant after initial approval of the ~~obligated to an approved~~ cost share agreement.
- 20           ~~(13)~~ Full Time Equivalent (FTE) means 2,080 hours per annum ~~which equals one full time technical~~  
 21           position.
- 22           ~~(4419)~~ “In-kind Contribution” means a contribution by the applicant towards the implementation of BMPs.  
 23           In-kind contributions shall be approved by the district and can include but not be limited to labor,  
 24           fuel, machinery use, and supplies and materials necessary for implementing the approved BMPs.
- 25           ~~(20)~~ “Job Approval Authority” means the authority granted to individuals who are qualified to plan,  
 26           design and verify installation or implementation of specific practices per practice standards  
 27           approved by the Natural Resources Conservation Service or the Commission. This authority is  
 28           either recognized or granted by the Natural Resources Conservation Service or the Commission.
- 29           ~~(4521)~~ “Landowner” means any natural person or other legal entity, including a governmental agency, who  
 30           holds either an estate of freehold (such as a fee simple absolute or a life estate) or an estate for years  
 31           or from year to year in land, but ~~does shall~~ not include an estate at will or by sufferance in land.  
 32           Furthermore, a governmental or quasi-governmental agency such as a drainage district or a soil and  
 33           water conservation district, or any such agency, by whatever name called, exercising similar powers  
 34           for similar purposes, can be a landowner for the purposes of these ~~Rules~~ rules of this subchapter if  
 35           the governmental agency holds an easement in land.
- 36           ~~(22)~~ “Nonpoint source (NPS) Pollution” means pollution originating from a diffuse source.

- 1           (1623) ~~Program~~ “Fiscal Year” means the period from July 1 through June 30 for which funds are allocated  
 2           to districts.
- 3           (1724) “Proper Maintenance” means that a practice(s) is being maintained such that the practice(s) is  
 4           ~~successfully~~ performing the function for which it was originally implemented.
- 5           (25)    “Regional Allocation Pool” means the annual share of the state’s appropriation for each program  
 6           allocated for applications ranked in the Division’s three regions as specified in the annual Detailed  
 7           Implementation Plan.
- 8           (1826) ~~Soil Loss Tolerance (t) means the maximum allowable annual soil erosion rate to maintain the soil~~  
 9           ~~resource base, depending on soil type.~~ “Statewide Allocation Pool” means the annual share of the  
 10          state’s appropriation for applications ranked at the state level as specified in the annual Detailed  
 11          Implementation Plan.
- 12          (1927) “~~Strategy~~ Strategic Plan” means the annual plan for the N.C. ~~Agriculture Cost Share Program for~~  
 13          ~~Nonpoint Source Pollution Control~~ Soil and Water Conservation Commission Cost Share Programs  
 14          to be developed by each district. The plan identifies ~~pollution treatment~~ natural resource needs and  
 15          the level of cost sharing and technical assistance monies required to address those annual needs in  
 16          the respective district.
- 17          (2028) “~~Technical Representative~~ representative” of the district means a person designated by the district  
 18          to act on their behalf who participates in the planning, design, implementation and inspection of  
 19          BMPs. ~~These practices shall be technically reviewed by the Division. The district chairman shall~~  
 20          ~~certify that the technical representative has properly planned, designed and inspected the BMPs.~~
- 21          (2129) “Unencumbered ~~Funds~~ funds” means the portion of the allocation to each district ~~which~~ that has not  
 22          been committed for cost sharing.

24    History Note:    Authority G.S. 106-840; 106-850; 139-3;  
 25                      Eff. May 1, 1987;  
 26                      Temporary Amendment Eff. September 23, 1996;  
 27                      Recodified from 15A NCAC 6E .0002 Eff. December 20, 1996;  
 28                      Amended Eff. April 1, 1997;  
 29                      Temporary Amendment Expired June 13, 1997;  
 30                      Amended Eff. March 1, 2008; July 1, 2004;  
 31                      Transferred from 15A NCAC 06E .0102 Eff. May 1, 2012.

02 NCAC 59D .0103 AGRICULTURE COST SHARE PROGRAM FINANCIAL ASSISTANCE  
ALLOCATION GUIDELINES AND PROCEDURES

(a) The Commission shall allocate ~~the~~ cost share funds to ~~the~~ districts ~~in the designated program areas for cost share payments and cost share incentive payments.~~ ~~To~~ In order to receive fund allocations, each district designated eligible by the Commission shall submit an annual strategy plan to the Commission ~~at the beginning of each fiscal year by June 1 of each year.~~ Funds may be allocated to each district for any or all of the following purposes: ~~cost share payments, cost share incentive payments, technical assistance, or administrative assistance.~~ Use of funds for ~~technical and administrative assistance must follow the guidelines set forth in Rule .0106 of this Subchapter.~~

(b) Funds shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that sufficient funds are available to justify a reallocation. Districts allocations shall be ~~allocated monies~~ based on the identified level of ~~agriculture related~~ agricultural nonpoint source pollution problems, the respective district's BMP installation goals as demonstrated in the ~~district~~ district's annual ~~strategy~~ strategic plan, and the district's record of performance to affect BMP installation by cooperating farmers. The allocation method used for disbursement of funds is based on the relative position of each respective district for those parameters approved by the Commission pursuant to Paragraph (g) of this Rule. Each district is assigned points for each parameter, and the points are totaled and proportioned to the total dollars available under the current program year funding according to the following formula:

- (1) Sum of Parameter Points = Total Points
- (2) Percentage Total Total Dollars Available
- Points Each x Dollars = to
- District Available Each District
- (3) The minimum allocated to a ~~particular~~ district shall be twenty thousand dollars (\$20,000) per program year, unless the district requests less than twenty thousand dollars (\$20,000).
- (4) If a district requests less than the dollars available to that district in Subparagraph (b)(2) of this Rule, then the excess funds beyond those requested by the district shall be allocated to the districts who did not receive their full requested allocation using the same methodology described in Subparagraph (b)(2) of this Rule.

(c) In the initial allocation 95 percent of the ~~total program funding~~ annual appropriation shall be allocated to the district accounts ~~in the initial allocation~~ administered by the Division. The Division shall retain five percent of the ~~total funding in a~~ annual appropriation as a contingency fund to be used to respond to an emergency or natural disaster. If the contingency funds are not needed to respond to an emergency, then ~~the contingency fund~~ they shall be allocated at the March meeting of the Commission available for allocation after March 1.

(d) The Commission may recall funds allocated to a district ~~during a fiscal year~~ that have not been encumbered to an agreement at any time if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(e) At any time a district may submit a revised ~~strategy~~ strategic plan and ~~apply to the Commission for~~ to request additional funds from the Commission.

(f) ~~CPO's Agreements~~ that encumber funds under the current year ~~must~~ shall be submitted to the Division by 5:00 p.m. on ~~the first Wednesday in June~~ 30.

(g) ~~Districts~~ For the Agriculture Cost Share Program, districts shall be allocated funds based on their respective data for each of the following parameters:

- (1) Percentage of total acres of agricultural land in North Carolina that are in the respective district ~~(including cropland, hayland, pasture land, and orchards/vineyards)~~ as reported in the most recent edition of the North Carolina ~~Agricultural Statistics~~ Census of Agriculture. The actual percentage shall be normalized to a 1-100 scale. (20%)
- (2) Percentage of total number of animal units in North Carolina that are in the respective district as reported in the most recent edition of the North Carolina ~~Agricultural Statistics~~ Census of Agriculture and converted to animal units using the conversion factors approved by the USDA-Natural Resources Conservation Service. The actual percentage shall be normalized to a 1-100 scale. (20%)
- (3) Relative rank of the percentage of the county outside of municipal boundaries as defined by North Carolina Department of Transportation draining to waters number of miles of stream identified as less than fully supporting due to agricultural nonpoint source pollution as reported in the state's 303(d) list, impaired or impacted on the most recent 305(b) report, and basin plan produced by the North Carolina Division Water Resources. (20%)
- (4) Relative rank of the percentage of the county draining to waters classified as Primary Nursery Areas, Outstanding Resource Waters, High Quality Waters, Trout waters on the current schedule of Water Quality Standards and Classifications, Shellfishing growing areas (open) as determined by the Division of Marine Fisheries, and Drinking Water Assessment Areas as determined by the Division of Water Resources, and Critical Water Supply on the current schedule of Water Quality Standards and Classifications. (10%)
- ~~(5) The percentage of cost share funds allocated to a district that are encumbered to contracts in the best three of the most recent four completed program years as reported on the NC Agriculture Cost Share Program Database. (10%)~~
- (65) Percentage of program funds ~~encumbered to contracts~~ allocated to a district that are actually expended for installed BMPs in the best highest three of the most recent four seven-year period for which the allowed time for implementing contracted BMPs has expired as reported on in the NC Agriculture Cost Share Contracting System Program Database. (40-20%)
- (76) Relative rank of the ~~average erosion rate for agricultural~~ number of acres of highly erodible land in the county as reported in by the National Resources Inventory United States Department of Agriculture Farm Service Agency, unless the State Conservationist of the Natural Resources Conservation Service specifies that another information source would be more current and accurate. (10%)

*History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8; Eff. May 1, 1987;*

1                    *Recodified from 15A NCAC 06E .0003 Eff. December 20, 1996;*  
2                    *Amended Eff. April 1, 1997;*  
3                    *Temporary Amendment Eff. May 1, 2001;*  
4                    *Amended Eff. September 1, 2005; August 1, 2002;*  
5                    *Transferred from 15A NCAC 06E .0103 Eff. May 1, 2012.*  
6  
7

**02 NCAC ~~59H-0103~~ 59D.0103 COMMUNITY CONSERVATION ASSISTANCE PROGRAM  
ALLOCATION GUIDELINES AND PROCEDURES**

(a) The Commission shall consider the total amount of funding available for allocation, relative needs of the program for BMP implementation, local technical assistance, and education to determine the proportion of available funds to be allocated for each eligible purpose. This determination shall be done prior to allocating funds to statewide, regional, and district allocation pools and the Division. Funds may be allocated for any or all of the following purposes:

- (1) cost share and cost share incentive payments;
- (2) technical and administrative assistance; and
- (3) statewide or local education and outreach activities.

The percentage of funding available for each purpose and each allocation pool shall be specified in the annual Detailed Implementation Plan based upon the recommendation of the Division and the needs expressed by the districts.

(b) District Allocations: ~~Based on the availability of funds, The the~~ Commission shall allocate cost share funds from the district allocation pool to the districts. To receive fund allocations, each district shall ~~submit a strategy request funds in their strategic plan to the Commission at the beginning of each program year.~~

(c) Funds for cost share and cost share incentive payments shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that funds are available in the district allocation pool to justify a reallocation. Districts shall be allocated monies based on the identified level of nonpoint source pollution problems and the respective district's BMP installation goals as demonstrated in the ~~district-district's~~ annual ~~strategy-strategic~~ plan. The allocation method used for disbursement of funds shall be based upon the score of each respective district for those parameters approved by the Commission pursuant to Subparagraph (7) of this Paragraph. The points each district scores on each parameter shall be totaled and proportioned to the total dollars available for district allocation under the current program year funding according to the following formula:

(1)	Sum of Parameter Points		=	Total Points
(2)	Percentage Total	x	Total Dollars	= Dollars Available
	Points Each District		Available	to Each District

(3) 95 percent of the program funding designated for district allocations shall be allocated to the district accounts in the initial allocation. The Division shall retain five percent of the total funding in a contingency fund to respond to an emergency or natural disaster.

(4) The Commission may recall funds allocated to a district that have not been encumbered to an agreement if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(5) At any time a district may submit a revised ~~strategy-strategic~~ plan and apply to the Commission for additional funds.

(6) ~~CPOs Agreements~~ that encumber funds under the current year must be submitted to the Division by 5:00 p.m. on ~~the first Wednesday in June~~ 30.

(7) Districts shall be allocated funds based on their respective data for each of the following parameters:

- 1 (A) Relative rank of the percentage of the county draining to waters identified as impaired or
- 2 impacted on the most recent Integrated Report produced by the North Carolina Division of
- 3 Water Resources. This report is incorporated with subsequent amendments and editions,
- 4 and may be accessed at no charge at
- 5 <http://ncdenr.maps.arcgis.com/apps/webappviewer/index.html> (20 percent).
- 6 (B) Relative rank of the percentage of the county draining to waters classified as Outstanding
- 7 Resource Waters, High Quality Waters and Trout Waters or on the current schedule of
- 8 Water Quality Standards and Classifications, and shellfish growing areas (open) as
- 9 determined by the Division of Marine Fisheries. The classifications are incorporated with
- 10 subsequent amendments and editions, and may be accessed at no charge at
- 11 <http://ncdenr.maps.arcgis.com/apps/webappviewer/index.html>. The shellfish harvesting
- 12 areas may be accessed at <http://portal.ncdenr.org/web/mf/shellfish-closure-maps>. (20
- 13 percent)
- 14 (C) The percentage of each county covered by Phase I and Phase II requirements. (20 percent)
- 15 (D) Relative rank of population density for the county. (20 percent)
- 16 (E) Relative rank of the percentage of a county's land area that is located within drinking water
- 17 assessment areas, as delineated by the Public Water Supply Section of the Division of
- 18 Water Resources. The Public Water Supply assessment areas are incorporated with
- 19 subsequent amendments and editions, and may be accessed at no charge at
- 20 [http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-](http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-protection-program/mapping-applications)
- 21 [protection-program/mapping-applications](http://deq.nc.gov/about/divisions/water-resources/drinking-water/drinking-water-protection-program/mapping-applications). (20 percent)
- 22 (F) The Commission may consider additional factors, such as data sources changes to the
- 23 Subparagraphs in this Paragraph, as recommended by the Division of Soil and Water
- 24 Conservation when making its allocations.

25 (d) Statewide and Regional Allocations: ~~Based on the availability of funds, the~~ The Commission shall allocate cost  
 26 share funds from the statewide and regional allocation pools. To receive fund allocations, each district designated  
 27 eligible by the Commission shall submit applications to respective pools when solicited by the Division. The Division  
 28 shall rank each application and recommend to the Commission for its approval an amount to allocate to each district  
 29 corresponding to the ~~highest ranking~~ highest-ranking applications.

30 ~~(e) The funds available for technical and administrative assistance shall be allocated by the Commission based upon~~  
 31 ~~the needs as expressed by the district and needs to accelerate the installation of BMPs in the respective district. Each~~  
 32 ~~district may use these monies to fund new positions or to accelerate present technical assistance. Districts must provide~~  
 33 ~~an itemized budget to the Division in order to qualify for technical assistance funds. N.C. Community Conservation~~  
 34 ~~Assistance Program technical assistance funds may be used for technical assistance with the district matching at least~~  
 35 ~~50 percent of the total. Each district allocated funds for technical assistance shall demonstrate to the Commission in~~  
 36 ~~the itemized budget that matching funds are available prior to any expenditure of funds. The allocation method used~~  
 37 ~~for disbursement of funds shall be based on the score of each respective district for those parameters approved by the~~

Commission pursuant to Subparagraph (4) of this Paragraph. The points each district scores for each parameter shall be totaled and proportioned to the total dollars available under the current program year funding according to the following formula:

$$\begin{aligned}
 (1) \quad & \frac{\text{Sum of Parameter Points}}{\text{Total Points}} = \frac{\text{Dollars Available}}{\text{Dollars Available}} \\
 (2) \quad & \frac{\text{Percentage Total}}{\text{Points Each District}} \times \frac{\text{Total Dollars}}{\text{Available}} = \frac{\text{Dollars Available}}{\text{to Each District}}
 \end{aligned}$$

(3) If a district requests less than the dollars available to that district in Subparagraph (2) of this Paragraph, then the excess funds shall be allocated to the districts who did not receive their full requested allocation using the same methodology described in Subparagraph (2) of this Paragraph.

(4) Priority for funding shall be based upon the following parameters:

(A) Whether the position is presently funded by Community Conservation Assistance Program technical assistance funds. (25 percent)

(B) The proportion of Community Conservation Assistance Program funds for cost share and cost share incentive allocated to districts served by this technical assistance request (normalized to 1 to 100 scale by multiplying each district's score by a factor such that the product of the highest score for this parameter is 100). (50 percent)

(C) The amount of additional funds leveraged by grants and other funds committed to districts served by this technical assistance request (normalized to 1 to 100 scale by multiplying each district's score by a factor such that the product of the highest score for this parameter is 100). (25 percent)

(5) Subject to availability of funds and local match, the Commission shall provide support for technical assistance for every district.

(6) District technicians may be jointly funded by more than one district to accelerate the program in each participating district. Each district shall be eligible for cost sharing in the program. Requests for funding (salary, FICA, insurance, etc.) of a shared position must be presented to the Division by all participating districts and the Division shall cost share to the billing district at a 50-50 rate based on the portion of the FTE provided each respective district. A shared position shall be officially housed in one specific district and cost share for support items (office rent, telephone, etc.) shall be paid to one district only.

(7) Funds, if available, shall be allocated to each participating district to provide for administrative costs under this program. These funds shall be used for clerical assistance and other related program administrative costs and shall be matched with in-kind funds of an equal amount from the district.

(f) The funds available for the education and outreach purpose shall be allocated by the Commission based upon the needs as expressed by the district and needs to accelerate the installation of BMPs in that respective district. Districts and the Division may use these funds for holding workshops for potential applicants and for developing, duplicating, and distributing outreach materials or signs. Districts shall provide an itemized budget to the Division in order to

1 ~~qualify for education and outreach funds. Education and outreach funds shall be allocated to each district in~~  
 2 ~~accordance with the following formula:~~

3 (1) ~~Each district shall receive the lesser of one thousand dollars (\$1,000) or the result of the following~~  
 4 ~~equation:~~

$$\begin{array}{ccccccc}
 \text{Total} & \times & \text{Total Education} & \div & \text{Total Education and} & = & \text{Education and} \\
 \text{Education} & & \text{and Outreach} & & \text{Outreach Dollars} & & \text{Outreach Dollars} \\
 \text{and Outreach} & & \text{Dollars Requested} & & \text{Requested by All} & & \text{Available to Each} \\
 \text{Dollars} & & \text{by Each District} & & \text{Districts} & & \text{District} \\
 \text{Available} & & & & & & 
 \end{array}$$

5 (2) ~~If more Education and Outreach funds are available for allocation than are requested by districts or~~  
 6 ~~the Division, then the excess funds shall be added to the funds to be allocated for cost share and cost~~  
 7 ~~share incentive payments.~~

8  
 9 *History Note: Authority G.S. 106-840; 106-860; 139-4; 139-8;*  
 10 *Eff. January 1, 2008;*  
 11 *Transferred from 15A NCAC 06I .0103 Eff. May 1, 2012;*  
 12 *Amended Eff. November 1, 2016.*

13  
 14

**02 NCAC 59D .0105 AGRICULTURAL WATER RESOURCES ASSISTANCE PROGRAM**

**FINANCIAL ASSISTANCE ALLOCATION GUIDELINES AND PROCEDURES**

(a) The Commission shall consider the total amount of funding available for allocation and the relative needs of the program for BMP implementation to determine the proportion of available funds to be allocated to statewide, regional, and district allocation pools and the Division. The percentage of funding available for each purpose and each allocation pool shall be specified in the annual Detailed Implementation Plan based upon the recommendation of the Division and the needs expressed by the districts.

(b) District Allocations: Based on funding availability, the Commission shall allocate cost share funds from the district allocation pool to the districts. To receive fund allocations, each district shall request an allocation in their strategic plan.

(c) Funds for cost share and cost share incentive payments shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that funds are available in the district allocation pool to justify a reallocation. Districts shall be allocated monies based on the identified level of agricultural water use needs and the respective district's BMP installation goals as demonstrated in the district's annual strategic plan. The allocation method used for disbursement of funds shall be based on the relative position of each respective district for those parameters approved by the Commission pursuant to Paragraph (h) of this Rule. The points each district scores on each parameter shall be totaled and proportioned to the total dollars available for district allocation under the current program year funding according to the following formula:

(1)	Sum of Parameter Points	=	Total Points	
(2)	Percentage Total		Total	Dollars Available
	Points Each	x	Dollars	= to
	District		Available	Each District

(3) The minimum district allocation shall be specified in the Detailed Implementation Plan.

(4) If a district requests less than the dollars available to that district in Subparagraph (b)(2) of this Rule, then the excess funds beyond those requested by the district shall be allocated to the districts who did not receive their full requested allocation using the same methodology described in Subparagraph (b)(2) of this Rule.

(d) In the initial allocation 95 percent of the annual appropriation shall be allocated to district accounts administered by the Division. The Division shall retain five percent of the annual appropriation as a contingency to be used to respond to an emergency or natural disaster. If the contingency funds are not needed to respond to an emergency, then they shall be available for allocation after March 1.

(e) The Commission may recall funds allocated to a district that have not been encumbered to an agreement at any time if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(f) At any time a district may submit a revised strategic plan to request additional funds from the Commission.

(g) Agreements that encumber funds under the current year must be submitted to the Division by 5:00 p.m. on June 30th.

(h) For the Agricultural Water Resources Assistance Program, districts shall be allocated funds based on their respective data for each of the following parameters:

- 37 (1) Relative rank of the number of farms (total operations) that are in the respective district as reported in  
38 the Census of Agriculture (20%)
- 39 (2) Relative rank of the total acres of land in farms that are in the respective district as reported in the  
40 Census of Agriculture (20%)
- 41 (3) Relative rank of the Market Value of Sales that are in the respective district as reported in the Census  
42 of Agriculture (15%)
- 43 (4) Relative rank of the amount of agricultural water use in the respective district as reported in the North  
44 Carolina Agricultural Water Use Survey (25%). Data from the most recent three surveys will be  
45 averaged to determine each district's rank.
- 46 (5) Relative rank of population density as reported by the state demographer (20%)
- 47 (6) The Commission may consider additional factors, such as data sources changes to the Subparagraphs  
48 in this Paragraph, as recommended by the Division of Soil and Water Conservation when making its  
49 allocations.
- 50 (i) Statewide and Regional Allocations: Based upon funding availability, the Commission shall allocate cost share funds  
51 from the statewide and regional allocation pools. To receive fund allocations, each district designated eligible by the  
52 Commission shall submit applications to respective pools when solicited by the Division. The Division shall rank each  
53 application and recommend to the Commission for its approval an amount to allocate to each district corresponding to the  
54 highest-ranking applications.

1 **02 NCAC 59D ~~.0104~~.0106 BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE**  
 2 **PAYMENTS**

3 (a) ~~BMP's-BMPs~~ eligible for cost sharing ~~will~~ shall be restricted to those ~~BMP's-BMPs~~ listed in the Detailed  
 4 Implementation Plan approved by the ~~commission~~Commission for the current ~~program~~ fiscal year, ~~except for District~~  
 5 BMPs. ~~BMP's-BMPs~~ shall meet the following criteria to be listed in the Detailed Implementation Plan:

6 (1) ~~All-all~~ eligible ~~BMP's-BMPs~~ ~~must~~ shall be designed to ~~reduce the input of agricultural nonpoint~~  
 7 ~~source pollution into the water courses of the state~~ meet the purpose of the program or as otherwise  
 8 shall be authorized by statute.

9 (2) ~~Information-information~~ establishing the average cost of the specified BMP ~~must~~ shall be used, if  
 10 available. District ~~BMP's-BMPs~~ may use actual costs as indicated by receipts, if average costs are  
 11 not available; and

12 (3) ~~Eligible~~ eligible ~~BMP's-BMPs~~ shall have adequate technical specifications as set forth in Paragraph  
 13 (b) of this Rule.

14 (b) BMP definitions and specifications shall be determined by the Commission using the process outlined in 02 NCAC  
 15 59D .0103 through 59D .0105 ~~are set forth periodically in the USDA Natural Resources Conservation Service~~  
 16 ~~Technical Guide, Section IV, Raleigh, North Carolina~~ or by the ~~division~~Division for district ~~BMP's-BMPs~~. For a  
 17 contract to be eligible for payment, all cost shared BMPs shall meet or exceed the BMP specifications in effect at the  
 18 time the contract was approved. ~~appropriate for the current program year shall be met or exceeded in order for an~~  
 19 ~~applicant to qualify for cost sharing.~~ Provisions for exceeding BMP design specifications by an applicant may be  
 20 considered at the time of application with the district. The applicant shall assume responsibility for all costs associated  
 21 with exceeding BMP design specifications.

22 (c) The Division has authority to approve District BMPs for evaluation purposes. The BMP shall be requested by a  
 23 district and meet the program purpose. The Division shall determine it to be technically adequate prior to funding.

24 (ed) ~~The minimum life expectancy required maintenance of the BMP's-BMPs shall be listed in the Detailed~~  
 25 ~~Implementation Plan. Practices designated by a district shall meet the life expectancy requirement or be established~~  
 26 ~~by the division~~Division for that district ~~District~~ BMPs.

27  
 28 *History Note: Authority G.S. 106-850; 139-8;*  
 29 *Eff. May 1, 1987;*  
 30 *Recodified from 15A NCAC 6E .0004 Eff. December 20, 1996;*  
 31 *Amended Eff. January 1, 1998;*  
 32 *Transferred from 15A NCAC 06E .0104 Eff. May 1, 2012.*  
 33  
 34

1 **02 NCAC 59D .0105 COST SHARE AND INCENTIVE PAYMENTS**

2 (a) Cost share and incentive payments may be made through Cost Share Agreements between the district, Division  
3 and the applicant.

4 (b) For all practices except those eligible for Cost Share Incentives (CSI) ~~CSI~~, the ~~state~~ State of North Carolina shall  
5 provide a percentage of the average cost for BMP installation not to exceed the maximum cost share percentages  
6 shown in subdivisions (6), (8), and (9) of G.S. ~~143-215.74(b)~~ 106-850(b), and the applicant shall provide ~~contribute~~  
7 the remainder of the cost. In-kind contributions by the applicant shall be included in the applicants' cost share  
8 contribution. In-kind contributions shall be ~~specified in the agreement for cost sharing and shall be approved by the~~  
9 district and Division.

10 (c) CSI payments shall be limited to a maximum of three years per farm entity.

11 (d) Average installation costs for each comparative area or region of the state and the amount of cost share incentive  
12 payments shall be updated and revised at least triennially by the Division for approval by the Commission.

13 (e) The total annual cost share payments to an applicant shall not exceed the maximum funding authorized in  
14 subdivisions (6) and (9) of G.S. ~~143-215.74(b)~~ 106-850(b).

15 ~~(f) Cost share payments to implement BMPs under this program may be combined with other funding programs, as~~  
16 ~~long as the combined cost share rate does not exceed the amount and percentages set forth in Paragraphs (b) and (e)~~  
17 ~~of this Rule. For special funding programs where the applicant relinquishes all production capability on his or her~~  
18 ~~agricultural land for at least 10 years, combined funding may equal up to 100 percent. Agriculture Cost Share Program~~  
19 ~~funding shall not exceed the maximum cost share percentages shown in subdivisions (6), (8), and (9) of G.S. 143-~~  
20 ~~215.74(b).~~

21 ~~(g)~~ Use of cost share payments is shall be restricted to land located within the county approved for funding by the  
22 Commission. However, in the situation where an applicant's farm is not located solely within a county, the entire  
23 farm, if contiguous, shall be eligible for cost share payments.

24 ~~(h)~~ Agriculture Cost Share Program and Agricultural Water Resources Assistance Program cost ~~Cost share~~ contracts  
25 used on or for local, state or federal government land ~~must~~ shall be approved by the Commission ~~in order~~ to avoid  
26 potential conflicts of interest and to ensure that such contracts are consistent with the purposes of ~~this program these~~  
27 programs.

28 (i) The district Board of Supervisors may approve Cost Share Agreements with cost share percentages or amounts  
29 less than the maximum allowable in subdivisions (6), (8), and (9) of G.S. ~~143-215.74(b)~~ 106-850(b) if:

30 (1) ~~The the~~ Commission allocates insufficient cost share BMP funding to the district to enable it to  
31 award funding to all applicants; or

32 (2) ~~The the~~ district establishes other criteria in its annual ~~strategy~~ strategic plan for cost sharing  
33 percentages or amounts less than those allowable in subdivisions (6), (8), and (9) of G.S. ~~143-~~  
34 ~~215.74(b)~~ 106-850(b).

35 (j) For purposes of determining eligible payments under practice-specific caps described in the detailed  
36 implementation plan, the district board shall consider all entities with which the applicant is associated, including  
37 those in other counties, as the same applicant.

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*History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8;  
Eff. May 1, 1987;  
Temporary Amendment Eff. September 23, 1996;  
Recodified form 15A NCAC 06E .0005 Eff. December 20, 1996;  
Temporary Amendment Expired June 13, 1997;  
Amended Eff. March 1, 2008; July 1, 2004; April 1, 1999; January 1, 1998;  
Transferred from 15A NCAC 06E .0105 Eff. May 1, 2012.*

1 **02 NCAC 59D ~~.0106~~ .0108** TECHNICAL ASSISTANCE FUNDS

2 (a) The funds available for technical assistance shall be allocated by the ~~commission~~ Commission based on the  
 3 recommendation of the division, ~~and~~ the needs as expressed by the district, ~~and~~ the needs to accelerate the installation  
 4 of ~~BMP's~~ BMPs in the respective district. ~~Each district may use these monies to fund new positions or to accelerate~~  
 5 ~~present technical assistance positions. Districts must provide an itemized budget to the division in order to qualify for~~  
 6 ~~technical assistance funds. Matching~~ The district shall provide at least 50 percent of the total matching funds for  
 7 ~~district technical assistance shall be approved by the commission prior to any expenditure of funds. Budget revisions~~  
 8 ~~submitted by the districts may be approved by the NPS Section based on Paragraph (b) of this Rule. N. C. Agriculture~~  
 9 ~~Cost Share technical assistance funds may be used for each FTE technical position with the district matching at least~~  
 10 ~~50 percent of the total. Priorities for funding positions shall be assigned based as follows:~~

11 (1) ~~Subject to availability of funds and local match, provide support for one FTE technical position for~~  
 12 ~~every district.~~

13 (2) ~~Subject to availability of funds and local match, provide support for one additional FTE technical~~  
 14 ~~position if the position is needed to further support program implementation. Priority for funding~~  
 15 ~~positions beyond one FTE per district shall be based on the following parameters:~~

16 (A) ~~Whether the position is presently funded by program technical assistance funds.~~

17 (B) ~~The number of program dollars encumbered to contracts in the highest three of the previous~~  
 18 ~~four completed program years, and~~

19 (C) ~~The number of program dollars actually expended for installed BMPs in the highest three~~  
 20 ~~years of the most recent four year period for which the allowed time for implementing~~  
 21 ~~contracted BMPs has expired as reported on the NC Agriculture Cost Share Database.~~

22 (3) ~~Subject to availability of funds and local match, provide support for additional FTE technical~~  
 23 ~~position if the position is needed to further accelerate treatment of identified critical nonpoint source~~  
 24 ~~pollution problem(s).~~

25 (b) The Commission shall allocate technical assistance funds as described in their Detailed Implementation Plan  
 26 (DIP). This allocation shall be made based on the implementation of conservation practices for which district  
 27 employees provided technical assistance incorporating the following: Technical assistance funds may be used for  
 28 salary, benefits, social security, field equipment and supplies, office rent, office equipment and supplies, postage,  
 29 telephone service, travel and mileage. A maximum of two thousand five hundred dollars (\$2,500) per year for each  
 30 FTE technical position is allowed for mileage charges.

31 (1) Commission Cost Share Programs funded practices will be weighted at 100 percent;

32 (2) other local, state, federal and grant funded practices that meet the purpose requirements in 02 NCAC 59D  
 33 .0101 will be weighted at a minimum of 25 percent as specified in the DIP;

34 (3) districts shall submit information on funded practices as specified in Subparagraph (2) of this Paragraph  
 35 through their annual strategic plan;

36 (4) this allocation will be calculated using the best three of the most recent seven years; and

1           (5) this allocation will be calculated once every three years, unless there is a change in technical assistance  
 2           state appropriations.

3 (c) Technical assistance funds may be used for salary, benefits, social security, field equipment and supplies, office  
 4 rent, office equipment and supplies, postage, telephone service, travel, mileage, and any other expense of the district  
 5 in implementing Soil and Water Conservation Commission Cost Share Programs, not be used to fund technical  
 6 assistance positions which do not meet the following minimum requirements:

7           (1) ~~associated degree in engineering, agriculture, forestry or related field; or~~

8           (2) ~~high school diploma with two years experience in the fields listed in Rule .0106(c)(1), of this~~  
 9           Subchapter.

10 (d) Each district requesting technical assistance funding with the required 50 percent local match shall receive a  
 11 minimum allocation of \$20,000 each year. Cost shared positions must be used to accelerate the program activities in  
 12 the district. A district technician cost shared with program funds may work on other activities as delegated by the  
 13 field office supervisor but the total hours charged to the program by field office personnel must equal or exceed those  
 14 hours funded through the program. Also, these hours must be in addition to those hours normally spent in BMP  
 15 planning and installation by district personnel.

16 (e) If a district is not spending more on financial assistance funds on Commission Cost Share Programs than they  
 17 receive for technical assistance, the district shall appeal to the Commission to receive technical assistance funding.  
 18 District technicians may be jointly funded by more than one district to accelerate the program in each participating  
 19 district. Each district must be eligible for cost sharing in the program. Requests for funding (salary, FICA, insurance,  
 20 etc.) of a shared position must be presented to the division by all concerned districts and the division shall cost share  
 21 to the billing district at a 50-50 rate based on the portion of the FTE provided each respective district. A shared  
 22 position must be officially housed in one specific district and cost share for support items (office rent, telephone, etc.)  
 23 shall be paid to one district only.

24 (f) ~~Funds, if available, shall be allocated to each participating district to provide for administrative costs under this~~  
 25 ~~program. These funds shall be used for clerical assistance and other related program administrative costs and shall be~~  
 26 ~~matched with in-kind funds of an equal amount from the district. All technical district employees shall obtain Job~~  
 27 ~~Approval Authority for two best management practices from the Commission or the United States Department of~~  
 28 ~~Agriculture Natural Resources Conservation Service within three years of being hired or July 1, 2018, whichever is~~  
 29 ~~later.~~

30           (1) One of the best management practices for which the employee has obtained Job Approval Authority shall  
 31           be a design practice. Design practice means an engineering practice as defined by the Natural  
 32           Resources Conservation Service of Soil and Water Conservation Commission in their Program  
 33           Detailed Implementation Plan(s).

34           (2) The District Board of Supervisors may request a one-year extension for their employees in meeting the  
 35           Job Approval Authority requirement for extenuating circumstances.

36  
 37 *History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8;*

1                   *Eff. May 1, 1987;*  
2                   *Amended Eff. July 1, 1992;*  
3                   *Recodified from 15A NCAC 6E .0006 Eff. December 20, 1996;*  
4                   *Amended Eff. August 1, 2005; November 1, 1997;*  
5                   *Transferred from 15A NCAC 06E .0106 Eff. May 1, 2012.*  
6  
7

1 **02 NCAC 59D .0107-0109** **COST SHARE AGREEMENT**

2 (a) The landowner shall be required to sign the agreement for all practices ~~other than agronomic practices and land~~  
 3 ~~application of animal wastes that affect change to the property.~~ An applicant who is not the landowner may submit a  
 4 ~~long term written lease or other legal document, indicating control over the land in lieu of the landowner's signature,~~  
 5 ~~provided the control runs the life of the practice as listed in the respective Program Year's Implementation Plan.~~  
 6 Signature The signature on the agreement constitutes responsibility for BMP maintenance and continuation.

7 ~~(b) As a condition for receiving cost share or cost share incentive payments for implementing BMP's, the applicant~~  
 8 ~~shall agree to continue and maintain those practices for the minimum life as set forth in the Detailed Implementation~~  
 9 ~~Plan, effective the date the BMP's are implemented.~~

10 ~~(c) As a condition for receiving cost share payments, the applicant shall agree to submit a soil test sample for analysis~~  
 11 ~~and follow the fertilizer application recommendations as close as reasonably and practically possible. Soil testing~~  
 12 ~~shall be required a minimum of every two years on all cropland affected by cost share payments. Failure to soil test~~  
 13 ~~shall not constitute noncompliance with the cost share agreement.~~

14 ~~(d) As a condition for receiving cost share payments for waste management systems, the applicant shall agree to have~~  
 15 ~~the waste material analyzed once every year to determine its nutrient content. If the waste is land applied, the applicant~~  
 16 ~~shall agree to soil test the area of application and to apply the waste as close as reasonably and practically possible to~~  
 17 ~~recommended rates. When waste is land applied, waste analysis and soil testing shall be conducted annually.~~

18 ~~(e)~~ (eb) The technical representative of the district shall determine if the practice(s) implemented have been installed  
 19 according to ~~specifications~~ practice standards as defined for the respective program year in the USDA-Natural  
 20 Resources Conservation Service Technical Guide, ~~Section IV, Raleigh, for~~ North Carolina, according to other  
 21 specifications approved by the Commission pursuant to 02 NCAC 59G .0103, or according to specifications standards  
 22 approved by the Division for district ~~BMP's~~ BMPs based on the criteria established in 02 NCAC 59G .0103(c).

23 ~~(f)~~ (f) The district shall be responsible for making an annual spot check of five percent of all the cost share agreements  
 24 to ensure proper maintenance. The Commission may specify additional spot check requirements for specific BMPs  
 25 in the Detailed Implementation Plan. ~~Waste management systems shall be included as part of the annual five percent~~  
 26 ~~check except for systems on farms without certified waste management plans. In those cases, the districts shall~~  
 27 ~~conduct annual status reviews for five years following implementation.~~

28 ~~(fg)~~ (fg) If the technical representative of the district determines that a BMP for which program funds were received has  
 29 been destroyed or has not been properly maintained, the applicant ~~will~~ shall be notified that the BMP ~~must~~ shall be  
 30 repaired or re-implemented within 30 working days. For vegetative practices, applicants ~~are~~ shall be given one  
 31 calendar year to re-establish the vegetation. The ~~district~~ Division may grant a prescribed extension period if it  
 32 determines compliance ~~can not~~ cannot be met due to circumstances beyond the applicants control.

33 ~~(gh)~~ (gh) If the practices are not repaired or reimplemented within the specified time, the applicant shall be required to  
 34 repay to the Division a prorated refund for cost share BMP's as shown in Table 1 and 100 percent of the cost share  
 35 incentive payments received.

36 Table 1  
 37 PRORATED REFUND SCHEDULE FOR NONCOMPLIANCE  
 38 OF COST SHARE PAYMENTS

1		
2	Percent Age of Practice Life	Percent Refund
3	0	100
4	10	95
5	20	89
6	30	82
7	40	74
8	50	65
9	60	55
10	70	44
11	80	31
12	90	17
13	100	0

14 ~~(hi) In the event that a contract has been found to be noncompliant and the An applicant, who has been found in~~  
 15 ~~noncompliance and who does not agree to correct the non-compliance, the Division may invoke procedures to achieve~~  
 16 ~~resolution to the noncompliance, including any and all remedies available to it under the law. repair or reimplement~~  
 17 ~~the cost shared practices, and a District may jointly request the commission to informally mediate the case. To invoke~~  
 18 ~~this method of mediation, both parties must stipulate that the commission mediation is binding.~~

19 ~~(i) An applicant shall have 180 days to make repayment to the Division following the final appeals process.~~

20 ~~(j) The inability to properly maintain cost shared practices or the destruction of such practices through no fault of the~~  
 21 ~~applicant shall not be considered as noncompliance with the cost share agreement.~~

22 ~~(kj) When land under cost share agreement changes, owners the new landowner shall be strongly encouraged by the~~  
 23 ~~district to accept the remaining maintenance obligation. If the new landowner does not accept the maintenance~~  
 24 ~~requirements in writing, then the original applicant shall be required to refund 100 percent of all CSI payments and a~~  
 25 ~~prorated portion of cost share payments in accordance with Table 1 in Paragraph (gh) of this Rule.~~

26  
 27 *History Note: Authority G.S. 106-850; 139-4; 139-8;*  
 28 *Eff. May 1, 1987;*  
 29 *Amended Eff. July 1, 1992;*  
 30 *Recodified from 15A NCAC 6E .0007 Eff. December 20, 1996;*  
 31 *Amended Eff. June 1, 2008; April 1, 1999; November 1, 1997;*  
 32 *Transferred from 15A NCAC 06E .0107 Eff. May 1, 2012.*

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 34

1 **02 NCAC 59D .0108.0110** DISTRICT PROGRAM OPERATION

2 (a) As a component of the annual ~~strategy~~ strategic plan, the district shall prioritize resource concerns per the program  
3 purpose. both cropland and animal operations according to pollution potential. The district shall target technical and  
4 financial assistance to facilitate BMP implementation on the identified critical areas.

5 (b) ~~The district shall give priority~~ Priority by the district may be given to implementing systems of ~~BMP's~~ BMPs that  
6 which provide the most cost effective reduction of nonpoint source pollution conservation practice for addressing  
7 priority resource concerns.

8 (c) All applicants shall apply to the district ~~and complete the necessary forms~~ in order to receive cost share payments.

9 (d) The district shall review each application and the feasibility of each application. The district shall review and  
10 approve the evaluation and assign priority for cost sharing. All applicants shall be informed of cost share application  
11 approval or denial.

12 (e) Upon approval of the application by the district, the applicant, ~~and the district,~~ and the Division shall enter into a  
13 cost share agreement. The cost share agreement shall list the practices to be cost shared with state funds. The  
14 agreement shall also include the average cost of the recommended practice(s), cost incentive payment of the  
15 practice(s), and the expected implementation date of the practice(s). The District shall develop ~~CPO's, which a~~  
16 conservation plan that shall become a part of the cost share agreement.

17 (f) Upon completion of practice(s) implementation, the technical representative of the district shall notify the district  
18 board of compliance with design specifications.

19 (g) Upon notification, the district shall review the ~~CPO agreement and request for payment.~~ Upon approval, the  
20 district shall certify the practices in the ~~CPO agreement~~ and notify the Division to make payment to the applicant. The  
21 District Board of Supervisors shall certify that the individual signing the conservation plan and request for payment  
22 has proper job approval authority for the respective practice(s) before signing requests for payment for completed  
23 BMPs.

24 ~~(h) Upon receipt of a quarterly statement from the district, the Division shall reimburse to the district the appropriate~~  
25 ~~amount for technical and clerical assistance.~~

26 ~~(h)~~ (i) The district shall be responsible for and approve all BMP inspections as set forth in Rule .01070109(e) of this  
27 Section to insure proper maintenance and continuation under the cost share agreement.

28 (j) The district shall keep ~~appropriate~~ records dealing with the program per their district's document retention  
29 schedule.

31 *History Note: Authority G.S. 106-840; 106-850; 139-4; 139-8;*  
32 *Eff. May 1, 1987;*  
33 *Recodified from 15A NCAC 6E .0008 Eff. December 20, 1996;*  
34 *Amended Eff. March 1, 2008; November 1, 1997;*  
35 *Transferred from 15A NCAC 06E .0108 Eff. May 1, 2012.*  
36  
37

**SUBCHAPTER 59H – COMMUNITY CONSERVATION ASSISTANCE PROGRAM FOR NONPOINT  
SOURCE POLLUTION CONTROL**

**SECTION .0100 – COMMUNITY CONSERVATION ASSISTANCE PROGRAM**

**02 NCAC 59H .0101      PURPOSE**

*History Note:*      Authority G.S. 106-840; 106-860; 139-4; 139-8;  
                                 Eff. December 1, 2007;  
                                 Transferred from 15A NCAC 06I .0101 Eff. May 1, 2012.

**02 NCAC 59H .0102      DEFINITIONS FOR SUBCHAPTER 59H**

*History Note:*      Authority G.S. 106-840; 106-860; 139-4; 139-8;  
                                 Eff. December 1, 2007;  
                                 Transferred from 15A NCAC 06I .0102 Eff. May 1, 2012;  
                                 Amended Eff. November 1, 2016.

**02 NCAC 59H .0103      ALLOCATION GUIDELINES AND PROCEDURES**

*History Note:*      Authority G.S. 106-840; 106-860; 139-4; 139-8;  
                                 Eff. January 1, 2008;  
                                 Transferred from 15A NCAC 06I .0103 Eff. May 1, 2012;  
                                 Amended Eff. November 1, 2016.

**02 NCAC 59H .0104      BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE  
PAYMENTS**

*History Note:*      Authority G.S. 106-840; 106-860; 139-4; 139-8;  
                                 Eff. December 1, 2007;  
                                 Transferred from 15A NCAC 06I .0104 Eff. May 1, 2012.

**02 NCAC 59H .0105      COST SHARE AND INCENTIVE PAYMENTS**

*History Note:*      Authority G.S. 106-840; 106-860; 139-4; 139-8;  
                                 Eff. December 1, 2007;  
                                 Transferred from 15A NCAC 06I .0105 Eff. May 1, 2012.

**02 NCAC 59H .0106      TECHNICAL ASSISTANCE FUNDS**

*History Note:*      Authority G.S. 106-840; 106-860; 139-4; 139-8;  
                                 Eff. December 1, 2007;  
                                 Transferred from 15A NCAC 06I .0106 Eff. May 1, 2012.

**02 NCAC 59H .0107      COST SHARE AGREEMENT**

*History Note:*      Authority G.S. 106-860; 139-4; 139-8;  
                                 Eff. June 1, 2008;  
                                 Transferred from 15A NCAC 06I .0107 Eff. May 1, 2012.

**02 NCAC 59H .0108      DISTRICT PROGRAM OPERATION**

*History Note:*      Authority G.S. 106-840;  
                                 Eff. March 1, 2008;  
                                 Transferred from 15A NCAC 06I .0108 Eff. May 1, 2012.

**Request for Exception to Criteria for Extension of Previous Program Year Contracts Policy**

The [Criteria for Extension of Previous Program Year Contracts Policy](#) states that *on June 30 of each program year all outstanding third year contracts automatically expire and all funds encumbered to those contracts are returned to state accounts. The commission recognizes that to a very limited extent some contracts should be extended one additional year....If the request for payment is not received by the day before the July commission meeting, a district supervisor must appear before the commission to request the extension.*

Division staff, with concurrence of the AgWRAP Review Committee for AgWRAP contracts, respectfully request consideration of a policy exception of the District Supervisor requirement to attend the first Commission meeting of the new fiscal year for the following two groups of contracts. Districts will still follow the process to request a contract extension as described in the policy. Both extension requests are due in part to the significant design staff vacancies experienced over the past two years. The Technical Services Section is now fully staffed and has expanded. The Division hopes to have fewer contracts that fall into this category in the future based on improved staffing and design capacity.

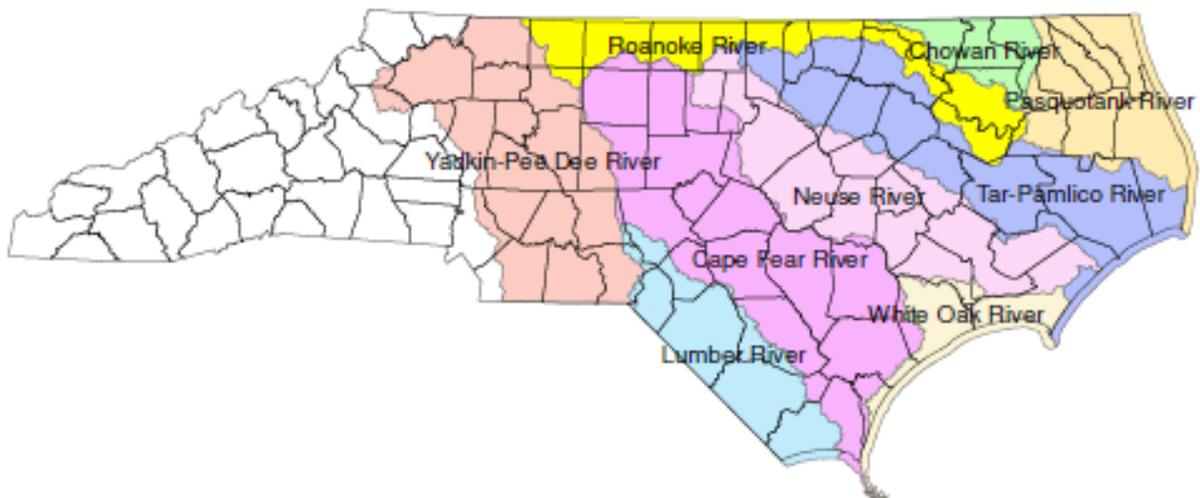
1. 2016 Agricultural Water Resources Assistance Program (AgWRAP) contracts for new ponds and pond repair/retrofits. The division is requesting that supervisors not need to appear in person to make the extension request based on the time delay inherent in the regional application process and the engineering needs associated with these AgWRAP projects
  
2. Select Western Region stream restoration and bank stabilization projects expiring in June of 2018. The division is requesting that supervisors not need to appear in person to make the extension request based on the limited planting windows for these practices that expired on March 15<sup>th</sup>. Given the timing of filling Technical Services Section vacancies in the Western Region, completing site assessment, design, and construction prior to March 15 was not possible this year.

Contract Number	Best Management Practice	Contracted Amount
11-2016-0004	Streambank and Shoreline Protection and Livestock Exclusion Fencing	\$21,618
12-20016-007	Streambank and Shoreline Protection	\$8,940
22-2016-013	Stream Restoration	\$4,943
22-2016-014	Stream Restoration	\$4,464
59-2016-002	Stream Restoration and Livestock Exclusion Fencing	\$27,974

## CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

On March 1, 1999, the initial Memorandum of Agreement established the North Carolina Conservation Reserve Enhancement Program (CREP). The goal of the program was to enroll 100,000 acres of environmentally-sensitive land within the Chowan, Neuse and Tar-Pamlico river basins, as well as the Jordan Lake watershed area. Through local interest and demonstration of environmental need, North Carolina requested the program to be expanded to cover 75% of the state. On May 1, 2008, the Lumber, White Oak, Yadkin-PeeDee, Roanoke, Cape Fear and Pasquotank river basins became eligible to participate in CREP. CREP enrollment is available in 76 of the 100 counties within North Carolina. The area that qualifies for CREP is shown in Figure 1.

Figure 1: CREP River Basins



CREP is a voluntary program utilizing federal and state resources to achieve long-term protection of environmentally sensitive cropland and marginal pastureland. These voluntary protection measures are accomplished through 10-, 15-, 30-year and permanent conservation easements to restore and protect riparian buffers and wetlands. Practices are designed to reduce nutrient and sediment impacts to stream courses within the targeted area and thus they have a positive impact on overall water quality.

The primary objectives of CREP are to achieve, to the extent practicable, the following:

- 1) Provide an opportunity for farmers in North Carolina to voluntarily establish riparian and wetland areas through financial and technical assistance.
- 2) Restore and enhance riparian habitat corridors next to streams, drainage ditches, estuaries, wetlands, and other water courses by enrolling up to 85,000

acres of riparian forested buffers, grass filter strips and other riparian tree plantings.

3) Restore up to 15,000 acres of non-riparian wetlands either associated with drainage ditches or adjacent to primary fishery nursery areas to address impacts associated with drainage.

4) Provide a mechanism to help farmers comply with the nutrient reduction rules in the Neuse, Tar-Pamlico, Jordan Lake, and Falls Lake watersheds, and potential regulations or goals in other watersheds.

#### **CREP EXISTING BUFFER RATIO**

A CREP workgroup was convened to discuss and make recommendation to the SWCC. The following people participated in a conference call on February 8, 2018:

Dietrich Kilpatrick (Chairman)

Alan Aldridge (Union Co District and former CREP employee)

Tony Davis (Surry Co District)

Eric Galamb (CREP)

Will Mann (Fishing Creek District)

Rob Satterfield (FSA)

#### **BACKGROUND**

The purpose of the CREP workgroup meeting was to make a recommendation to the Soil and Water Conservation Commission for their discussion and adoption regarding new acreage to existing buffer for CREP enrollments. CREP's agreement with USDA calls for no more than a 1:1 ratio. The ability to include existing buffer land into easements was intended to be an incentive to encourage people to upgrade from 30-year to permanent easements. For several years CREP interpreted the 1:1 ratio to apply to an individual enrollment, but when we began receiving offers including existing buffers > 1:1 there was a discussion and subsequent decision that the ratio could be applied on a program-wide scale. Since we had many acres enrolled before we began to offer the option to include existing buffer acres, this decision resulted in an opportunity to include existing buffer acres for an individual enrollment at a higher ratio than before. The concern was that we were getting offers that included requests to include existing buffer at far higher ratios, and we had no criteria by which to determine what was acceptable. Currently CREP has 7,721 acres in new acreage and 872 acres in existing buffer. This is a 1:0.11 ratio.

## **OPTIONS**

CREP will not close on easements unless there is sufficient funding available. Eric stated that he did not have a set ratio in mind but would throw out a 1:10 ratio to start the discussion. He indicated that he knew of three (3) options and there may be more. The three options he proposed were:

- 1) Continue with the unlimited existing buffer until the Program achieves a 1:1 ratio,
- 2) Implement a 1:1 ratio going forward, and
- 3) Use a 1:10 ratio with a 10% error so that the surveyors do not need to make another trip to adjust the easement. He noted that the surveyors attempt to get the correct ratio during the first survey but they would not know the full enrollment until they processed the data.

## **ACTION ITEM**

The workgroup recommends that the SWCC adopt option 3 above (maximum 1:10 ratio) of new enrollment to existing buffer acreage.