

ACSP Technical Review Committee

April 22, 2026



Technical Review Committee Meeting Agenda

1. Welcome
2. Approval of February Meeting Minutes
3. Grassed Waterway Policy Update – Subsurface Drains and Wetland Guidance
4. ACSP Maintenance Period Survey Results and Discussion
5. Member Items



TRC Membership

John Beck, Chair	Division of Soil and Water Conservation
Erin Rivers	Cooperative Extension Service/ NC State University
Abubakarr Mansaray	School of Agriculture, NC A & T State University
Alex Jones	N. C. Department of Agriculture and Consumer Services
Starla Harwood	Farm Service Agency
Anne Coan	N. C. Farm Bureau Federation
Dewitt Hardee	N. C. State Grange
Brandon King	State Resource Conservationist, NRCS
Jim Kjelgaard	State Conservation Engineer, NRCS
Rachel Smith	Division of Soil and Water Conservation
Rick McSwain	Division of Soil and Water Conservation
Charlie Deaton	Division of Marine Fisheries
Benjy Strobe	Wildlife Resources Commission
Rodney Wright	Guilford Soil and Water Conservation District Employee
Pete Anderson	Pamlico Soil and Water Conservation District Supervisor



February Meeting Minutes

- Review and approve the February 18, 2026, TRC meeting minutes





AGRICULTURE COST SHARE PROGRAM

Technical Review Committee

February 18, 2026 – Meeting Minutes



TRC Members: John E. Beck, Rodney Wright, Pete Anderson, Benjy Strope, Anne Coan, Abubakarr Mansaray, Alex Jones, Erin Rivers, Rachel Smith, Rick McSwain, Jim Kjelgaard

Guests: Shelby Kaplan, Porche Spence, Chelsea Ricks, Steven Ward, Emily Bateman, Conor McKearney, Alexandra Dinwiddie, Bryan Evans, Samantha Allbee, Chris Love, Caleb Lippard, Michael Shepherd, Lorien Deaton, Julie Henshaw, Robert Moore, Joshua Vetter

Agenda Summary

- Welcome and Introductions
- Approval of December Meeting Minutes
- Fishing Creek District BMP Request – Portable Shade Structure
- Grassed Waterway Policy Update – Inclusion of Subsurface Drains
- Proposed FY2027 Meeting Schedule
- Member Items

Decisions

- Approved December 2025 meeting minutes (with corrections).
- Approved Portable Shade Structure BMP for Fishing Creek District.
- FY2027 meeting schedule accepted.

Meeting Proceedings:

1. **Welcome and Introductions**
 - Call to Order: Meeting was called to order at 1:31 PM. Recording initiated.
 - John Beck opened the meeting and introduced new TRC member Pete Anderson (Pamlico SWCD Supervisor).
 - Members introduced themselves briefly.
2. **Approval of December Meeting Minutes**
 - Minor grammatical corrections noted.

- Motion to approve with corrections by Rick McSwain, seconded by Benjy Strope.
- Voice vote: Approved unanimously.

3. Fishing Creek District BMP Request – Portable Shade Structure

- Presenter: Chelsea Ricks (Fishing Creek SWCD).
- Proposal for a portable shade structure to support rotational grazing and protect water quality.
- Discussion highlights:
 - Utilizing materials and guidance developed by Lincoln SWCD and approved by the TRC in 2024.
 - Purpose is to protect water quality and provide alternative shade locations for livestock, away from riparian buffers. Noted that stream exclusion systems in Halifax county have resulted in excluded shade for cattle, justifying the need for alternative shade.
 - Cost-share reimbursement recommended based on actual cost (including shipping).
 - Discussion on maintenance responsibility concerns over the 10-year period included management for severe weather and high winds and replacement of shade fabric as needed. The Operation & Maintenance agreement on this practice includes the cooperator's responsibilities. Additional notes based on manufacturer instruction should be detailed on the O&M. A repair contract would only be permitted if damage was at no fault of the cooperator and it is recommended the cooperator consider insurance options.
 - Nutrient management benefits due to the manure dispersal throughout the pasture were noted.
- Motion to approve by Anne Coan, seconded by Benjy Strope.
- Voice vote: Approved unanimously.

4. Grassed Waterway Policy Update – Inclusion of Subsurface Drains

- Continued discussion on from previous meeting on Grassed Waterway BMP policy related to the inclusion of language on subsurface drains (NRCS Code 606).
 - The wetland policy item was expanded to clarify Food Security Act (1985) wetland requirements to ensure practices do not impact cooperator federal conservation compliance.
 - An AD-1026 form update is needed when installing new drainage or maintaining existing drainage to avoid Farm Bill wetland compliance issues.

- This does not apply to wetlands converted prior to 12/23/1985.
- Discussion points:
 - There was confusion and discussion over what triggers an AD-1026 form, especially where no wetland is present. The form is not only required where there are direct impacts to wetlands, but also where drainage is being installed or maintained. There could be wetland impacts up or down stream of drain tile.
 - Annual AD-1026 form certification is already required by FSA. When doing cost-share the form update is due diligence to make sure the cooperator does not have any Food Security Act compliance issues. This was the reason for inserting the expanded guidance in the policy.
 - The AD-1026 does not always require a wetland determination; it allows the farmer to self-certify their on-farm activities and avoid farm bill compliance issues. The form triggers someone to look at the practice or land to determine if there could be a compliance issue. If not, there is no further action.
 - Concerns raised about process delays due to an additional step and potential need for processing forms and possibly, a wetland determination.
 - Follow up with NRCS and FSA is needed to find out if they have had issues with wetland compliance due to drain tile.
 - Clarification is needed on how this applies to farmers that do not participate in USDA programs.
- Action: Further clarification and consultation with FSA/NRCS; revised language to be presented at next meeting.
- 5. Proposed FY2027 Meeting Schedule**
 - Tentative dates shared; no objections raised.
 - Calendar invites to be sent.
- 6. Member Items**
 - No additional items were raised.

Meeting Adjourned: 2:48 PM

Grassed Waterway Policy Update



Grassed Waterway

ACSP Definition

A Grassed Waterway means a natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff to improve water quality.

Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances.



Grassed Waterway Policy

- Current SWCC and NRCS JAA provide authority to design the conveyance
- Problem statement: In certain situations, appurtenant structures are needed, including subsurface drains, but ACSP lacks policy guidance and JAA for drainage.
 - This causes confusion and misunderstanding of requirements
 - Currently handled using NRCS JAA or Engineered



Grassed Waterway Policy

New policy item #5

Subsurface drains (NRCS Practice Code 606) may be incorporated into Grassed Waterway designs when necessary to address prolonged low flows, high water tables, or seepage conditions that hinder vegetation establishment or maintenance.

Additional conditions apply...



Grassed Waterway Policy

- Subsurface drains must be designed and installed with applicable job approval authority and in accordance with NRCS standards outlined in the National Engineering Handbook (210-650-H).
- Location of existing drain tile should be identified and assessed to determine the impact on field and ditch drainage.
- Animal guards are required on all subsurface drain outlets.



Wetland Compliance Guidance Background

- December 2025 wording: “Subsurface drains may not be used to drain wetlands.”
- Clarification of wetland requirements was requested to ensure ACSP practices do not impact cooperator federal conservation compliance
 - Food Security Act/NRCS wetland compliance requires agricultural producers to avoid planting on converted wetlands (after December 23, 1985) or converting wetlands for crop production to maintain USDA program eligibility



February Update Policy Wording

“Subsurface drains are not intended to drain wetlands and may not be used to convert Food Security Act wetlands without prior approval from NRCS. Any new drainage or updates to existing drainage systems requires submission of form AD-1026 to the local FSA office and receipt of a wetland determination from NRCS.”

- Discussion on specific conditions where this applies, processes, delays and impacts on non-USDA participants



Follow-up Items

- Do not have data on compliance cases involving GWW drainage...but does not appear to be a significant problem.
- Cooperators receiving USDA benefits should submit an AD-1026 to certify compliance with wetland conservation provisions



NC FSA State Office Newsletter

This messaging is included in state office and county level newsletters to cooperators

- Wording on drainage is general
- Instructs cooperators to update certification for any applicable activity

Highly Erodible Land (HEL) and Wetland Conservation Compliance

Landowners and operators are reminded that in order to receive payments from USDA, compliance with Highly Erodible Land (HEL) and Wetland Conservation (WC) provisions are required. Farmers with HEL determined soils are reminded of tillage, crop residue, and rotation requirements as specified per their conservation plan. Producers are to notify the USDA Farm Service Agency prior to breaking sod, clearing land (tree removal), and of any drainage projects (tiling, ditching, etc.) to ensure compliance. Failure to update certification of compliance, with [form AD-1026](#), triggering applicable HEL and/or wetland determinations, for any of these situations, can result in the loss of FSA farm program payments, FSA farm loans, NRCS program payments, and premium subsidy to Federal Crop Insurance administered by RMA.



AD-1026

PART B - HELC/WC COMPLIANCE QUESTIONS		
Indicate YES or NO to each question. <i>If you are unsure of whether a HEL determination, wetland determination, or NRCS evaluation has been completed, contact your local USDA Service Center.</i>	YES	NO
6. During the crop year entered in Part A or the term of a requested USDA loan, did or will the producer in Part A plant or produce an agricultural commodity (including sugarcane) on land for which an HEL determination has not been made?	<input type="checkbox"/>	<input type="checkbox"/>
7. Has anyone performed (since December 23, 1985), or will anyone perform any activities to:		
A. Create new drainage systems, conduct land leveling, filling, dredging, land clearing, or excavation that has NOT been evaluated by NRCS? <i>If "YES", indicate the year(s): _____</i>	<input type="checkbox"/>	<input type="checkbox"/>
B. Improve or modify an existing drainage system that has NOT been evaluated by NRCS? <i>If "YES", indicate the year(s): _____</i>	<input type="checkbox"/>	<input type="checkbox"/>
C. Maintain an existing drainage system that has NOT been evaluated by NRCS? <i>If "YES", indicate the year(s): _____</i> Note: Maintenance is the repair, rehabilitation, or replacement of the capacity of existing drainage systems to allow for the continued use of wetlands currently in agricultural production and the continued management of other areas as they were used before December 23, 1985. This allows a person to reconstruct or maintain the capacity of the original system or install a replacement system that is more durable or will realize lower maintenance or costs.	<input type="checkbox"/>	<input type="checkbox"/>
Note: If "YES" is checked for Item 7A or 7B, then Part C must be completed to authorize NRCS to make an HELC/WC and/or certified wetland determination on the identified land. If "YES" is checked for Item 7C, NRCS does not have to conduct a certified wetland determination.		



Revised policy considerations

- Certification of compliance is the responsibility of the cooperator
 - All parties receive a letter, map and determination from the soil scientist – this could result in delays before installation
- Current ACSP policies place regulatory compliance responsibility on cooperators
 - Ex. Agricultural Pond Repair/Retrofit Policy 7. Cooperators are responsible for obtaining and complying with all required permits.
- Specific form names and requirements may change – generalized guidance requires fewer updates



April Update Policy Wording

- States the programmatic restriction on draining or converting wetlands
- Specifies actions for USDA participants to maintain wetland compliance through federal agencies

“Subsurface drainage systems may not be used to drain or convert wetlands and must comply with all applicable provisions of the Food Security Act (FSA). USDA participants are responsible for coordinating certification of compliance with the local Farm Service Agency to ensure all FSA wetland related requirements are met before beginning any subsurface drainage work.”



Grassed Waterways

Definition/Purpose

A Grassed Waterway means a natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff to improve water quality. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances. (DIP)

Policies

1. This is a sediment control practice and must not be used if the primary purpose is to drain wet areas in a field.
2. As a condition for cost sharing, the field or treatment unit draining into the waterway must have installed, or the farmer must agree to install as part of the agreement, erosion control measures necessary to prevent damage from washout or excessive sedimentation in the waterway.
3. Precision L and forming and smoothing for grassed waterways is intended to be used only where existing terraces, diversions or other minor landscape features must be removed prior to initiating a grassed waterway system.
4. All NRCS standards and NC Agriculture Cost Share Program policies relative to vegetation must be followed.
5. Subsurface drains (NRCS Practice Code 606) may be incorporated into Grassed Waterway designs when necessary to address prolonged low flows, high water tables, or seepage conditions that hinder vegetation establishment or maintenance. The following conditions apply:
 - a. Subsurface drains must be designed and installed with applicable job approval authority and in accordance with NRCS standards outlined in the National Engineering Handbook (210-650-H).
 - b. Location of existing drain tile should be identified and assessed to determine the impact on field and ditch drainage.
 - c. Subsurface drainage systems may not be used to drain or convert wetlands and must comply with all applicable provisions of the Food Security Act. USDA participants are responsible for coordinating certification of compliance with the local Farm Service Agency to ensure all wetland related requirements are met before beginning any subsurface drainage work.
 - d. Animal guards are required for all subsurface drain outlets.

Commented [JB1]: Original text (12/2025): Subsurface drains may not be used to drain wetlands.

Revised text (2/2026): Subsurface drains are not intended to drain wetlands and may not be used to convert Food Security Act wetlands without prior approval from NRCS. Any new drainage or updates to existing drainage systems requires submission of form AD-1026 to the local FSA office and receipt of a wetland determination from NRCS.

Agriculture Cost Share Program

GRASSED WATERWAYS	
Maintenance Period	10 YEARS
BMP Units	ACRES
Required Effects	ACRES_AFFECTED – (planted acreage and drainage area) SOIL_SAVED NITROGEN_SAVED PHOSPHORUS_SAVED
JAA/NRCS Standard unless otherwise noted	<u>SWCC – Grassed Waterway</u> <u>OR</u> <u>NRCS – ENG – 412 – Grassed Waterway</u> <u>NRCS – ENG – 606 – Subsurface Drains</u>
NRCS Standard	<u>NRCS – ENG – 412 – Grassed Waterway</u> <u>NRCS – ENG – 606 – Subsurface Drains</u> <u>National Engineering Handbook (210-650-H)</u>
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads

Maintenance Period Survey Results



Refresher

- In May 2025, the 5-year maintenance period request was presented to the TRC for 6 BMPS:
 - Critical area planting
 - Cropland conversion
 - Diversion
 - Field border
 - Filter strip
 - Grassed waterway



TRC Meeting Outcome

- Assess statewide needs and impacts
- Consider financial impacts, conservation outcomes, and water quality benefits
- Survey districts to determine whether they face similar issues with the maintenance period on these BMPs or any others



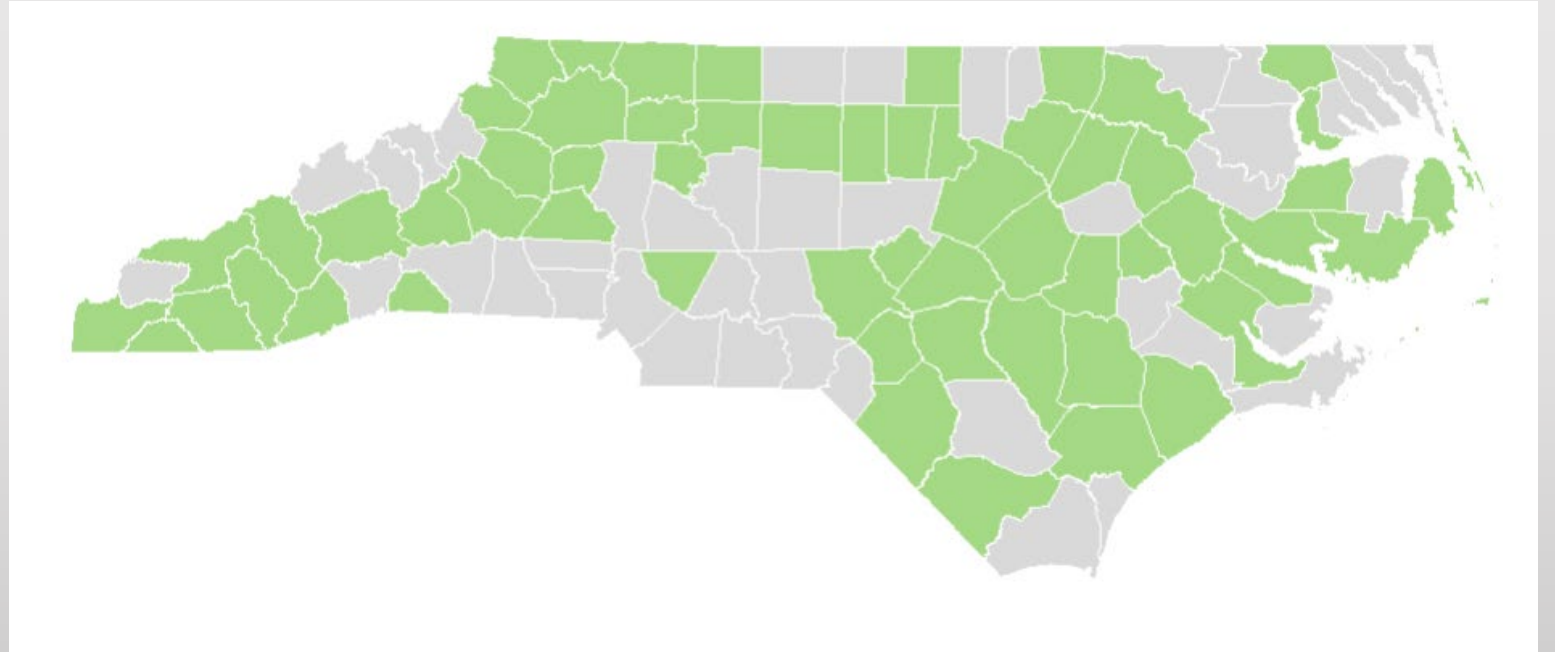
Data Collection

- We created a group survey and individual survey that were presented at 5 Division Update Meetings across the state
- The group survey was to initiate discussion on benefits, concerns, alternative strategies, and overall themes
- The individual survey was to get individual opinions on maintenance periods



District Representation

- We had 96 responses across 57 counties
 - 65 district staff
 - 31 district directors



Group Survey Analysis

- We will look at the group survey data first
- Because everyone wrote their answers in their own words, the responses didn't come in neat categories
- When several people were talking about the same underlying idea, those answers were assigned the same “theme”

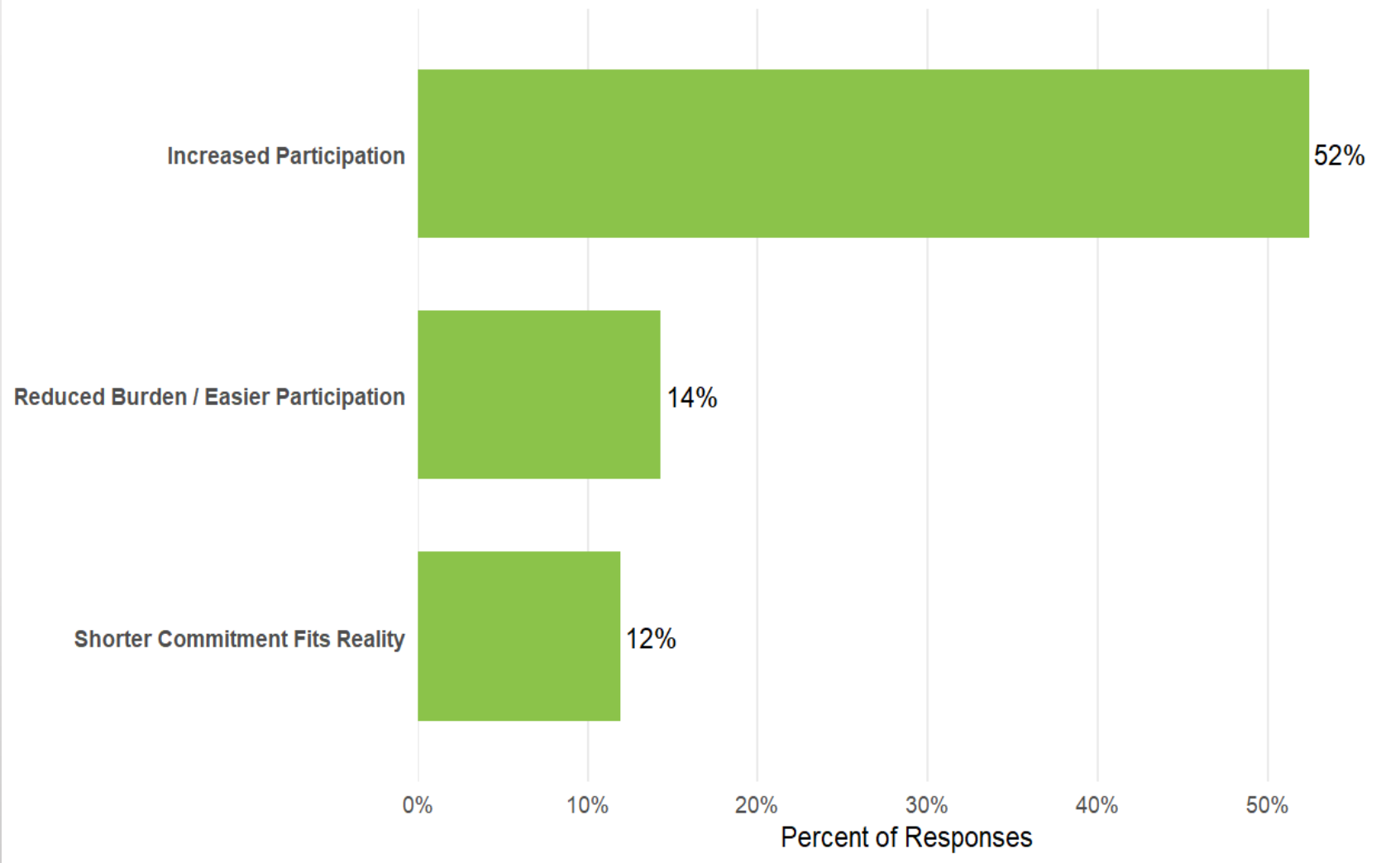


Group Survey Analysis

- I used R Statistical Software to filter:
 - How many responses mentioned each theme and words associated with the theme
 - What percentage of all responses that represented
- The outcomes from this data are represented on the next slides
 - Benefits
 - Concerns
 - Alternatives to maintain conservation benefits
 - Overall themes



Top 3 Perceived Benefits of Reducing Maintenance Period



“It would make... landowners/farmers want to participate more”

“Potential of higher participation in cost share programs”

“Easier buy in from cooperators”

“Easier to use these with the landowner”

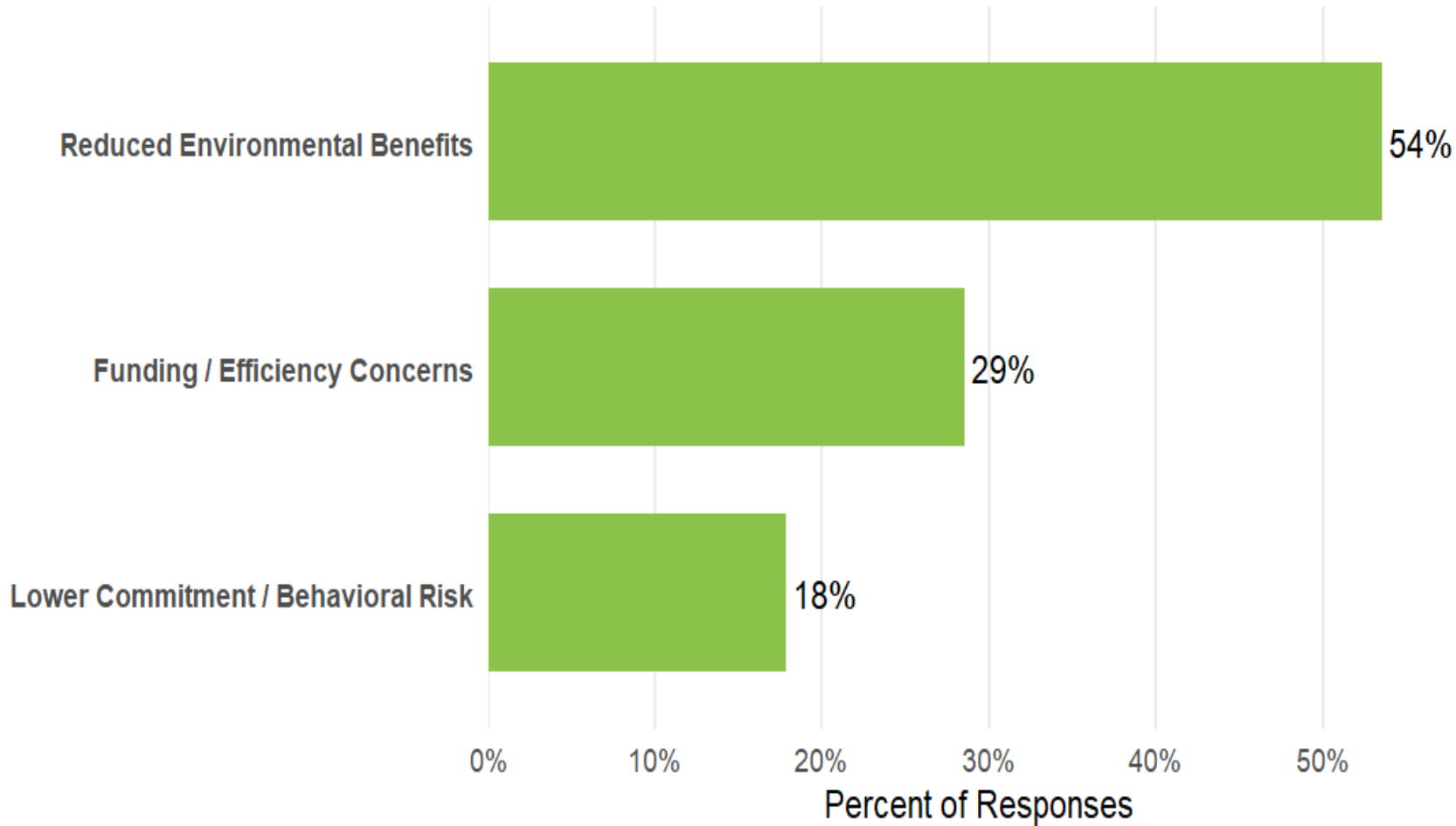
“Less administrative work”

“10 years is a long commitment...”

“Landowners might change/sale...”



Top Concerns About Reducing Maintenance Period



“Loss of long-term environmental benefits”

“Less protection for the same price”

“Invests taxpayer funds for a shorter period of time”

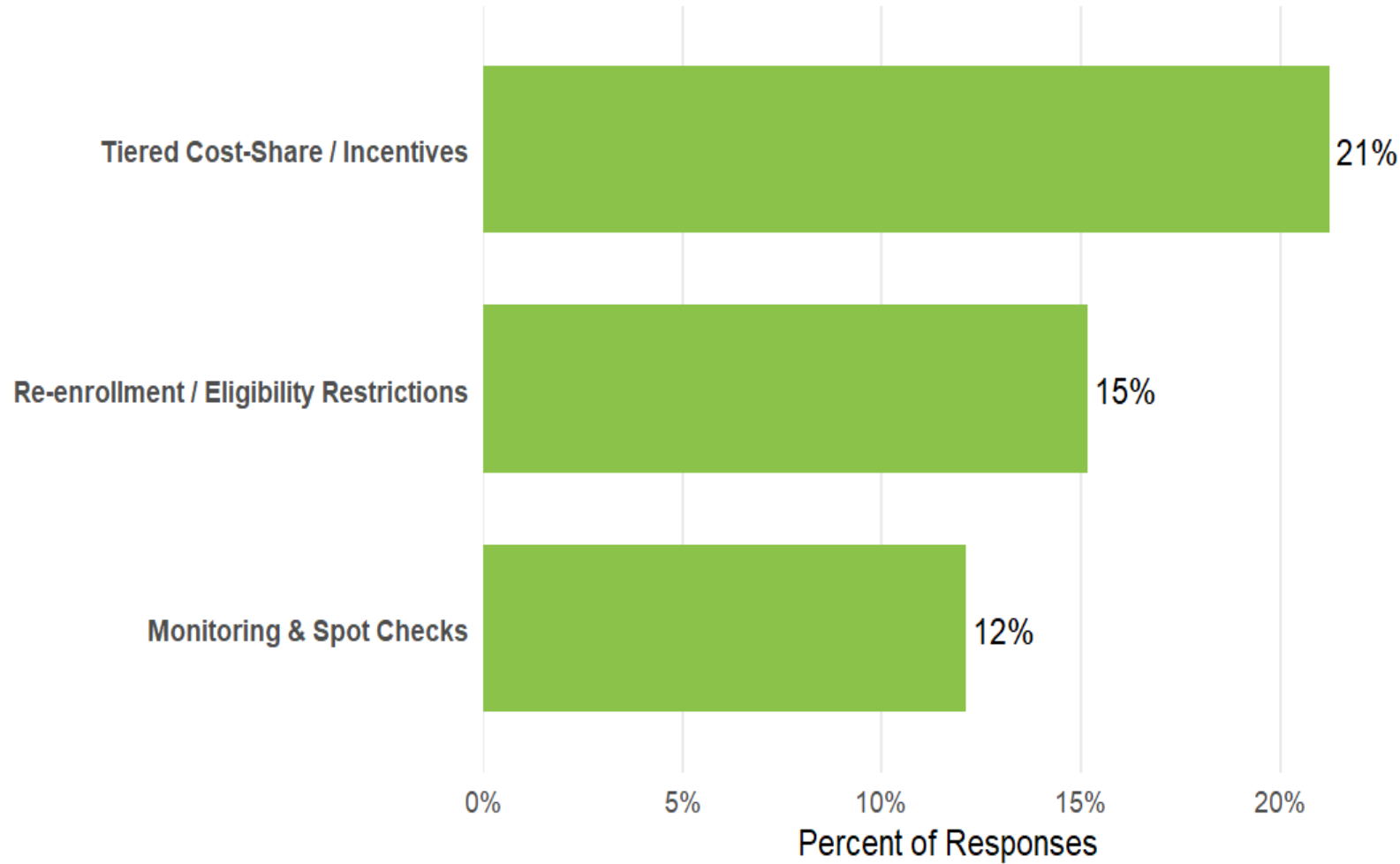
“Overuse of funds on same parcels”

“Less committed applicants to conservation”

“May attract the ones more interested in money than conservation...”



Top 3 Suggestions to Maintain Conservation Benefits



“Separate 10 year vs. a 5 year by a cost incentive”

“Lower cost-share rate for a 5-year”

“5 year and 10-year commitments could have a varied pay scale”

“Not allow a reinstallation of the practice until 10 years”

“Can’t reimplement until 10 years”

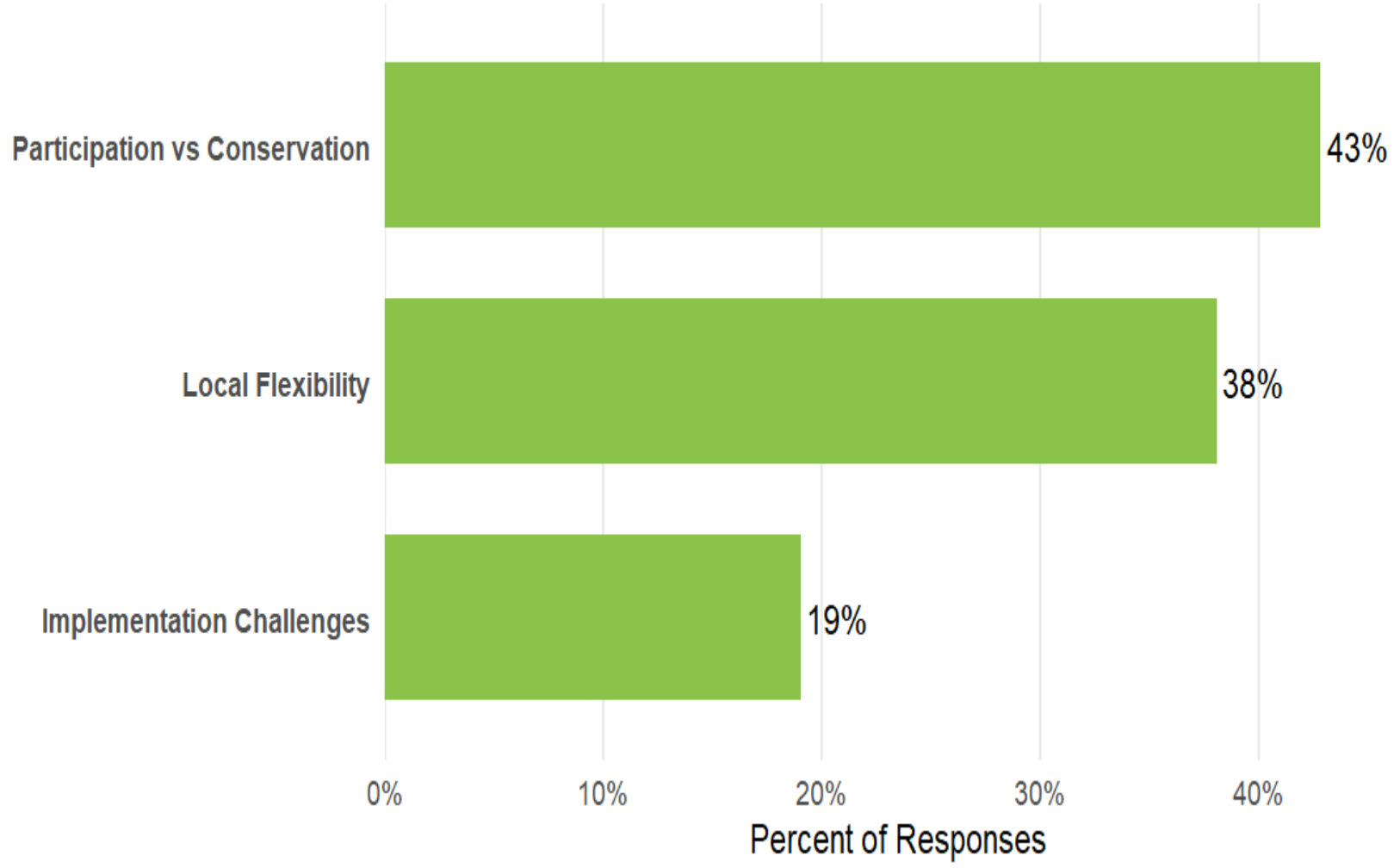
“Explain the benefits of the BMP in use to continue”

“Provide additional technical assistance to cooperators”

“Continued spot checks.”



Top Themes from Group Discussions



“Possibly more participation, possibly less conservation benefit”
“Balancing environmental benefits with financial resources”

“Each district isn’t created equal”
“District and regional needs are going to vary”
“Boards can opt in”

“If districts are spending all their funds do we really need to worry about the few that aren’t applying because of the maintenance period

“variations to accommodate those differences....”



Group Survey Results Summary

- **Positive:** Shorter 5-year maintenance periods could significantly increase program participation and make enrollment more appealing to landowners.
- **Concerns:** Shorter contracts risk reducing long-term conservation benefits, particularly for erosion-control and engineered BMPs.
- **Alternatives:** Consider a tiered or incentive-based system where 5- and 10-year maintenance periods have different cost-share rates or bonus payments.
- **Overall Theme:** Trade-off between flexibility and conservation longevity; impacts vary by county and BMP type, suggesting a one-size-fits-all change may not work statewide.



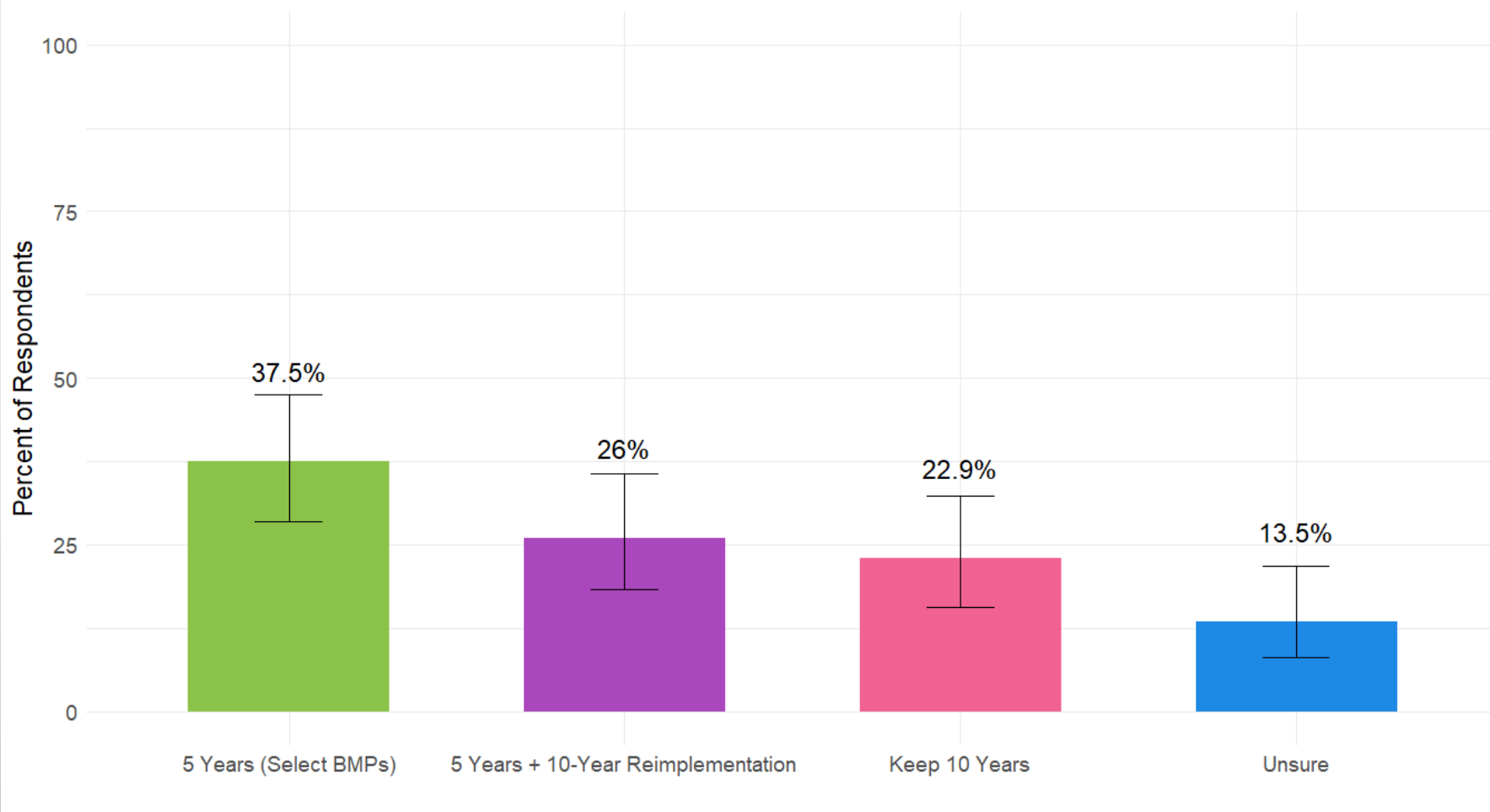
Individual Survey Analysis

- Questions were created to gather individual opinions overall and by BMP types.
- We ran these analyses in R.



Individual Survey Results: Overall Opinion

Overall District Views on Maintenance Periods

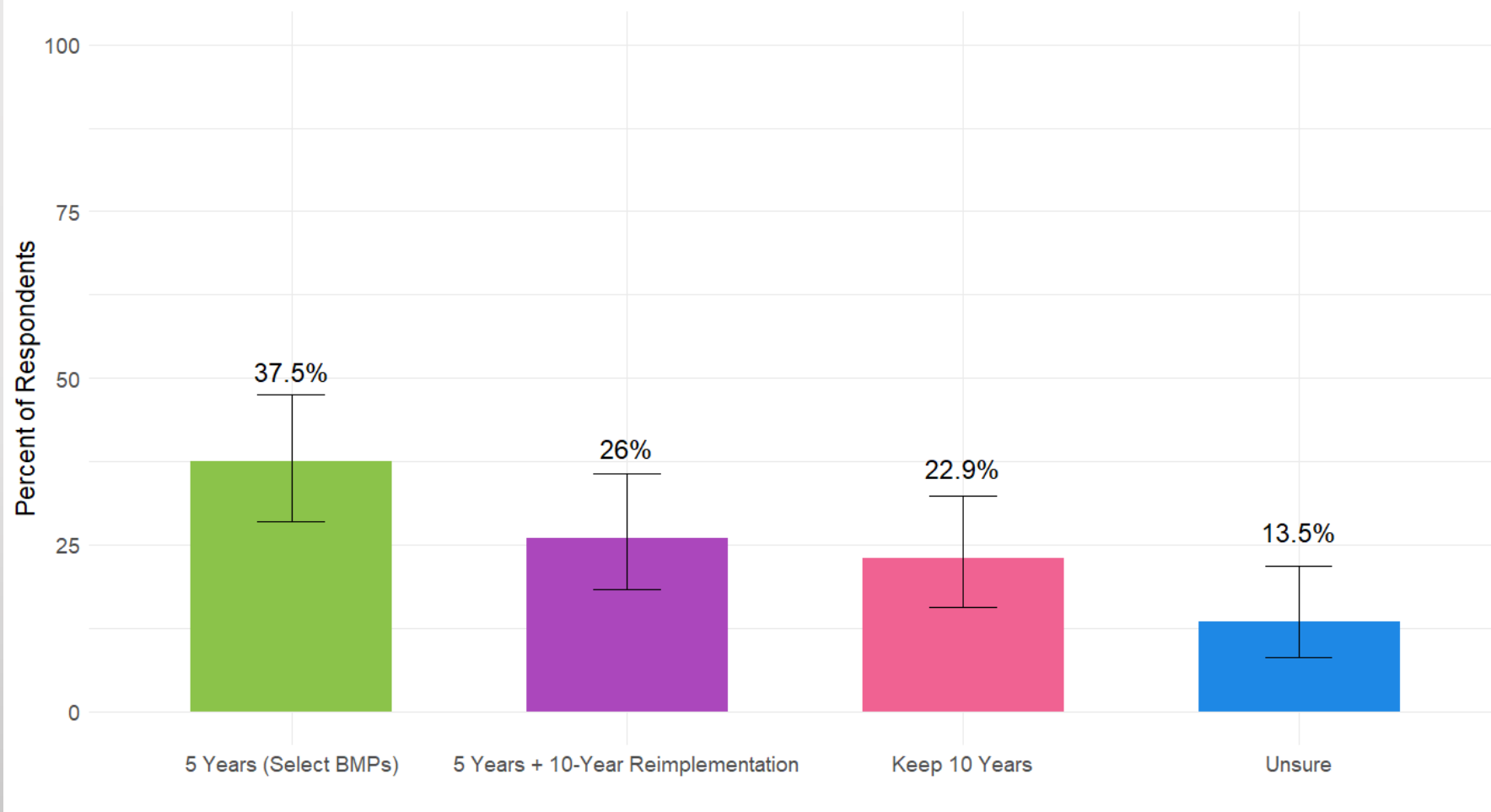


- Looking at the x-axis, we have 5 years on select BMPS and 5 years with a 10-year reimplementation limit which means the maintenance period is 5 years, but the BMP cannot be contracted again until 10 years have past
- Starting broad we see overall opinions on changing the maintenance period



Individual Survey Results: Overall Opinion

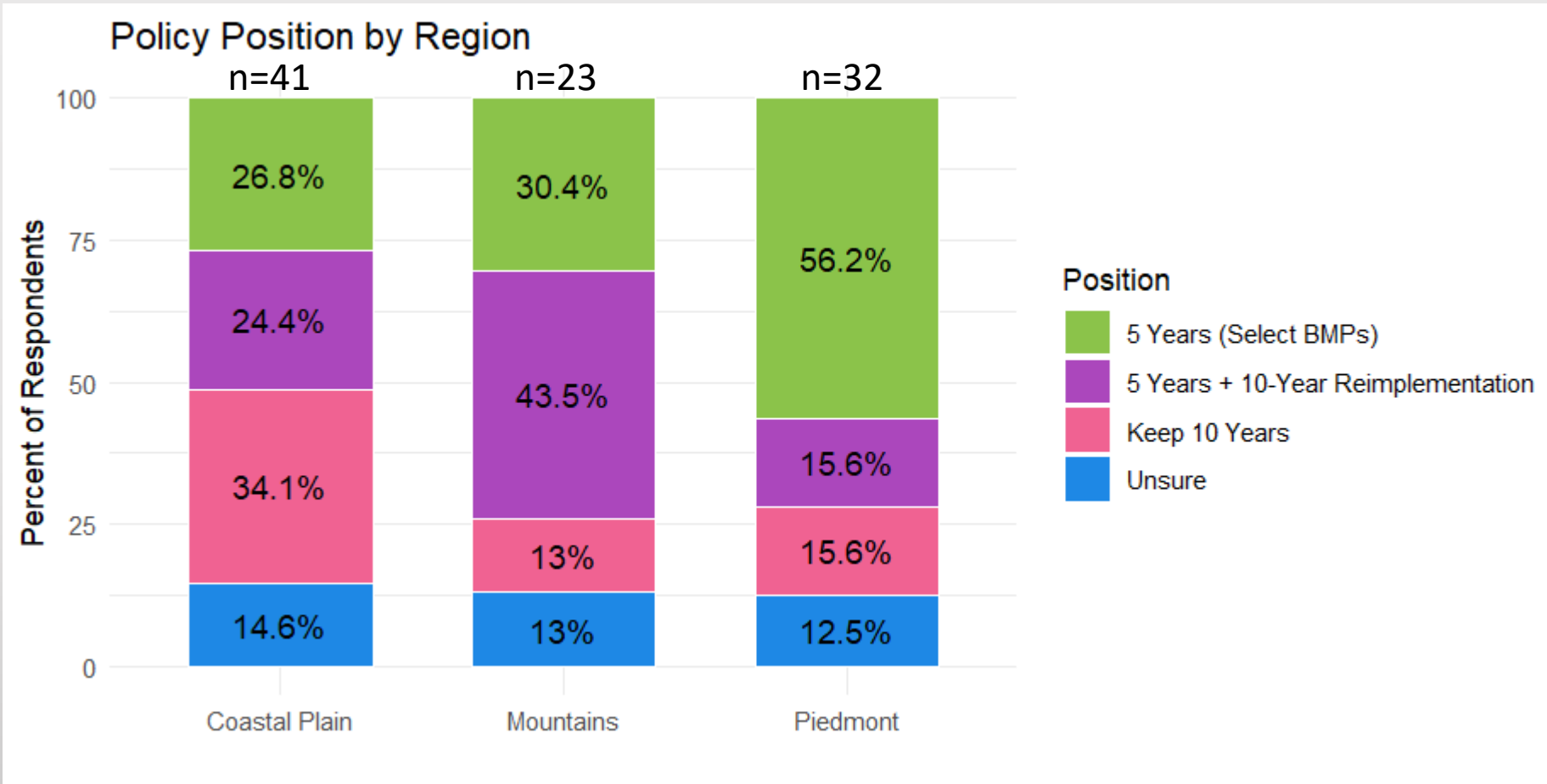
Overall District Views on Maintenance Periods



- 5 years on select BMPS has highest support
- 95% CI shows the range where the true value likely falls, accounting for the fact that we only surveyed a sample - not everyone
- We need to determine what is driving responses



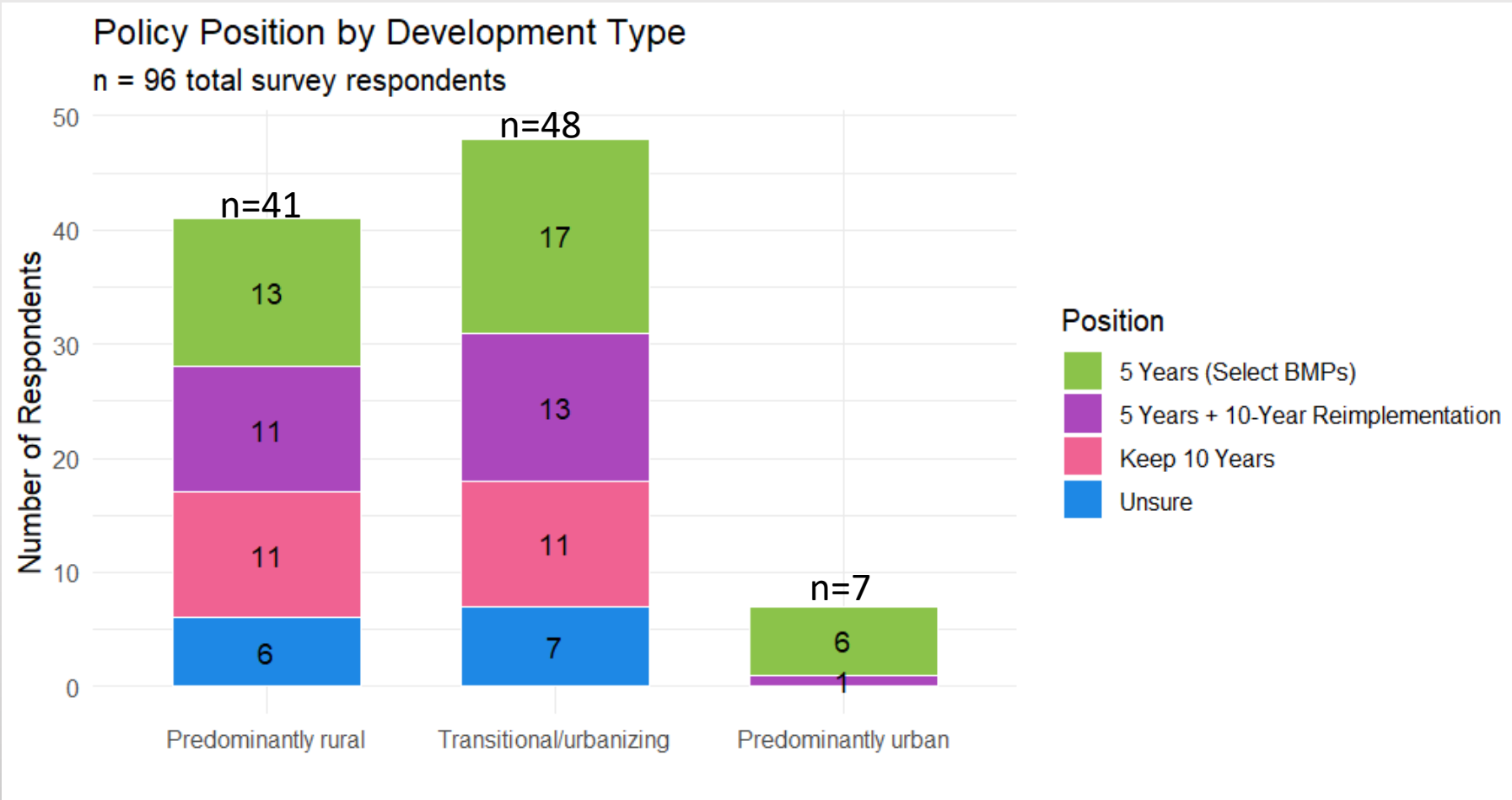
Individual Survey Results: By region



- Coastal plain prefers 10-year
- Mountains has strongest support for 10-year reimplementation limit
- Piedmont has strongest support for 5 Years on select BMPS
- This highlights differences in opinions across regions



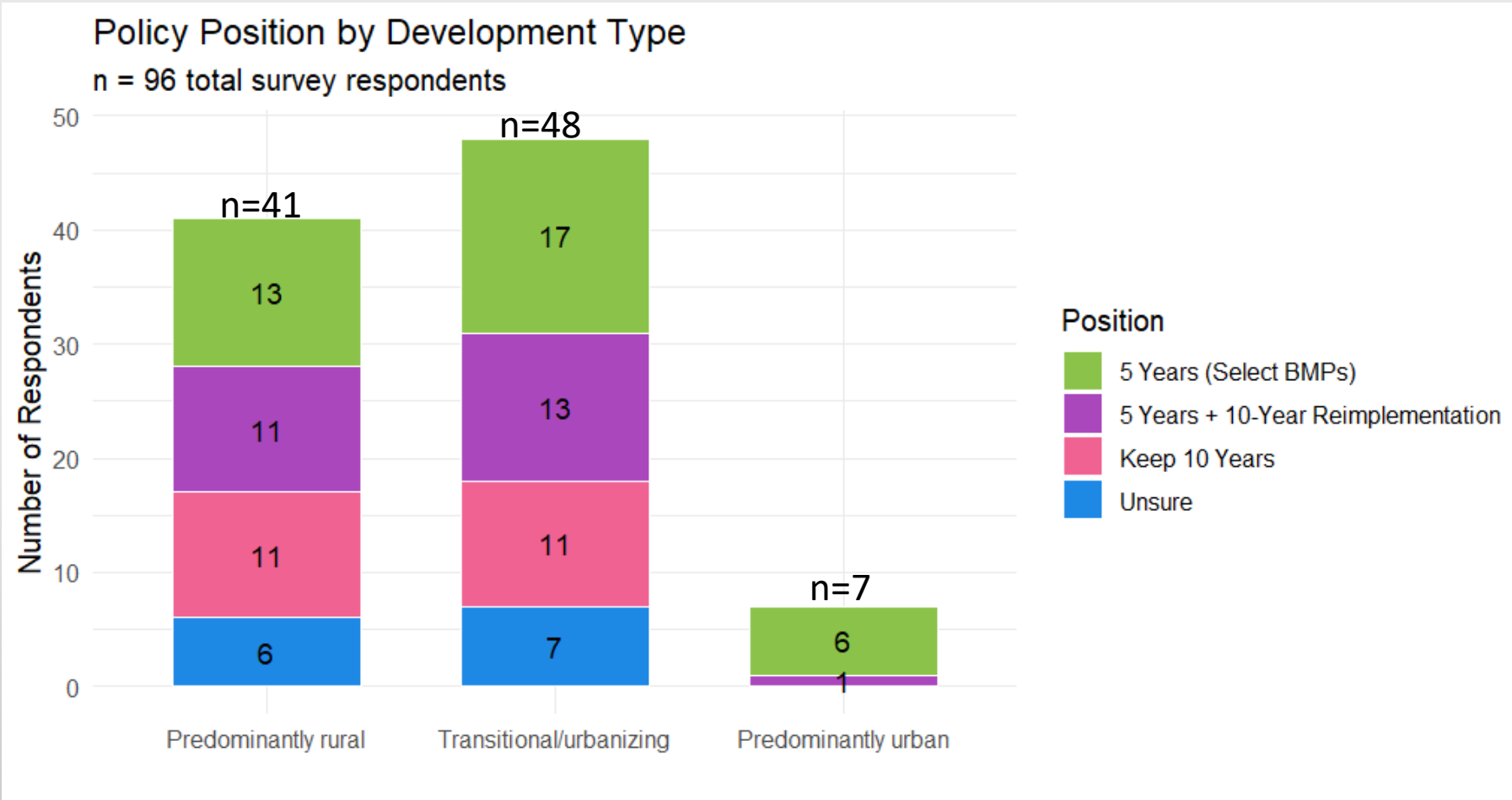
Individual Survey Results: By development



- Number of respondents supporting each position on the y-axis due to large differences in counts across development types.
- Respondents self selected development type



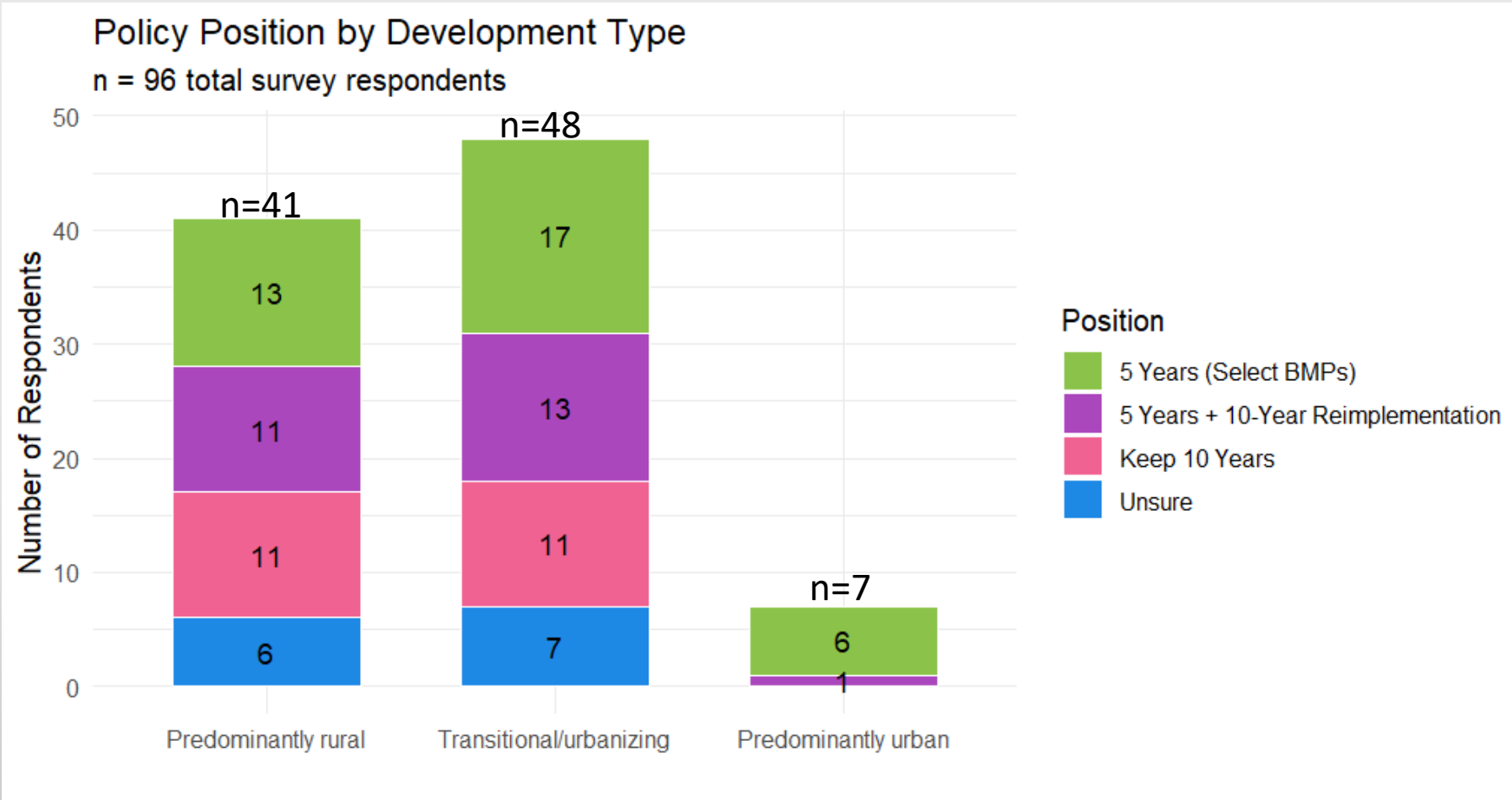
Individual Survey Results: By development



- Similar responses between rural and transitioning development
- Urban had strong support for 5-year maintenance periods.



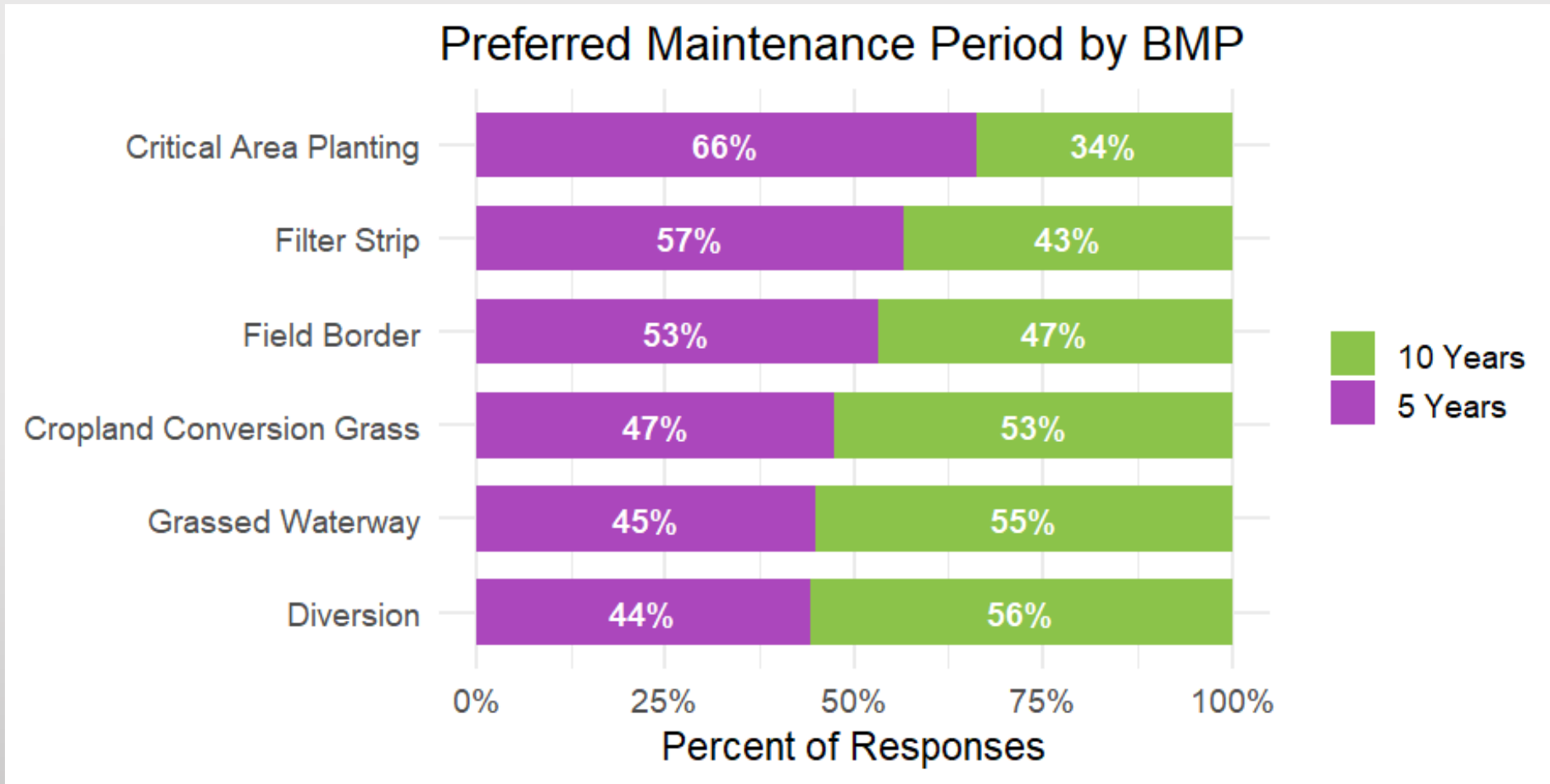
Individual Survey Results: By development



- Through time we may see a shift in opinions as transitional/urbanizing moves to predominantly urban



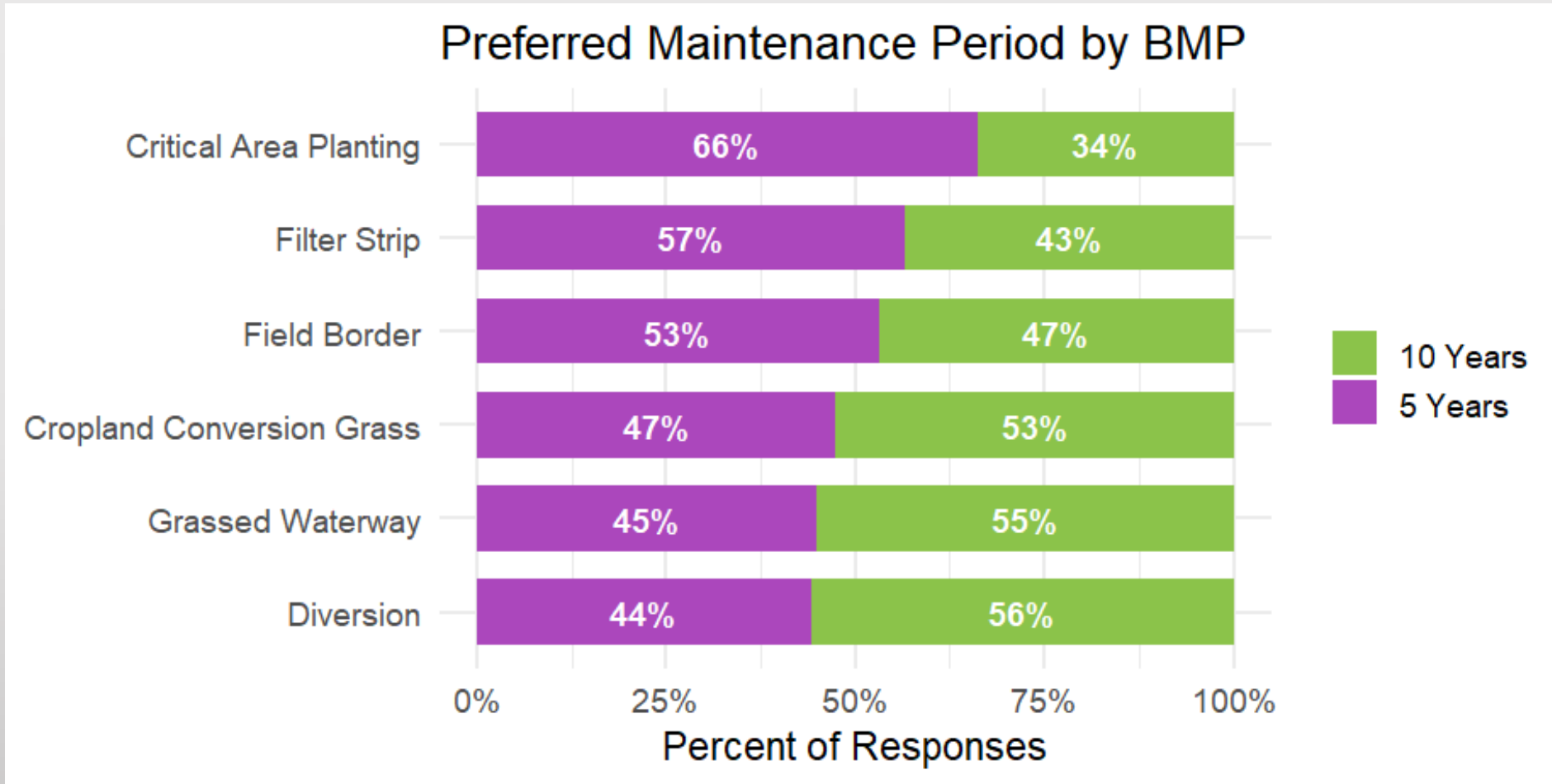
Individual Survey Results: By BMP



- For 6 BMPS we asked what maintenance period is preferred
- CAP, filter strip, and field borders have majority support for 5 years
- Cropland conversion, grassed water way, and diversion have majority support for 10 years



Individual Survey Results: By BMP



- This really highlights that while people may support some form of 5-year maintenance period in principle (64%)
- When asked about specific practices hesitance increases/support drops



Individual Survey Results: Open responses

- LOCAL CONTROL:
 - *“Maybe this issue should be made on a district by district basis...”*
 - *“Do not change the 10year standard but DO ADD the ability for every board to Opt-in to be able to use 5year periods with the caveat- a portion of their yearly allocation is solely to be used for this- the rest of the funds cannot be used towards 5yr bmps.”*
- FUNDING/EQUITY CONCERNS:
 - *“Why pay the same for something that’s half the time?”*
 - *“NRCS spends way more money... and there are no maintenance periods”*
- GEOGRAPHIC:
 - *“[Urban] county’s needs are way different than... [rural] counties...”*
 - *“As development pressure increases this might be more of a concern”*



Summary

- Overall sentiment:
 - Nearly two-thirds (63.5%) favor moving some BMPs to 5 years—either for select BMPs (37.5%) or with a 10-year re-implementation cap (26%)
- Regional differences:
 - Coastal Plain: prefer keeping 10-year for more BMPs or adopt the cap model.
 - Mountains: prefer adopting 5-year with re-implementation cap broadly.
 - Piedmont: prefer moving selected BMPs to 5 years.
- Development context:
 - The shorter period is most compelling in urban districts; rural/transitioning areas may favor a selective or capped approach rather than a blanket 5-year shift.
- By BMP:
 - More support for shorter periods for vegetation-focused, lower-risk practices; retain 10-year for structural or hydrologic BMPs where longevity/stability matters.



Open Discussion



Member Items

Open Discussion



TRC Meeting Schedule

Next Meeting:

- June 24, 2026

Future Meetings:

- August 26, 2026
- October 28, 2026
- December 16, 2026
- February 24, 2027
- April 28, 2027
- June 23, 2027
- *May meeting scheduled as needed

- 3rd/4th Wednesday of the month
- 1:30 – 3:30 PM

