

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

WORK SESSION

NC Department of Agriculture
 Division of Soil & Water Conservation
 January 19, 2021
 6:00 p.m.
<https://ncagr.webex.com/ncagr>

BUSINESS SESSION

NC Department of Agriculture
 Division of Soil & Water Conservation
 January 20, 2021
 9:00 a.m.
<https://ncagr.webex.com/ncagr>

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 – Cell phones set to silent or \$100 donation

Chairman John Langdon

III. BUSINESS

1. Approval of Agenda

Chairman John Langdon

2. Approval of Meeting Minutes

Chairman John Langdon

A. November 17, 2020 Work Session Meeting Minutes

B. November 18, 2020 Business Session Meeting Minutes

3. Division Report

Director Vernon Cox

4. Association Report

Mr. Blount Knowles

5. NRCS Report

Mr. Tim Beard

6. Consent Agenda

A. Supervisor Appointments

Mr. Eric Pare

B. Supervisor Contracts

Mr. Joshua Vetter

- 7. Job Approval Authority Process Mr. Jeff Young
 - A. Job Approval Authority Policy
 - B. Application Form

- 8. Technical Specialist Continuing Education Audit Results Mr. Jeff Young

- 9. FY2020 Commission Cost Share Programs Annual Reports Ms. Julie Henshaw
 - A. ACSP, CCAP and AgWRAP Consolidated Report Mr. Eric Galamb
 - B. Conservation Reserve Enhancement Program Report

- 10. FY2022 Technical Assistance Allocation Ms. Julie Henshaw

- 11. District Issues Mr. Joshua Vetter
 - A. Consideration of a Request for Exception to Policy on a Closure of Waste Impoundments Practice Orange SWCD

IV. PUBLIC COMMENTS

V. ADJOURNMENT

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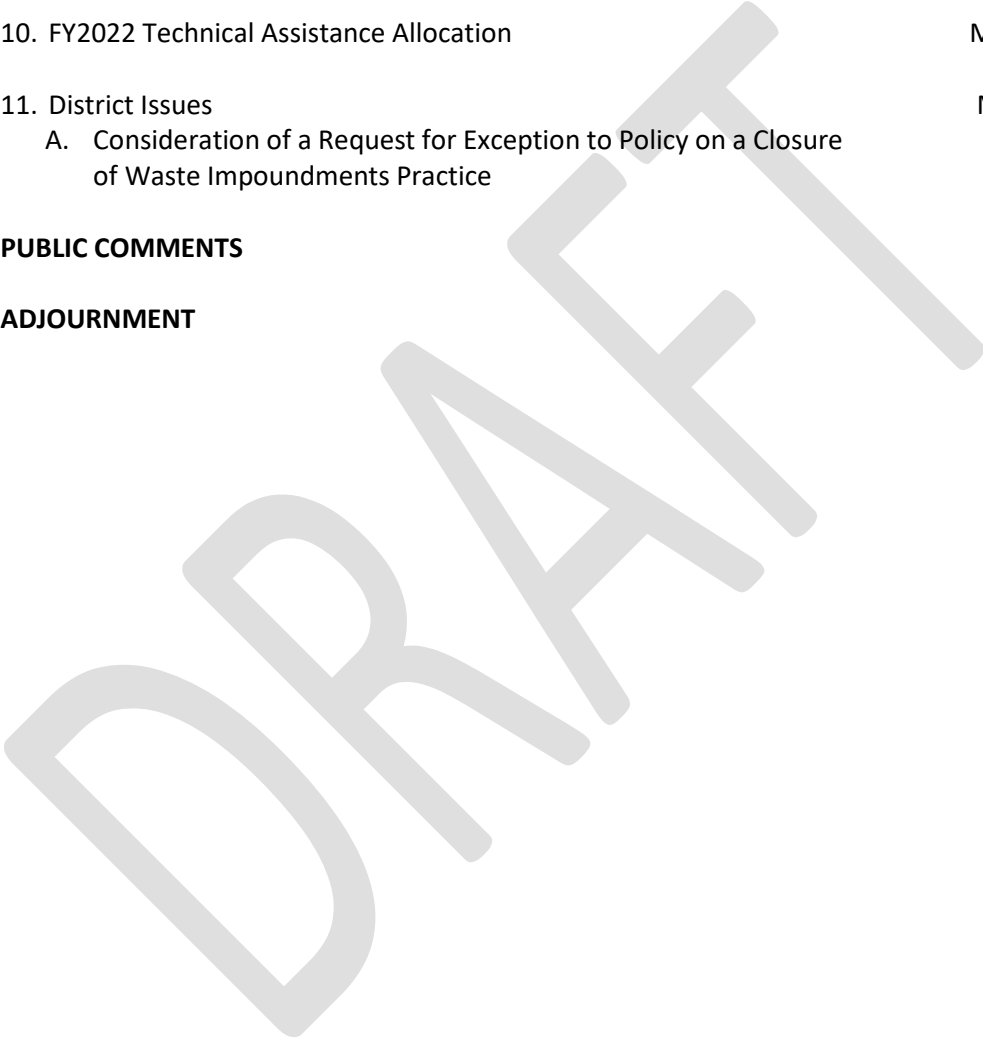
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SOIL & WATER CONSERVATION COMMISSION
WORK SESSION MEETING MINUTES
January 19, 2021**

TELECONFERENCE
<https://ncagr.webex.com/ncagr>

NC Department of Agriculture
Division of Soil & Water Conservation

Commission Members	Guests	Guests
John Langdon	Jeff Young	Michael Shepherd
Wayne Collier	Joshua Vetter	Michelle Lovejoy
Blount Knowles	Rick McSwain	Sandra Weitzel
Myles Payne	Helen Wiklund	Bryan Evans
Derek Potter	Cayle Aldridge	Eric Pare
Mike Willis	Lisa Fine	Anne Coan
Commission Counsel	Kristina Fischer	Todd Roberts
Phillip Reynolds	Ken Parks	Eric Galamb
Guests	Chris Hogan	Jeffrey Sykes
Vernon Cox	Tom Hill	Sydney Mucha
David Williams	Allie Dinwiddie	Lena Simmons
Julie Henshaw	Dewitt Hardee	Kenny Ray

Chairman Langdon called the meeting to order at 6:02 p.m. Chairman Langdon inquired whether any Commission members need to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. Chairman Langdon stated the meeting guidelines.

1. **Approval of Agenda:** Chairman Langdon asked for comments on the agenda. None were declared.
2. **Approval of Meeting Minutes:** Chairman Langdon asked for comments on the minutes. Commissioner Collier stated the minutes have been revised and are in order.

2A. November 17, 2020 Work Session Meeting Minutes

2B. November 18, 2020 Business Session Meeting Minutes

3. **Division Report:** Chairman Langdon recognized Director Vernon Cox. 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.
4. **Association Report:** Chairman Langdon recognized Commissioner Knowles. Commissioner Knowles 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.
5. **NRCS Report:** Chairman Langdon stated Mr. Tim Beard will be presenting the report tomorrow.
6. **Consent Agenda:** Chairman Langdon recognized Mr. Eric Pare and Mr. Joshua Vetter to present. Copies of the reports are included as an official part of the minutes.

6A. Supervisor Appointments:

- Anthony Wayne Street, Brunswick SWCD, filling the unexpired elected term of Mr. Elliot Swain for 2018-2022 with an attached resignation letter from Mr. Swain
- Hunter Quincy, Edgecombe SWCD, filling the unexpired appointed term of Ms. Margaret Knight for 2018-2022 with an attached resignation letter from Ms. Knight
- Donna Jones, Madison SWCD, nominee to fill an appointed term of a vacant seat for 2021-2024
- William Rice, Mecklenburg SWCD, filling the unexpired appointed term of Ms. Rice-Boayue for 2021-2022 with an attached resignation letter from Ms. Jacelyn Rice-Boayue

6B. Supervisor Contracts: 7 contracts; totaling \$57,555

7. **Job Approval Authority Process:** Chairman Langdon recognized Mr. Jeff Young to present. A copy of the report is included as an official part of the minutes.

7A. Job Approval Authority Policy: Mr. Young stated this policy was presented in July 2019, and the Rules were adopted in November 2020. Administrative Rule 02 NCAC 59D.0201, "*The Criteria and Procedures for Granting Job Approval Authority*" was highlighted. The current policy is limited to 11 practices in the AgWRAP and CCAP programs. The draft policy and framework is modeled after the policy and framework currently in use by NRCS. The policy defines and establishes job classes and details the review process. This policy will be a roadmap for anyone that is applying for Job Approval Authority (JAA) through the Commission, i.e., how the program is administered and will list the requirements approved by the Commission. The Commission will re-evaluate Job Approval Authority (JAA) for each participant every four years or as necessary. The Commission has the authority to rescind and reinstate Job Approval Authority. The Commission will be asked to act upon all applications after review by the Division of Soil & Water Conservation.

Chairman Langdon commended Mr. Young and the JAA Workgroup for all their work. Commissioner Potter asked for clarification about the NRCS requirements in Item C on page 3. Mr. Young stated this is the language acknowledging there is an NRCS system in place that also grants Job Approval Authority (JAA).

7B. Application Form: Mr. Young stated the recently adopted rules outline the minimum criteria required in the application form for those seeking Job Approval Authority (JAA). All 83 practices will be listed on the application, and the Detailed Implementation Plan (DIP) will be expanded to include the practices. The application requires that one reference be provided to verify the applicant's technical competency. There is also an applicant signature field attesting that the information on the application is accurate.

8. Technical Specialist Continuing Education Audit Results: Chairman Langdon recognized Mr. Jeff Young to present. A copy of the report is included as an official part of the minutes. Mr. Young stated this is an annual audit of the Technical Specialist Continuing Education credits of education hours. Mr. Shepherd administered the audit by taking a random 10% of the 130 submittals. All the criteria were met, and the audit was satisfactory.

9. FY2020 Commission Cost Share Programs Annual Reports: Chairman Langdon recognized Ms. Julie Henshaw to present. A copy of the reports is included as an official part of the minutes.

9A. ACSP, CCAP, and AgWRAP Consolidated Report: Ms. Henshaw stated the Cost Share Programs Annual Report looks different because new technology was used to prepare the report. The report is due by the end of January and highlights the three programs. Ms. Sydney Mucha reformatted the layout of the report with larger text and pictures.

9B. Conservation Reserve Enhancement Program Report: Mr. Galamb highlighted the program's objectives. The agreement is administered by the USDA, which authorizes enrolling up to 85,000 acres of riparian habitat. Currently, the program has 28,610 acres enrolled, and we can restore up to 15,000 acres of non-riparian wetlands of which 2,439 acres have been restored. Commissioner Potter asked if there is an expiration date for the program, and Mr. Galamb will research the answer. The contract period is for 30 years, and we are in the 21st year. Mr. Galamb stated there are 57 applications totaling 2,000 acres.

10. FY2022 Technical Assistance Allocation: 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 this is the technical assistance allocation methodology, per Rule 02 NCAC 59D .0108, and as described in the Detailed Implementation Plan (DIP). The Rule specifies that SWCC practices will be weighted at 100%, other local, State, federal and grant funded practices will be weighted at a minimum of 25%, districts shall submit information on funded practices through their annual strategic plan, the highest three allocations of the most recent seven years will be calculated, and this allocation will be calculated once every three years, unless there is a change in technical assistance State appropriations. The Cost Share Committee convened twice to review the Rule. The recommendations include adding the following to the FY2022, FY2023 and FY2024 Detailed Implementation Plan:

- (1) *All data in CS2 will be incorporated into the calculation except for Disaster Response Funding Codes as district received separate technical assistance payments for their work on these practices.*
- (2) *Weight all local, State, federal and grant funded practices that meet the purposes of ACSP, CCAP and AgWRAP at a weight of 25%. This includes only the BMP construction/installation cost and excludes the design, construction oversight and practice certification cost to be*

- consistent with item (1). Data is obtained from the NRCS state office for federal programs, the NC Foundation for Soil and Water Conservation directly, and by districts uploading grant and funder agreements.*
- (3) *Adopt a maximum allocation of \$30,000 per district. The minimum allocation per county is set in the rule at \$20,000 per district, unless the district requests a lesser amount in their annual strategic plan.*

The Division is requesting a special Commission meeting in February to approve the finalized allocations for next fiscal year.

- 11. District Issues:** Chairman Langdon recognized Mr. Joshua Vetter to present. A copy of the letter is included as an official part of the minutes.

11A. Consideration of a Request for Exception to Policy on a Closure of Waste Impoundments

Practice: Mr. Vetter stated the Orange SWCD is requesting an exception to the Closure of Waste Impoundments Practice. The policy can be found in the Cost Share Programs – Agriculture Cost Share Program (ACSP) Best Management Practices (BMPs) under Closure - Waste Impoundments NC-ACSP-1.c.ix. The policy states, *“Each contract must contain the following information and must be received by the Division prior to approval.” “A statement signed by the applicant/landowner that he/she will not reimplement the system and that no confined animal feeding operation will be restarted on the farm. The completion of NC-ACSP-1C meets this requirement.”* There is a letter regarding the request and Mr. Michael Shepherd can provide more information. Chairman Langdon noted a letter from Mr. Buster Towell is included, who is a well-respected, senior environmental specialist with the Division of Water Resources (DWR). Mr. Shepherd stated the request was reviewed with the Orange SWCD. The owner intends to maintain 5 cows for selling of milk to local markets. Staff is of the opinion that this activity meets the EPA’s definition of a confined animal feeding operation, even though 5 cows will not generate a lot of animal waste. This operation is deemed permitted by DWR, even if the waste storage pond is closed. There is nothing that prevents the applicant from going to 99 cows with no waste pond, which is why the Division denied the original contract application. Mr. Hogan stated he spoke to Counsel Reynolds and the key word in Mr. Towell’s letter is de minimis. Mr. Hogan stated there is a reason why the landowner has 5 cows and not 99. The Orange SWCD would like to see this lagoon closed and by doing so will protect the local water supply. Mr. Shepherd spoke to Mr. Towell and discussed this issue multiple times. Mr. Towell brought up the word de minimis and stated there is not much manure discharge, but it is the Commission’s policy that is prohibiting this from closing. Commissioner Payne stated Mr. Shepherd followed the Commission’s policy. This request is before the Commission because the landowner wants to request cost share money, if he had done this on his own, it would not be coming before the Commission. Deputy Director Williams stated the issue is the cows are brought into the barn once a day and milking the cows and the water that collects to clean down the milking parlor and equipment is going into a pipe and that pipe will be discharged onto the ground. The concern is being confident it will not create a water quality issue. Mr. Shepherd stated these cows are out in the pasture and brought in just for milking similar to an organic operation. Mr. Jeff Sykes, landowner of Sykes Dairy, Inc., stated the plan is not to go to 99 cows. The time the cows spend in the barn is 25 minutes. The cows are like pets, and when they are in the barn, they just stand there, but cows can get upset and defecate. Mr. Sykes stated he is trying to keep his farm after being laid off.

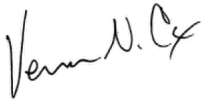
IV. Public Comments: Chairman Langdon stated Governor Cooper has reappointed Commissioner Knowles, Commissioner Potter and me. Commissioner Payne has gone above and beyond the call of duty in service to the Commission and we have a plaque to recognize his service for a job well done. We also have a plaque for Commissioner Green to recognize his service to both the Commission and the Association. Since Mr. Green will not be able to serve his term as Past President, Mr. Chris Hogan has agreed to serve on the Commission in that capacity.

Director Cox stated Mr. Chris Hughes will be serving as First Vice President of the Association and will be joining the Commission once his statement of economic interest and appointment by the Governor's office is complete.

Chairman Langdon stated Mr. Bill Yarborough plans to share some public comments at tomorrow's meeting.

Commissioner Potter has a conflict tomorrow and will be leading another meeting at the same time but will be participating in the Commission meeting.

V. Adjournment: Meeting adjourned at 7:39 p.m.



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



Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on March 17, 2021.



**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
BUSINESS SESSION MEETING MINUTES
January 20, 2021**

TELECONFERENCE
<https://ncagr.webex.com/ncagr>

NC Department of Agriculture
Division of Soil & Water Conservation

Commission Members	Guests	Guests
John Langdon	Michael Shepherd	Brandon Young
Wayne Collier	Helen Wiklund	Michelle Lovejoy
Blount Knowles	Ralston James	Kenny Ray
Myles Payne	Allie Dinwiddie	Odessa Armstrong
Derek Potter	Cayle Aldridge	Chris Hughes
Mike Willis	Lisa Fine	Dewitt Hardee
Commission Counsel	Kristina Fischer	Anne Coan
Phillip Reynolds	Ken Parks	Elliot Swain
Guests	Sandra Weitzel	Daniel McClelland
Vernon Cox	Eric Pare	Todd Roberts
David Williams	Tom Hill	Lena Simmons
Julie Henshaw	Sydney Mucha	Tom Gerow
Jeff Young	Tim Beard	Bill Yarborough
Rick McSwain	Eric Galamb	Charles Bass
Keith Larick	Gail Hughes	Julia Hardy
Paula Day	Jeffrey Sykes	Kayla McCoy
Joshua Vetter	Michelle Raquet	Joe Austin
Rob Baldwin	Chris Hogan	

Chairman Langdon asked Counsel Reynolds to provide guidance for conducting the meeting. Counsel Reynolds stated to comply with the North Carolina open meetings law for virtual meetings, anyone that speaks needs to be recognized by the chair and state their name for the minutes. Chairman Langdon called the meeting to order at 9:06 a.m. Chairman Langdon inquired whether any Commission members need to declare any conflict of interest, or appearance of conflict of interest, that may exist for agenda items under consideration, as mandated by the State Ethics Act. Chairman Langdon welcomed everyone to the meeting.

- 1. Approval of Agenda:** Chairman Langdon asked for approval of the agenda. Commissioner Payne moved to approve the agenda and Commissioner Willis seconded. Motion carried.

- 2. Approval of Meeting Minutes:** Chairman Langdon asked for approval of the minutes. Commissioner Collier stated the minutes are in order and moved to approve the minutes and Commissioner Willis seconded. Motion carried.

2A. November 17, 2020 Work Session Meeting Minutes

2B. November 18, 2020 Business Session Meeting Minutes

- 3. Division Report:** Chairman Langdon recognized Director Vernon Cox. A copy of the report is included as an official part of the minutes. Director Cox stated the following:
- The Division continues to operate under Phase 3 Coronavirus restrictions
 - Commission gave final approval of the Job Approval Authority (JAA) Rules in November 2020; JAA Rules were approved by the Rules Review Commission on December 17, 2020 and became effective on January 1, 2021
 - Personnel Update: Environmental Specialist (CREP) hire recommendation has been submitted.
 - Commissioner Troxler announced Kaleb Rathbone has been appointed as the Agriculture Programs Administrator in western NC and Teresa Lambert has been promoted to the position of Research Stations Director
 - Three virtual School of Government (SOG) trainings are scheduled in February. Rules for enforcement of training requirements for District Supervisors must be adopted before November of 2022
 - Highlighted Legislature – 2021 Key Dates
 - January 27: Legislature returns to Raleigh
 - April 6: Senate filing deadline for most bills that do not address constitutional amendments, appointments, or election laws
 - April 20: House filing deadline for non-budget, non-finance bills
 - April 27: House filing deadline for budget and finance-related bills
 - May 13: Crossover deadline for bills to have passed either the House or Senate for consideration during the remainder of the session
 - Redistricting likely will be considered in a special session later in the year
 - Met with Bryan Evans and Laura Killian to discuss legislative priorities for the Department and Association
 - Construction and moving into the Agriculture Sciences Center, the required operating costs, and the need for two more Soil & Water engineers
 - Discussed Stream Flow Rehabilitation Program (Legislation + \$1M recurring)
 - CCAP funding - \$1.5M
 - Supervisor Training - \$200K recurring
 - March meeting is the 16th and 17th and there will also be a special called meeting in February to discuss the technical assistance allocation for next fiscal year

Chairman Langdon asked Director Cox and his staff to rank the districts on how they spend their funds, including funds from NRCS. North Carolina should be the flagship state for conservation in the southeast. Director Cox will look at the measurables and report back at the March meeting.

- 4. Association Report:** Chairman Langdon recognized Commissioner Knowles. A copy of the report is included as an official part of the minutes. Commissioner Knowles stated the Annual meeting went well. Commissioner Knowles welcomed Mr. George Teague, as the new 2nd vice president, and Mr. Chris Hogan as the Association's past president, filling Mr. Samuel Green's position. Mr. Green was important to Soil & Water, and the Association appreciates all his work. This year, there were no new resolutions at the Association's annual meeting, and the Association will continue to work on additional CCAP funding, and a new program for Streamflow Rehabilitation Assistance. Fifty Mutual Aid Agreements have been signed and returned, School of Government (SOG) training begins in a couple of weeks, and the Association received the agreement with USDA/NRCS to develop a Mentors List.
- 5. NRCS Report:** Chairman Langdon recognized Mr. Tim Beard. A copy of the report is included as an official part of the minutes. Mr. Beard stated the following:
- Kevin Norton is serving as the Acting Deputy Under Secretary for Farm Production and Conservation (FPAC)
 - Terry Cosby from Ohio is serving as the Acting Chief of NRCS
 - Gayle Barry from California is the Acting Associate Chief
 - A report was presented that documented the FY2020 financial assistance obligated by program and congressional district. The report included over \$30M for financial assistance and over \$8M for easements
 - A map of the Service Delivery Teams and Staffing was shown
 - Feral Swine Eradication Program received final approval of a Phase 2 award. This will allow for continued work in Sampson County, while expanding the program to Haywood, Anson, Davie, Montgomery and Randolph counties.
 - Commissioner Willis would prefer to see the format of the financial assistance report broken down by NRCS workgroup with dollar amounts so that it can be compared to other workgroups across the state, rather than by congressional district, to know which groups are exceling or need help
 - Mr. Beard stated he is working with Bryan Evans on the Mentors List and most of the program information can be provided by team, and he is also working with Director Cox and can provide data regarding workload and accomplishments
- 6. Consent Agenda:** Chairman Langdon asked for a motion to approve the Consent Agenda. Commissioner Willis moved to approve the Consent Agenda and Commissioner Knowles seconded. Motion carried.

6A. Supervisor Appointments:

- Anthony Wayne Street, Brunswick SWCD, filling the unexpired elected term of Elliot Swain for 2018-2022 with an attached resignation letter from Mr. Swain
- Hunter Quincy, Edgecombe SWCD, filling the unexpired appointed term of Margaret Knight for 2018-2022 with an attached resignation letter from Ms. Knight
- Donna Jones, Madison SWCD, nominated for reappointment for an appointed term commencing 2021-2024

- William Rice, Mecklenburg SWCD, filling the unexpired appointed term of Jacelyn Rice-Boayue for 2018-2022 with an attached resignation letter from Ms. Rice-Boayue

6B. Supervisor Contracts: 7 contracts; totaling \$57,555

Copies of the reports are included as an official part of the minutes.

- 7. Job Approval Authority Process:** Chairman Langdon recognized Mr. Jeff Young to present. A copy of the report is included as an official part of the minutes.

7A. Job Approval Authority Policy: Mr. Young stated the draft Job Approval Authority (JAA) policy is intended to replace the existing JAA policy, which is limited to 11 practices funded by CCAP and AgWRAP. The proposed policy was first presented to the Commission as a draft in July 2019. The policy states the specifics of the implementation plan and closely follows the existing NRCS' Job Approval Authority (JAA) policy. The current and updated policy were highlighted. The technical competency requirements must be listed in the Detailed Implementation Plan (DIP) for ACSP, CCAP, and AgWRAP and require Commission approval for the 83 Best Management Practices that are cost shared by Commission programs. An online Job Approval Authority (JAA) application form has also been created.

Chairman Langdon asked for a motion to approve the Job Approval Authority Policy. Commissioner Collier moved to approve the Job Approval Authority Policy and Commissioner Willis seconded. Motion carried.

7B. Application Form: Mr. Young stated the Job Approval Authority application is based on the Commission's current application for animal waste technical specialists. The highlighted items on the draft application form represent information required in the JAA Rules. Mr. Young also included a recommendation that the application include the requirement for at least one reference to attest to the technical competency of the applicant. The application will be included on the Division website.

- 8. Technical Specialist Continuing Education Audit Results:** Chairman Langdon recognized Mr. Jeff Young to present. A copy of the report is included as an official part of the minutes. Mr. Young stated Commission policy dictates that the Division conduct an audit of technical specialist continuing education credit hours. Mr. Shepherd conducted a random audit of 130 submittals and 10% was audited and the findings conclude all criteria have been met for course approval.
- 9. FY2020 Commission Cost Share Programs Annual Reports:** 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

- **9A. ACSP, CCAP, and AgWRAP Consolidated Report:** Ms. Henshaw stated the annual report is an overview of the ACSP, CCAP and AgWRAP programs for FY2020. A chart was shown of each of the program's requested and appropriated funds for FY2016-2020. A map was shown of the Best Management Practices (BMPs) that were contracted and the implemented across the state in 2020.

The Agriculture Cost Share Program's (ACSP) accomplishments include:

- Districts obligated over \$5.2M to 777 new contracts and 952 contracts were implemented on over 38,720 acres of land, including those that were contracted in previous years
- Converted 1,914 acres of cropland for a total of 213,952 acres since the program began
- Fifty-one animal waste management practices were implemented bringing the total to 4,256
- Over 1,460 miles of fencing was installed with 24 miles installed in the last program year

The Community Conservation Assistance Program's (CCAP) accomplishments include:

- Funds are allocated through a regional application process
- Last year, 16 projects were funded in 13 districts totaling \$133,302
- Fifty-six streambank and shoreline projects have been implemented over the life of the program
- Installed permeable pavement, impervious surface conversions, cisterns, backyard raingardens, bioretention areas and grassed swales practices
- To date, 95 critical area planting practices have been implemented

The Agricultural Water Resources Assistance Program (AgWRAP) accomplishments include:

- Districts obligated over \$1.5M and implemented 198 contracts
- Installed 432 wells over the life of the program and contracted 156 last year
- Installed eight new water supply ponds, improved storage capacity of nine ponds by sediment removal for a total 72 pond sediment removal projects for the program
- Repaired 46 water supply ponds to date. Contracted 11 pond repair/retrofit ponds in FY 2020.
- In FY2020, the Disaster Relief Program obligated \$2.4M to 188 contracts

9B. Conservation Reserve Enhancement Program Report: Mr. Galamb highlighted the accomplishments of the program. The program is a water-quality focused program, the program does not follow county boundaries and has a secondary focus on wildlife habitat. The agreement is with the USDA and has two objectives to 1) restore riparian habitat by enrolling up to 85,000 acres and 2) restore up to 15,000 acres of non-riparian wetlands. There are currently 28,610 acres of restored riparian habitat and 2,439 acres of restored non-riparian wetlands. In 2020, the program added 13 permanent easements totaling 295 acres of which 262 acres are cropland and also added 611 acres of existing buffer. One 30-year easement was added to the program in 2020. The number of stream miles are also tracked and CREP added an additional 31.2 miles for a total of 1,000 stream miles protected by the program. A map was shown of the previous projects (green dots) and current projects (red dots). CREP has demonstrated its effectiveness in protecting water quality.

Chairman Langdon called a break at 10:21 a.m. The meeting resumed at 10:27 a.m.

- 10. FY2022 Technical Assistance Allocation:** 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 this is an overview of the FY2022 technical assistance allocation methodology. The Commission will allocate funds to districts based on the needs requested by the districts, the BMP needs in

the district, the ability to provide a 50% match by the district, and the recommendations of the Cost Share Committee. The funding is allocated as described in the Detailed Implementation Plan (DIP). The five allocation parameters were highlighted based on Rule 02 NCAC 59D .0108 (b). The Cost Share Committee recommends adding the following information to the FY2022, FY2023, and FY2024 Detailed Implementation Plan (DIP):

- All data in CS2 will be incorporated into the calculation except Disaster Response Funding Codes
- The funded practices for non-Commission programs will be weighted at 25%
- Adopt a maximum allocation of \$30,000 per district. The minimum allocation per county is set in the rule at \$20,000 per district, unless the district requests a lesser amount in their annual strategic plan

Chairman Langdon asked for a motion to approve. Commissioner Willis moved to approve the FY2022 Technical Assistance Allocation methodology and Commissioner Potter seconded. Motion carried.

- 11. District Issues:** Chairman Langdon recognized Mr. Joshua Vetter to present. Mr. Vetter stated the Orange SWCD would like to request an exception to the Commission's policy for the Closure of Waste Impoundments Practice and Supervisor Chris Hogan will present the request.

11A. Consideration of a Request for Exception to Policy on the Closure of Waste

Impoundments Practice: Mr. Hogan, supervisor with the Orange Soil and Water Conservation District, stated this is a request to close a lagoon. The dairy went out of business 3 years ago but the farmer has retained 5 cows that are milked for a total of 30 minutes per day. The milk parlor is over 1,200 feet from the creek or almost a quarter mile. The existing waste storage pond contains almost 400,000 gallons of waste. The closure of this impoundment is a high priority for the district to protect a local reservoir. Mr. Buster Towell, a senior environmental specialist with the Department of Environmental Quality, has provided an explanation letter. Mr. Shepherd stated the Division did not approve the original contract, due to the language in the BMP that confined animal feeding operations could no longer occur, if we use cost share monies to close out a waste storage pond. Therefore, the contract was not approved by the Division.

Chairman Langdon asked for a motion. Commissioner Payne moved to approve the Request for Exception to Policy for Closure of Waste Impoundments and Commissioner Willis seconded. Commissioner Payne stated he understands why the Division turned this down by following procedure and policy, however, we should defer to the Orange District Board and the letter from Mr. Towell, and close the waste storage pond. Motion carried.

IV. Public Comments: Chairman Langdon thanked Commissioner Green and his wife for their participation and support and applaud Mr. Green's willingness and desire to serve on the Commission and as President of the Association. Chairman Langdon congratulated Commissioner Knowles and Commissioner Potter on their reappointments and thanked Governor Cooper and Commissioner Troxler for reappointing him. Director Cox has a plaque for Commissioner Green and Commissioner Payne for their service. On behalf of the Division, Director Cox thanked them for their service, leadership, and support while serving on the Commission. Mr. Payne's term of service ends this year. Deputy Director Williams congratulated Mr. Chris Hughes on joining the Commission as 1st vice president and also Mr.

Chris Hogan who will be taking Commissioner Green's seat. Chairman Langdon thanked both Mr. Hughes and Mr. Hogan.

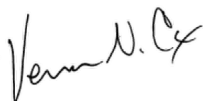
Mr. Bill Yarborough stated that the history of soil & water conservation is well documented, beginning with Dr. Hugh Hammond Bennett. Mr. Yarborough stated soil & water districts were the grassroots of agricultural conservation. Mr. Yarborough is proposing that the Commission request that district supervisors be recruited that are directly involved with agriculture so as to ensure that agriculture continues to be represented on the local district boards. There should be at least one agricultural representative on every local board. Counsel Reynolds stated the Commission can consider adding this item to their agenda for consideration at their March meeting. Chairman Langdon proposed creating an Ad Hoc Committee to discuss and make recommendations prior to the March meeting. Chairman Langdon appointed the following individuals to the Ad Hoc committee: Mr. Bryan Evans, Commissioner Knowles, Commissioner Potter, Commissioner Willis, Dr. Sandy Stewart, Mr. Bill Yarborough, Mr. Vernon Cox, Mr. David Williams, Mr. Reynolds and Chairman Langdon and anyone else who wants to be on the committee. Counsel Reynolds stated that as an Ad Hoc Committee of the Commission, all meetings must be noticed with the Secretary of State, as required by the NC Open Meetings Law.

Commissioner Payne stated this is his last meeting and he thanked the Commission, Division staff and Mr. Bryan Evans of the Association for their support.

Chairman Langdon thanked Commissioner Payne for his service and contributions to the Commission and the Association; he is a good example of a leader.

Director Cox stated a meeting of the Ad Hoc Committee will be scheduled before the next Commission meeting.

V. Adjournment: Meeting adjourned at 11:03 a.m.



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



Helen Wiklund, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on March 17, 2021.



**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
WORK SESSION MEETING MINUTES
November 17, 2020**

**TELECONFERENCE
<https://ncagr.webex.com/ncagr>**

NC Department of Agriculture
Division of Soil & Water Conservation

Commission Members	Guests	Guests
John Langdon	Jeff Young	Michael Shepherd
Wayne Collier	Daphne Cartner	Michelle Lovejoy
Blount Knowles	Joshua Vetter	Sandra Weitzel
Myles Payne	Helen Wiklund	Bryan Evans
Derek Potter	Cayle Aldridge	Eric Pare
Mike Willis	Lisa Fine	Abby Haselton
Commission Counsel	Kristina Fischer	Anne Coan
Phillip Reynolds	Ken Parks	Nancy McCormick
Guests	Ralston James	Allie Dinwiddie
Vernon Cox	Tom Hill	Sydney Mucha
David Williams	Ann Williams	Dewitt Hardee
Julie Henshaw	Paula Day	James Allen

Chairman Langdon called the meeting to order at 6:06 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. Commissioner Payne will recuse himself from the Consent Agenda tomorrow. Chairman Langdon asked for the Calling of the Roll.

1. **Approval of Agenda:** Chairman Langdon asked for comments on the agenda. None were declared.
2. **Approval of Meeting Minutes:** Chairman Langdon asked for comments on the minutes. Commissioner Collier stated the minutes have been revised and are in order.

- 2A. **September 15, 2020 Work Session Meeting Minutes**
- 2B. **September 16, 2020 Business Session Meeting Minutes**
- 2C. **September 29, 2020 Business Session Meeting Minutes**

3. **Division Report:** Chairman Langdon recognized Director Vernon Cox. 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.
4. **Association Report:** Chairman Langdon recognized Commissioner Knowles. Commissioner Knowles 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.
5. **NRCS Report:** Chairman Langdon asked if Mr. Tim Beard will be in attendance to present tomorrow. Director Cox stated Mr. Beard or a representative will be presenting the report.
6. **Consent Agenda:** Chairman Langdon recognized Mr. Eric Pare and Mr. Joshua Vetter to present. Copies of the reports are included as an official part of the minutes. Counsel Reynolds recommends approving these appointments.

6A. Supervisor Appointments:

- Charles Hughes, Lenoir SWCD, filling the expired elected term of Rodney Smith Jr. for 2020-2024 with an attached resignation letter from Mr. Smith
- Keith Tyson, Lenoir SWCD, filling the unexpired elected term of Gregory Q. Rouse for 2018-2022 with an attached resignation letter from Mr. Rouse
- Taylor Best, Lenoir SWCD, filling the unexpired elected term of Christopher Smith for 2018-2022 with an attached resignation letter from Mr. Smith

Counsel Reynolds stated the Commission chose to appoint Mr. Charles Hughes at the September 29, 2020 Commission meeting to fill the temporary vacancy of a terminated appointed seat, so the Lenoir board of supervisors would have a quorum for future meetings until additional vacancies could be filled.

6B. Supervisor Contracts: 14 contracts; totaling \$91,989

7. **2020-2024 Supervisor Terms:** Chairman Langdon recognized Mr. Eric Pare to present. A copy of the report is included as an official part of the minutes.

7A. i. Recommendations for reappointment where training and attendance criteria have been met: Mr. Pare stated the supervisors have attended the School of Government (SOG) training and reappointment is recommended.

7A. ii. Recommendations for reappointments where nominee has not attended training: These supervisors have not attended the School of Government (SOG) training. Mr. Willie Harrison was appointed after the training was offered and will sign up at the next available date. Mr. Tracy Grice was not able to attend the training, due to the short notice, and a pre-arranged poultry delivery, at the same time as the training.

7A. iii. Recommendations for reappointments where nominee has not attended 2/3 of regularly scheduled board meetings: These supervisors were nominated for reappointment and went to the SOG training, but they did not meet the 66% attendance requirement.

Chairman Langdon stated the Commission understands the hardships the supervisors face and recommends a 12-month probation period for those supervisors that are behind in attendance. Commissioner Potter asked how many meetings and trainings have been missed, since COVID hit, and recommends applying conditional appointments. The Commissioners concur with Commissioner Potter's recommendation. Mr. James Allen, chairman of Beaufort SWCD, stated Mr. Cayton farms 4,000+ acres with two full-time employees and attends the board meetings except when harvesting and planting. The Beaufort Board of Supervisors would like Mr. Cayton to remain on the Board. It was proposed that the Commission should make these conditional appointments to be reviewed in 12 months at the November 2021 meeting. Deputy Director Williams stated each item for 7Ai, 7Aii, and 7Aiii requires separate approvals, since each include a different set of requirements.

7A. iv. Recommendations for reappointments where nominee has not attended training and has not attended 2/3 regularly scheduled board meetings: There are no appointments in this category.

7A. v. Recommendations for appointment where training requirement has been met: These individuals were nominated for appointment and have previously attended the School of Government (SOG) training.

7A. vi. Recommendations for new appointments with training conditions: These individuals have never previously been appointed as a District Supervisor and will need to attend the School of Government (SOG) training, when it is next offered.

7A. vii. Recommendation for reappointment for Commission member: Commissioner Payne had perfect attendance and attended School of Government (SOG) numerous times.

7B. Election Report: Chairman Langdon recognized Ms. Kristina Fischer to present. Ms. Fischer was having technical issues. Deputy Director Williams stated there is no action to be taken and the report is for information only to highlight the changes or re-election of District Supervisors. A copy of the report is included as an official part of the minutes.

8. Job Approval Authority: Chairman Langdon recognized Director Vernon Cox to present. A copy of the report is included as an official part of the minutes.

8A. Rule Adoption: Director Cox stated the Commission approved draft rules at their August meeting for the Job Approval Authority (JAA) Program established by the NC General Assembly. The Rules were published in the NC Register for public comment and closed on November 2. There are two letters included in the meeting packet with no suggestions for substantive changes. The changes in red to the draft rules are as a result of discussions with the Rules Review Commission staff, to ensure the rules comply with the Administrative Procedures Act. The requirements for implementation of the program remains unchanged. The Commission is asked to approve the rules in their final form, which will then be presented to the Rules Review Commission for their approval. These rules will become effective January 1, 2021.

9. Spot Check Report: Chairman Langdon recognized Mr. Ken Parks to present. A copy of the report is included as an official part of the minutes. Mr. Parks stated the report will be

presented tomorrow. There are nine contracts out of compliance, and there are 50 contracts needing maintenance out of 1,013 contracts.

- 10. CCAP Regional Application Recommendations:** Chairman Langdon recognized Mr. Tom Hill to present. A copy of the report is included as an official part of the minutes. Mr. Hill stated the CCAP Advisory Committee provided these recommendations for FY2021 allocations. Twenty-two districts applied for funding, which is the same number that applied in FY2020. Thirty-eight applications were received from the 22 districts for FY2021, and the total requests increased by \$50K. The Eastern region submitted 16 applications. The recommendation is to fully fund ten applications in the Eastern Region and partially fund one application in Lenoir SWCD, which has agreed to accept a partial allocation for BMP implementation. In the Central region, seven projects were submitted, and three are recommended for full funding, and one is recommended for partial funding, with Wake SWCD accepting the partial funding. In the Western region, 15 projects were submitted, and three projects are recommended to be fully funded, and one project in the Forsyth SWCD will be partially funded. Each region will receive \$61,733.
- 11. District Issues:** Chairman Langdon recognized Mr. Joshua Vetter to present. Mr. Vetter stated there are two district issues.

11A. Consideration for Cost Share Contract on Government Property – Central Crops Research Station: This is for ACSP Contract #51-2021-003 from the Johnston SWCD to install a grass waterway and two diversions at the Central Crops Research Station in Clayton. The contract totals \$1,927. There will be a supervisor, district staff, and research station staff ready to present tomorrow. Mr. Dewitt Hardee stated the contract is straight-forward, and there are no issues. Mr. Jerry Durham, district supervisor, may be in attendance.

11B. Request for Exception to Cap on Agricultural Pond Repair/Retrofit: This is for an AgWRAP Contract #79-2018-010 from Rockingham SWCD. Mr. Jeff Young stated Rockingham County has a pond retrofit/repair contract for Mr. Darrell Isley. The pond breached over the top of the dam and full rehabilitation is required, as well as complete refurbishment of the auxiliary spillway. The quote is for \$76,500 of which a portion is for an enhancement to put an all-season road across the top for farm traffic. The actual construction cost is \$67,000, and at 75% cost share, it is \$50,250. The materials list and installation costs appear to be reasonable. The pond is 3-4 acres, and the dam is 10'-12' high. Commissioner Willis stated the Commission does not need to set a precedent for funding above its existing cap. Two years ago, the cap was originally \$10K or \$15K, and the cap was increased to \$25K. Chairman Langdon stated the Commission should not individualize the allocation and go above the cap.

- 12. Correspondence – Wagstaff Farms Pond Sediment Removal Contact No. 73-2020-018:** Chairman Langdon asked if Mr. Wagstaff is in attendance. Deputy Director Williams stated Mr. Wagstaff will attend the business meeting tomorrow morning. Chairman Langdon stated after much discussion, there are provisions that Mr. Wagstaff could have done through engineering to work on the dam and receive cost share. Mr. Wagstaff chose to do the less invasive work and not have engineering work done and only remove the pond sediment. During Mr. Wagstaff's absence, the contractor performed work closer to the dam than allowed, which kicks him out of the program. The Commission cannot personalize these programs and must stick with the rules of the contract. Commissioner Willis stated he concurs with the staff's findings and the

Commission cannot set a new precedent. Commissioner Collier stated flags could have been placed as markers on the dam so the contractor could see the line. Director Cox stated the policy in question is there for a variety of reasons, and the individual who inspected the practice interpreted the Commission's policy correctly.

IV. Public Comments: Commissioner Willis stated there has been much discussion about debris removal from streams and other bodies of water after hurricanes hit in the eastern part of the State. The western region has also been hit with storms, and the Commission should work with the Association and other partners to create a separate cost share program for stream debris removal not related to Agriculture Cost Share. Director Cox stated a resolution was adopted at the 2020 Annual Meeting of the Association for such a program. The Division submitted a request through the NC Department of Agriculture for \$1M in recurring funding for this purpose, but the initiative was not funded due to budget uncertainty and COVID-19. Mr. Bryan Evans stated the adopted resolution is now part of the Association's policy document, and the resolution will remain at the top of the Association's priority list. Mr. Evans will be meeting with key legislators from the western region in January to request the need for such a program. Chairman Langdon stated there will be bigger impacts from future storm events, which will impact agriculture, the Department of Transportation, and residents. With new roads and houses being built, there is nowhere for the water to go. The Legislature needs to be educated about the need for such a program. However, funding for this program should not come at the expense of existing programs, such as the Agriculture Cost Share Program. Commissioner Willis stated the Association needs to involve outside interest groups and approach the Legislature for funding.

Chairman Langdon stated the Commission members and Division staff should consider planning a retreat to brainstorm and provoke critical thought about soil and water issues. Director Cox stated it will be difficult to plan an in-person retreat until current COVID restrictions are lifted. There is also the need to make sure we remain in compliance with the State's Open Meetings Law. Commissioner Willis stated his support for having in-person Commission meetings with the option for a conference call for those who choose to participate remotely.

V. Adjournment: Meeting adjourned at 7:47 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 January 20, 2021.



**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
BUSINESS SESSION MEETING MINUTES
November 18, 2020**

TELECONFERENCE
<https://ncagr.webex.com/ncagr>

NC Department of Agriculture
Division of Soil & Water Conservation

Commission Members	Guests	Guests
John Langdon	Michael Shepherd	Michelle Raquet
Wayne Collier	Kristina Fischer	Michelle Lovejoy
Blount Knowles	Allie Dinwiddie	Rob Baldwin
Sam Green	Charles Bass	Kerry Taylor
Myles Payne	Tim Beard	Anne Coan
Derek Potter	Cayle Aldridge	Odessa Armstrong
Mike Willis	Lisa Fine	Rick McSwain
Commission Counsel	Eric Pare	Celeste Maus
Phillip Reynolds	Ken Parks	Cathy M. Herring
Guests	Kayla Mounce	Daniel McClellan
Vernon Cox	Tom Hill	Sydney Mucha
David Williams	Lindsay T. Wagstaff Jr.	Jason Byrd
Bryan Evans	Dewitt Hardee	Gail Hughes
Ralston James	Abby Haselton	Paula Day
Jeff Young	Betty Whitley	Lea-Ann Branch
Julie Henshaw	Bradsher Wilkins	Tara Hughes
Joshua Vetter	Daphne Cartner	Adam Hilton
Helen Wiklund	Larry Baker	Frankie Singleton
Sandra Weitzel	Nancy McCormick	

Chairman Langdon called the meeting to order at 9:01 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 Payne will recuse himself from Item 7A. Counsel Reynolds clarified that Commissioner Payne will recuse himself from Item 7Avii, as this item will be handled separately. Commissioner Payne can participate in the remaining items for 7A. Chairman Langdon asked for the Calling of the Roll and provided the guidelines for the meeting.

1. **Approval of Agenda:** Chairman Langdon asked for any objections to approving the agenda. Counsel Reynolds stated there are no changes to the agenda and no motion is required.
2. **Approval of Meeting Minutes:** Chairman Langdon asked for a motion to approve the meeting minutes. Commissioner Collier moved to approve the minutes and Commissioner Willis seconded. Motion carried.
 - 2A. **September 15, 2020 Work Session Meeting Minutes**
 - 2B. **September 16, 2020 Business Session Meeting Minutes**
 - 2C. **September 29, 2020 Business Session Meeting Minutes**
3. **Division Report:** Chairman Langdon recognized Director Vernon Cox. A copy of the report is included as an official part of the minutes.
 - North Carolina is in Phase 3 of Coronavirus protocols, and the Division staff continues to operate in compliance with the safety guidance that has been provided
 - Division staff will begin conducting Program Reviews this Fall, and the office portion will be handled remotely
 - The Division has one personnel vacancy
 - Annual Meeting is being held virtually, and the Commission Meeting has been rescheduled to the 3rd week in January
4. **Association Report:** Chairman Langdon recognized Commissioner Knowles. A copy of the report is included as an official part of the minutes.
 - Annual Meeting will be virtual on January 4 and 5, the registration is open, meetings will be held from 8:30-noon on both days with no Farm Family Award or employee awards, and the Auxiliary is closed
 - Three regional UNC School of Government Trainings will be held on February 2, 16 and 23
 - Leadership Training funded by the Tobacco Trust Fund Commission has been postponed due to COVID-19.
 - Working with the districts to get their MOUs and MAAs signed
 - Working with NRCS to get the Mentors List completed
 - Soil and Water Conservation Hall of Fame activities have been postponed until next year
5. **NRCS Report:** Chairman Langdon recognized Mr. Tim Beard. A copy of the report is included as an official part of the minutes. Mr. Beard stated NRCS is operating under a Continuing Resolution through December 11. The Coronavirus has impacted how staff meets with customers, with more restrictions depending on the county where the customer lives. Conservation continues to get on the ground. A Conservation Innovation Grant (CIG) was awarded at the national level to North Carolina State University (NCSU) for a 3D imaging system to increase the adoption of cover crops. The Environmental Quality Incentives Program (EQIP) application deadline is November 20, 2020. The FY20 EQIP funding amount was \$21.5M. This year the allocation is approximately \$17M. The Feral Swine Eradication and Control Pilot Program (FSCP) is in the second phase. NRCS has had inquiries to investigate sites impacted by recent storm events to determine if they qualify for EWP. Commissioner Willis asked for

assistance from NRCS in the west due to recent weather events. Mr. Beard is working closely with Division staff and Area offices to investigate the sites and get the sites evaluated.

- 6. Consent Agenda:** Chairman Langdon asked for a motion to approve the consent agenda. Commissioner Payne moved to approve the consent agenda and Commissioner Potter seconded. Motion carried.

6A. Supervisor Appointments:

- Charles Hughes, Lenoir SWCD, filling the expired elected term of Rodney Smith Jr. for 2020-2024 with an attached resignation letter from Mr. Smith
- Keith Tyson, Lenoir SWCD, filling the unexpired elected term of Gregory Q. Rouse for 2018-2022 with an attached resignation letter from Mr. Rouse
- Taylor Best, Lenoir SWCD, filling the unexpired elected term of Christopher Smith for 2018-2022 with an attached resignation letter from Mr. Smith

6B. Supervisor Contracts: 14 contracts; totaling \$91,989

Copies of the reports are included as an official part of the minutes.

- 7. 2020-2024 Supervisor Terms:** Chairman Langdon recognized Mr. Eric Pare to present. A copy of the report is included as an official part of the minutes.

7A. i. Recommendations for reappointment where training and attendance criteria have been met: Mr. Pare stated that 79 supervisors meet the Commission's requirements for reappointment by having attended 2/3 of their board meetings and the School of Government (SOG) training.

7A. ii. Recommendations for reappointments where nominee has not attended training: There are two nominees on the list. Mr. Harrison's appointment occurred after the SOG training, and Mr. Grice could not attend because chickens were being delivered at the same time of SOG training.

7A. iii. Recommendations for reappointments where nominee has not attended 2/3 of regularly scheduled board meetings: These supervisors have not attended 2/3 of the regularly scheduled district meetings. Letters of explanation have been provided by Mr. Cayton, who stated there were weather-related issues, Mr. Snelson was prevented from attending due to health related issues, Ms. Young owns a store with only a few part-time employees and requested the meetings be moved to Tuesdays to accommodate her schedule, Mr. Talbot had a family death, and Mr. McDermott tends his farm with his wife and only two workers.

7A. iv. Recommendations for reappointments where nominee has not attended training and has not attended 2/3 regularly scheduled board meetings: There are no nominees in this category.

7A. v. Recommendations for appointment where training requirement has been met: Two supervisors, Mr. Freeman and Mr. Dunn, were nominated for appointment.

7A. vi. Recommendations for new appointments with training conditions: Mr. Byrum in Albemarle-Chowan SWCD, Mr. Moose in Cabarrus SWCD, Mr. Mann in Hyde SWCD, Mr. Rinehart in Mecklenburg SWCD, and Mr. Powell in Vance SWCD.

7A. vii. Recommendation for reappointment for Commission member: This is a nomination for reappointment for Commissioner Payne, and he has attended the School of Government (SOG) and met the attendance requirements.

Hoke SWCD, Madison SWCD, and Washington SWCD did not submit a nomination for supervisor appointment and these seats will remain vacant until an appointment nomination has been submitted.

Chairman Langdon stated there will be three different motions for Item 7. Item 7Ai, 7Av, 7Avi will be unconditional appointments. Items 7Aii, 7Aiii will be 12-month conditional appointments, and 7Avii will be handled separately.

Chairman Langdon asked for a motion to approve Items 7Ai, 7Av, and 7Avi. Commissioner Collier moved to approve Items 7Ai, 7Av, 7Avi and Commissioner Willis seconded. Motion carried.

Chairman Langdon asked for a motion to approve Items 7Aii and 7Aiii. Commissioner Willis moved to approve Items 7Aii and 7Aiii with the condition that the appointees remedy the compliance issues by November 20, 2021 at which time the Commission will review the appointments and Commissioner Potter seconded. Motion carried.

Chairman Langdon asked for a motion to approve Item 7Avii. Commissioner Payne recused himself. Commissioner Potter moved to accept the appointment of Commissioner Payne and Commissioner Knowles seconded. Motion carried.

7B. Election Report: Chairman Langdon recognized Ms. Kristina Fischer to present. A copy of the report is included as an official part of the minutes. Ms. Fischer stated that each district had one elected seat up for re-election. The names on the right are those individuals currently serving in the elected position, and if there is a change, the new name is listed on the left. There are two updates to the handout. Mr. Howard Moose was elected as a write-in candidate in the Stanly SWCD and Mr. Clint Carson was re-elected in the Swain SWCD. Statewide, there are 32 newly elected supervisors.

8. **Job Approval Authority:** Chairman Langdon recognized Director Vernon Cox to present. A copy of the report is included as an official part of the minutes.

8A. Rule Adoption: Director Cox stated that at their August Commission meeting, the Commission approved the draft rules to implement the Job Approval Authority (JAA) Program that was established by Statute in the 2020 Farm Act. The draft rules were published in the NC Register on September 1, 2020 for a 60-day comment period. A public hearing was held on September 17th, and the comment period ended on November 2, 2020. The two comments received are in support of the rule with no substantive changes. The rule does have some

changes, which are underlined in red. These changes are in response to comments received from the Rules Review Commission staff to ensure that the rules are in compliance with the Administrative Procedures Act (APA). The substance of the rule remains unchanged. The final approval of the rule will be considered by the Rules Review Commission in December. If the process remains on schedule, the rules will become effective on January 1, 2021.

Chairman Langdon asked for a motion to approve the final rule adoption. Commissioner Collier moved to adopt the rule with changes as presented and Commissioner Payne seconded. Commissioner Payne thanked Ms. Anne Coan and Mecklenburg SWCD for reviewing the rule. Motion carried.

Chairman Langdon called for a 5-minute break at 9:51 a.m. The meeting resumed at 9:56 a.m.

- 9. Spot Check Report:** Chairman Langdon recognized Mr. Ken Parks to present. A copy of the report is included as an official part of the minutes. Mr. Parks summarized the Spot Check Policy. For 2020, all 96 districts submitted their annual spot checks. There were 197 supervisors that participated in the spot checks, 1,013 contracts were spot checked across all three regions with 99.1% in compliance.

- Agriculture Cost Share Program (ACSP) had a total of 728 contracts
 - 99.2% in compliance, 0.8% out of compliance, 5.1% need maintenance
- Agricultural Water Resources Assistance Program (AgWRAP) had a total of 203 contracts
 - 99.5% in compliance, 0.5% out of compliance, 3.9% need maintenance
- Community Conservation Assistance Program (CCAP) had a total of 82 contracts
 - 97.6% in compliance, 2.4% out of compliance, 6.1% need maintenance
- Comparison from 2019 to 2020 for All Programs Spot Check Results
 - In compliance: 2019: 98.5% vs. 2020: 99.1%
 - Out of compliance: 2019: 1.5% vs. 2020: 0.9%
 - Need maintenance: 2019: 4.3% vs. 2020: 4.9%

The more common BMPs that were out of compliance include cropland conversion to grass, grassed waterways, long term no till, and dry stacks. For contracts that were out of compliance or needing maintenance, the districts will work with the cooperators to repair, re-implement, or repay a prorated amount of funds for the practice.

- 10. CCAP Regional Application Recommendations:** Chairman Langdon recognized Mr. Tom Hill to present. A copy of the report is included as an official part of the minutes. Mr. Hill explained the cost share allocations and highlighted the recommendations. The map represents the distribution of applications with the smaller dots not recommended for funding, and the large dots that are recommended for funding. For FY2021, there were 22 districts that submitted a total of 38 applications with a total funding request of \$392,194. In 2020, there were 37 applications received totaling \$342,541. There is \$185,200 available for FY2021 funding or \$61,733 per region. A summary of the Eastern, Central, and Western regional applications was presented along with the rankings for each region and projects recommended for partial or full funding. With 38 applications totaling \$392,194, the recommendation is to fully fund ten applications in the East, three applications in the Central, and three applications in the West, and three applications will be partially funded or one in each region. The CCAP Advisory

Committee's recommendation is to allocate 100% of 2021 CCAP funds. In addition, a grant was received from the Environmental Enhancement Grant Program through the Department of Justice for \$208,800, and those funds will be used for projects in Guilford, Wake, Lenoir, Carteret, and Pamlico counties. The spreadsheet shows the breakdown of the projects, scoring, requests, and suggested allocations.

Counsel Reynolds commended Mr. Hill for his efforts. Counsel Reynolds stated he supervises the Environmental Enhancement Grant Program and reviewed the EEG applications, with the Attorney General making the decision to grant the funding.

Chairman Langdon asked for a motion to approve the CCAP Regional Application Recommendations. Commissioner Knowles moved to approve the CCAP funding and Commissioner Willis seconded. Motion carried.

- 11. District Issues:** Chairman Langdon recognized Mr. Joshua Vetter to present. Mr. Vetter stated this contract is from the Johnston SWCD for an Agriculture Cost Share Program project on the Central Crops Research Station run by NC State University.

11A. Consideration for Cost Share Contract on Government Property – Central Crops Research Station: Mr. Dewitt Hardee stated this is for Contract #51-2021-003 for two diversions turning into a grassed waterway to control water flow and solve erosion issues.

Chairman Langdon asked for a motion to approve. Commissioner Willis moved to approve the funding and Commissioner Payne seconded. Motion carried.

11B. Request for Exception to Cap on Agricultural Pond Repair/Retrofit: Mr. Vetter stated this is a request from the Rockingham SWCD with Mr. Larry Baker presenting. Mr. Baker stated the district is requesting an exception to the cap of \$25,000 for an active AgWRAP pond repair contract.

Chairman Langdon asked for a motion to approve the request for the exception to the cap of an Agricultural Pond Repair/Retrofit contract. Commissioner Willis stated the Commission had recently raised the cap from \$15,000 to \$25,000. There are other projects that request cost share with the landowners changing or adding to projects. The Commission should only approve \$25,000. Commissioner Collier stated he concurs with Commissioner Willis and understands dam projects are very costly. With the funds that are available, the Commission cannot start increasing the cap, as there are other projects just as important. Chairman Langdon stated the cap cannot be increased and personalized and must be kept at what the policy states. Counsel Reynolds stated with no motion, there is no action required. The request is denied.

- 12. Correspondence – Wagstaff Farms Pond Sediment Removal Contact No. 73-2020-018:** Chairman Langdon recognized Mr. Jeff Young to introduce Lindsay T. Wagstaff, Jr. Mr. Young stated the Wagstaff project is a pond sediment removal project in Person County. It was designed by Division staff and applied and approved for funding through AgWRAP. The work has been completed and reviewed. It was observed that vegetation and soil had been removed from the upper face of the dam, which goes against the Commission's policy which dictates that

no work can be done on the dam for this practice. In accordance with Commission policy, the employee did not certify the practice for payment. Mr. Wagstaff has requested input from the local district and is appealing the decision not to certify the implementation of the practice. The Commission's intent for the sediment removal BMP is that it be a non-engineered practice and the policy is very specific. Any work on dams is considered engineering, and you must be a licensed Professional Engineer or have Job Approval Authority (JAA) for ponds through USDA and NRCS to design practices that impact the dam. The policy is clear, and it was incorporated into the Sediment Plan that was provided to Mr. Wagstaff, that no work was to be performed on the dam. The staff's recommendation is that the policy should be upheld. For a dam repair retrofit BMP, an engineer must be involved from the beginning to investigate the structural integrity of the area surrounding the dam before the work is performed.

Mr. Wagstaff thanked the Commission for the opportunity to speak and thanked the Division staff. Mr. Wagstaff acknowledged that he was clearly told the pond sediment removal process. Mr. Wagstaff is not trying to defer the responsibility for the project. He read the rules and regulations of the project. The grading contractor was told not to do anything with the dam and stay away from the dam. Mr. Wagstaff watched the contractor but left the property for 1.5 hours. The contractor had been using a track hoe and bulldozer/loader to scoop out the sediment and drop the sediment on the side of the pond. The track hoe had gone around the pond and gotten up around the dam and pulled some knee-high bushes off the dam. The Agricultural Pond Sediment Removal Policy states under Item 3, *"For projects involving removal of accumulated sediment only."* Under 3a it states, *"No activity that may threaten the integrity of the dam; no removal of sediment from the face, base, or vicinity of the dam; and no deposition of spoil of the dam shall be permitted."* Mr. Wagstaff stated he spoke to Mr. Young to understand why the project needed to be divided into two scopes, a pond sediment removal project, which is done at the local level, and pond repair project, which is done by a state engineer. Mr. Wagstaff stated everything was done correctly with all the sediment having been spread out, the pasture been re-seeded, and the grass is growing. Mr. Wagstaff stated that he viewed this as a minor infraction, and that the penalty is extremely severe. Mr. Wagstaff stated that to some degree the mistake was in not telling the grading contractor in strong enough words to stay away from the dam.

Chairman Langdon stated he is a farmer, and there are four hog lagoons on his property. The dams impact not just the landowners, but it can also damage other landowner's property and sensitive structures. The issue is between Mr. Wagstaff and the grading contractor and appreciates Mr. Wagstaff's participation in the Commission's programs.

Commissioner Willis stated he is a farmer, and he has ponds on his farm in the mountains. Engineers are always involved to assess activities that may impact the integrity of the dam. This is one of those situations that we cannot approve payment.

Mr. Wagstaff stated his integrity is on the line, and the dam's integrity was not breached.

Chairman Langdon stated the Commission must draw the line, not just for Mr. Wagstaff, and cannot personalize these projects. The position and the policy are in place for a reason, so that we can continue our work in the future, and the end-result is positive.

No further action was taken on Mr. Wagstaff's request.

IV. Public Comments: Director Cox thanked the Commission for their thoughtful deliberation and guidance. Director Cox thanked Mr. Tom Hill and the Cost Share staff for their hard work in being awarded the Environmental Enhancement Program Grant.

Chairman Langdon thanked Mr. Hill and those attending the meeting.

Commissioner Potter stated for Item 6A Supervisor Appointment, it is important for Lenoir SWCD to continue to ask the Division for help, as they have some challenges ahead. Mr. Charles Hughes will provide the leadership to get Lenoir SWCD back on track.

Chairman Langdon stated it is important that we maintain the integrity of the Commission, Division and Districts. It puts the reputation of the Commission members on the line.

Commissioner Collier stated considering some of the decisions made today, we have qualified staff and engineers, who are the experts, and they have the knowledge and necessary Job Approval Authority (JAA). Commissioner Collier applauds the Commission for upholding the decisions of the Division staff. The staff and engineers have the expertise and education to oversee these projects, as the Commission makes the program decisions.

V. Adjournment: Commissioner Willis moved to adjourn the meeting and Commissioner Knowles seconded. Meeting adjourned at 10:47 a.m.



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



David B. Williams, Recording Secretary

These minutes were approved by the North Carolina Soil & Water Conservation Commission on January 20, 2021.

Coronavirus: Phase 3...

- Mass Gatherings are prohibited
 - Indoors > 10 people
 - Outdoors > 50 people
- DSWC Continued Operations
 - Teleworking
 - Staggered Work Schedules
 - Social Distancing
 - Limited Travel



NCDA&CS Division of
Soil and Water Conservation Vernon Cox, Director
January 20, 2021



JAA Rules Update

- RRC approved final rules on December 17, 2020
- Effective Date of Rules: January 1, 2021
- Real Work Begins....



NCDA&CS Division of Soil and Water Conservation
Vernon Cox, Director
January 20, 2021



Personnel

- **New Hires:**
 - N/A
- **Vacancies:**
 - Environmental Specialist (CREP – Brian Michaelsen) – Recommendation Submitted



NCDA&CS Division of Soil and Water Conservation
Vernon Cox, Director
January 20, 2021



NCD&CS Western NC Asst. Commissioner Appointment

- **Kaleb Rathbone**

- Formerly Research Stations Director
- Oversight of the Western NC Ag Center, Mountain State Fair, Western NC Farmers Market, and the Small Farms Division.
- Resides in Haywood County

- **Teresa Lambert**

- New Research Stations Director
- Formerly Superintendent of Salisbury Research Station



NCD&CS Division of Soil and Water Conservation
Vernon Cox, Director
January 20, 2021



School of Government Update

- 3 Virtual Trainings (2/2; 2/16, 2/23)
- 9 of 16 appointed supervisors that need to attend the training are registered.
- 24 of 51 elected or re-elected supervisors that need to attend the training are registered.
- 2 of 40 supervisors elected in 2018-22 terms that have not attended SOG training are registered (not required until re-election in 2022).
- *Notifications sent to District Listserv and Regional Coordinators are reminding their supervisors.*
- **Rules for enforcement of training requirements must be adopted before November of 2022.**

Legislature – Key Dates

- Jan. 13: Legislature Convened
- Jan. 27: Legislature returns to start business.
- April 6: Senate filing deadline for most bills that don't address constitutional amendments, appointments or election laws
- April 20: House filing deadline for non-budget, non-finance bills
- April 27: House filing deadline for budget and finance-related bills
- May 13: Crossover deadline for bills to have passed either the House or Senate for consideration during the remainder of session
- Redistricting likely in a special session later in year.



NCDA&CS Division of Soil and Water Conservation
Vernon Cox, Director
January 20, 2021



Legislative Update

- Bryan Evans & I met with Laura Killian on 1/13/21 to discuss legislative priorities
- NCDA&CS:
 - Ag. Sciences Center Operating
 - Mountain Island Educ. Forest (Staff & Equip)
 - Soil & Water Engineers – 2
 - Others
- NCASWCD:
 - Stream Flow Rehab (Legislation + \$1M recurring)
 - CCAP - \$1.5M
 - Supervisor Training - \$200k



NCDA&CS Division of Soil and Water Conservation
Vernon Cox, Director
January 20, 2021



March Meeting

- Location: Virtual???
- Work Session: March 16th (6:00 p.m.)
- Business Meeting: March 17th (9:00 a.m.)



NCDA&CS Division of Soil and Water Conservation
Vernon Cox, Director
January 20, 2021





Association Report to the Commission

January 20, 2021

2021 Annual Meeting

We held a very successful Annual Meeting virtually on January 4th and 5th. Though we were able to complete the needed business of our Association, we realize we missed other important aspects of our usual face-to-face setting. As we look to the 2022 meeting, we are hopeful to be back together in person.

2021 Officers of the Association

We welcome new officers for our Association, George Teague as 2nd Vice President and Chris Hogan, returning Past President. In addition, we also welcome many new Area Chairs who will serve on our Executive Committee.

2021 Legislative Actions

Our newly adopted Policies, Positions and Action Items did not receive any new resolutions this year. Therefore, we will continue to work on additional CCAP funding, a new program for Streamflow Rehabilitation Assistance and items within the document.

Mutual Aid Agreements

We continue receiving good feedback and signed agreements.

2021 School of Government Training

This training will be held virtually in 3 sessions to keep numbers low and allow for interaction in this setting. The dates are February 2 – Coastal, February 16 - Mountain and February 23 - Piedmont. Registration is open at this time.

Mentors List

The Association has received the agreement with USDA/NRCS to develop a Mentors List that will have the knowledge, skills and abilities of all conservation staff state-wide that are willing to participate. The list will be used to provide self-initiated peer-to-peer training opportunities.



United States
Department of
Agriculture

USDA is an equal opportunity provider,
employer and lender.

NRCS Conservation Implementation Across The State Fiscal Year 2020

Helping Sustain America's Farmers in North Carolina


Natural Resources Conservation Service



NRCS Conservation Implementation Across The State—Fiscal Year 2020

Helping Sustain America's Farmers in North Carolina

Natural Resources Conservation Service - A message from the State Conservationist—Timothy Beard



As we look into the future, we see a complex and changing world ahead of us. How we respond today will determine our future. Our American farmers and landowners are at the center of these changes. Currently, seventy percent of land in the lower 48 states is privately owned. Roughly eighty-five percent of land in North Carolina is privately owned. Every day, private landowners are making decisions about how to use the natural resources on their lands. When our growing population needs more food, more fuel and more fiber to survive, families around the world will look to American producers to deliver. NRCS will then be there to provide them with the support they need to maintain production in a sustainable way.

We assist private landowners and farmers with improving and protecting their natural resources while increasing the sustainability of their land for generations to come. We understand the needs of today's farmer, and we are committed to helping people help the land. This booklet provides an overview of how NRCS has leveraged federal dollars in North Carolina in fiscal year 2020 to impact our local economy, provided private landowners with science-based expertise on the implementation of conservation practices and how we have directly assisted those landowners in every county in the state. Each congressional district is represented, as well as the amount of federal funding invested through Farm Bill programs for that district.

I hope that you find this information valuable, as well as enlightening into the technical and dedicated work the NRCS is accomplishing in North Carolina. We cannot do it alone. Every accomplishment is dependent upon our strong partnerships with the N.C. Department of Agriculture and Consumer Services, Division of Soil and Water, N.C. Association of Soil and Water Conservation Districts, each Soil and Water Conservation District, N.C. Association of RC&D Councils, N.C. Foundation for Soil and Water Conservation, and our many other state, federal and non-profit partners. Together, we work to sustain and support North Carolina farmers.

NRCS North Carolina State Totals

Financial Assistance Programs—[Environmental Quality Incentives Program (EQIP) , Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPP), Grassland Conservation Initiative (GCI)] - *Totals provided below are based off of Congressional District boundaries.*

Financial Assistance For All Programs By Congressional District for Fiscal Year 2020

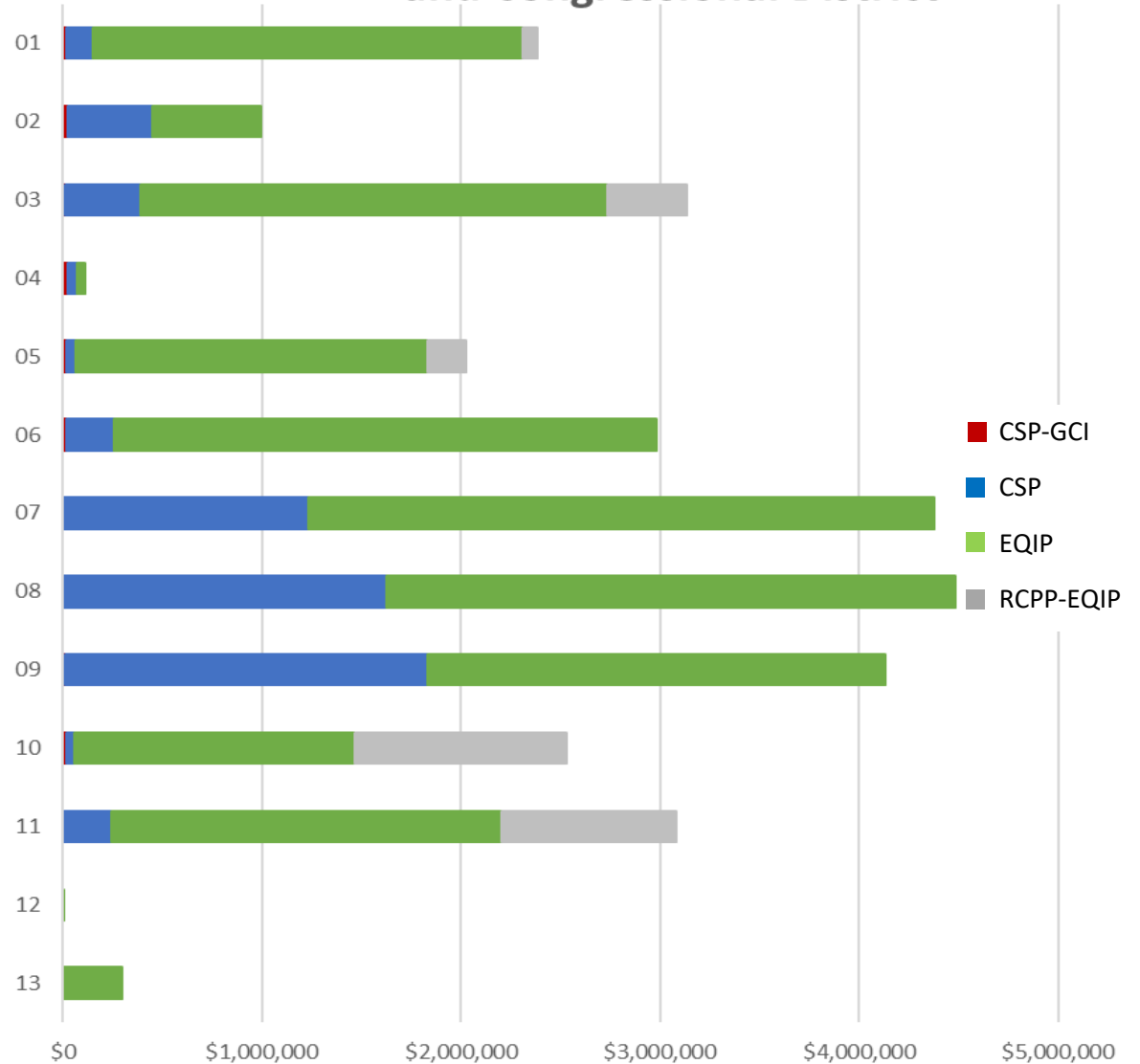
Congressional District	CSP– GCI	CSP	EQIP	RCPP—EQIP	Total
13	\$5,690		\$294,365		\$300,055
12			\$9,498		\$9,498
11	\$2,930	\$240,932	\$1,962,666	\$874,882	\$3,081,411
10	\$16,735	\$44,840	\$1,405,692	\$1,064,289	\$2,531,565
09	\$12,920	\$1,818,003	\$2,302,355		\$4,133,278
08	\$7,630	\$1,621,962	\$2,852,052		\$4,481,644
07	\$7,410	\$1,225,474	\$3,143,794		\$4,376,678
06	\$19,235	\$236,729	\$2,723,074		\$2,979,038
05	\$17,115	\$50,209	\$1,768,249	\$187,396	\$2,022,969
04	\$23,776	\$48,223	\$41,939		\$113,938
03	\$10,280	\$379,701	\$2,348,159	\$396,089	\$3,134,229
02	\$25,000	\$425,446	\$543,953		\$994,399
01	\$20,830	\$132,908	\$2,153,981	\$75,614	\$2,383,333
Grand Total	\$169,551	\$6,224,427	\$21,549,777	\$2,598,279	\$30,542,035



NRCS North Carolina State Totals

Financial Assistance Programs—
[Environmental Quality Incentives
Program (EQIP), Conservation
Stewardship Program (CSP), Regional
Conservation Partnership Program
(RCPP), Grassland Conservation Initiative
(GCI)] - *Totals provided below are based
off of Congressional District boundaries.*

North Carolina Fiscal Year 2020 Financial Assistance (\$) Obligated by Program and Congressional District



NRCS North Carolina State Totals

Right—Agricultural Conservation Easement Program (ACEP), Agricultural Land Easements (ALE), Wetland Reserve Easements (WRE) - *data provided represents total financial assistance obligations for Fiscal Year 2020 and not just new enrollments. Totals provided below are based off of Congressional District boundaries.*

Below—The represents total financial assistance obligated through many of our special funding pools and initiatives offered through Farm Bill conservation programs.

County	Program	Final Acres	Congressional District
Carteret	ACEP-WRE	1,481	3
Tyrell	ACEP-ALE	2,503.4	3
Polk	ACEP-ALE	18.5	10
Henderson	ACEP-ALE	22.4	11
Total Acres Enrolled		4,025.3	

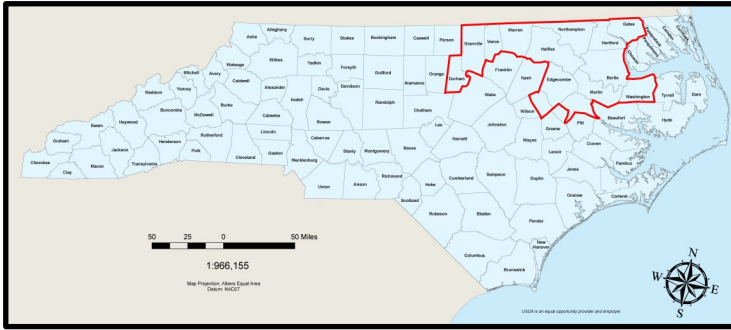
Special Funding Pools and Initiatives North Carolina	Total Financial Assistance
New and Beginning Farmer Funding Pools and Special Initiatives offered under EQIP and CSP*	\$2,807,453
Socially Disadvantaged & African American Forest Land Owner Funding Pools & Special Initiatives under EQIP, CSP & RCCP**	\$1,391,842
Hurricane and Disaster Recovery Funding Pools under EQIP	\$19,589
Organic and Transitioning to Organic Funding Pools under EQIP	\$22,744
On-Farm Energy & Energy Caps Funding Pools under EQIP	\$415,574
Wildlife 5%, 10% & Golden-winged Warbler Funding Pools & Initiatives under EQIP	\$346,941
Longleaf Pine Funding Pools offered under EQIP	\$1,291,773
Total	\$5,576,917

Estimated acres to receive natural resource benefits from conservation practices voluntarily implemented through Farm Bill Conservation Programs in 2020 by Congressional Districts—*Totals provided to the right are based off of Congressional District boundaries.*

Congressional District	Total Acres Benefited
1	17,309.3 ac.
2	10,912.4 ac.
3	13,819.9 ac.
4	362.7 ac.
5	2953.5 ac.
6	5797.3 ac.
7	22,310.1 ac.
8	28,977.1 ac.
9	22,089.1 ac.
10	1,402.0 ac.
11	11,037.6 ac.
12	4.9 ac.
13	939.3 ac.
Total	137,915.3 ac.

* Obligated \$9,493,406 to New/Beginning Farmers in EQIP, CSP, and RCCP

** Obligated \$2,118,205 to Socially Disadvantaged Farmers in EQIP, CSP, and RCCP



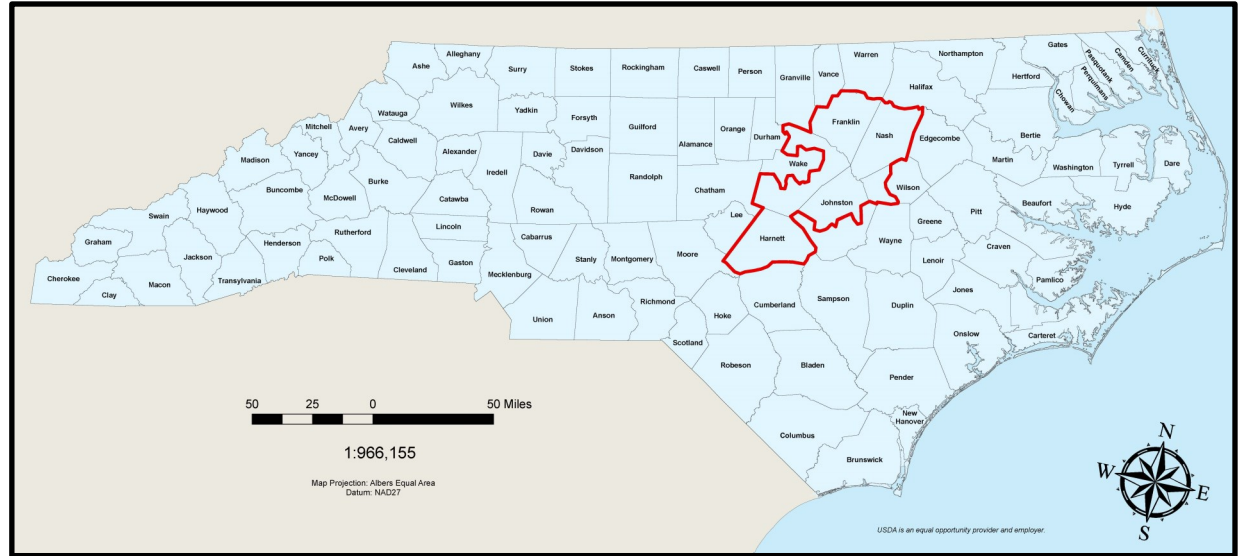
Congressional District 1

Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPPEQIP and RCPPEQIP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 1. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries.*

County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	RCPPEQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
BERTIE				3	163.4	\$49,891	9	4,733.4	\$384,093				12	4,896.8	\$433,984
DURHAM							1	0.1	\$9,500				1	0.1	\$9,500
EDGECOMBE							2	48.1	\$254,039				2	48.1	\$254,039
GATES							6	345.4	\$203,055				6	345.4	\$203,055
GRANVILLE	3	20.6	\$1,855										3	20.6	\$1,855
HALIFAX							19	3,971.8	\$788,269				19	3,971.8	\$788,269
HERTFORD							1	143.8	\$8,910	3	137.4	\$34,088	4	281.2	\$42,998
MARTIN				3	142.2	\$67,242	2	1,493.8	\$110,365				5	1,636.0	\$177,607
NORTHAMPTON							4	2,656.8	\$267,758	6	148.6	\$41,526	10	2,805.4	\$309,284
VANCE	3	21.3	\$1,925										3	21.3	\$1,925
WARREN	7	189.2	\$17,050	1	123.5	\$7,500	4	3.6	\$37,992				12	316.3	\$62,542
WASHINGTON				1	12.5	\$8,275							1	12.5	\$8,275
WILSON							1	2,953.8	\$90,000				1	2,953.8	\$90,000
Totals	13	231.1	\$20,830	8	441.6	\$132,908	49	16,350.6	\$2,153,981	9	286.0	\$75,614	79	17,309.3	\$2,383,333

Congressional District 2

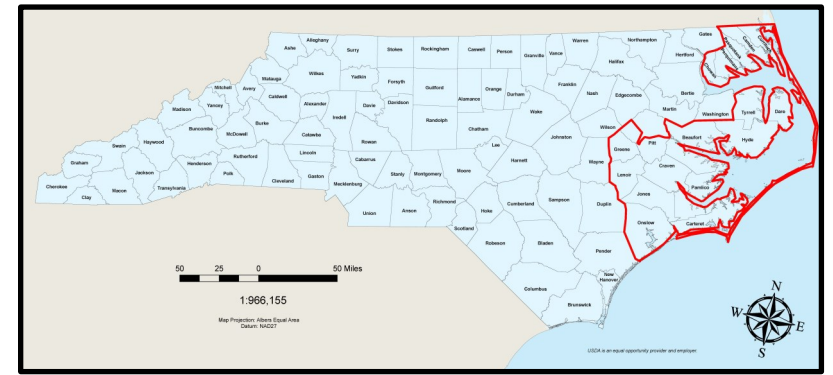
Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPP-EQIP and RCPP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 2. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries. County totals for data for the entire county. Counties within Congressional District 2: Franklin, Harnett, Johnston, Nash, Wake and Wilson.*



County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
FRANKLIN	1	16.2	\$1,460	2	\$476	\$17,259	3	86	\$34,527	6	578	\$53,246
HARNETT				9	\$7,293	\$349,300	3	1,408	\$67,741	12	8,701	\$417,041
JOHNSTON							1	2	\$9,500	1	2	\$9,500
NASH	3	261.4	\$23,540				4	651	\$198,715	7	912	\$222,255
WAKE				3	\$166	\$58,887	2	39	\$26,427	5	205	\$85,314
WILSON							2	514	\$207,043	2	514	\$207,043
Totals	4	277.6	\$25,000	14	\$7,935	\$425,446	5	2,700	\$543,953	33	10,912	\$994,399

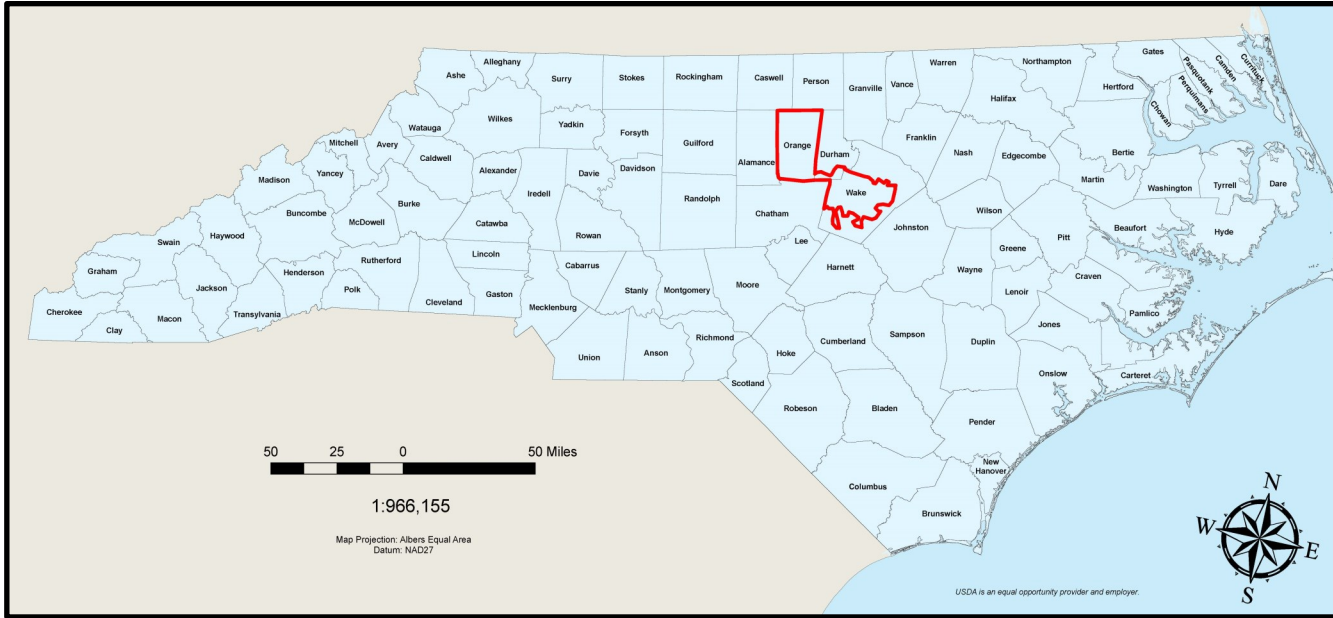
Congressional District 3

Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPP-EQIP and RCPP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 3. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries.*



County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	RCPP-EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
BEAUFORT				4	1,977	\$118,368	9	2,069	\$309,624				13	4,046	\$427,992
CHOWAN							1	\$5	\$169,925				1	5	\$169,925
CRAVEN	2	30.4	\$2,740	1	171	\$101,669	4	\$972	\$317,441				7	1,174	\$421,850
CURRITUCK	1	25.6	\$2,305										1	26	\$2,305
GREENE	1	32.7	\$2,945				3	1,106	\$169,103				4	1,139	\$172,048
HYDE							2	495	\$26,762				2	495	\$26,762
JONES							3	216	\$22,428				3	216	\$22,428
LENOIR							8	907	\$493,012	4	3,276	\$396,089	12	4,183	\$889,101
ONslow	1	14.5	\$1,305				4	9	\$61,766				5	23	\$63,071
PAMLICO	1	10.9	\$985	1	539	\$159,664	1	702	\$450,000				3	1,252	\$610,649
PITT							2	62	\$238,098				2	62	\$238,098
WAYNE							1	1,200	\$90,000				1	1,200	\$90,000
Totals	6	114.1	\$10,280	6	2,687	\$379,701	38	7,742	\$2,348,159	4	3,276	\$396,089	54	13,820	\$3,134,229

Congressional District 4

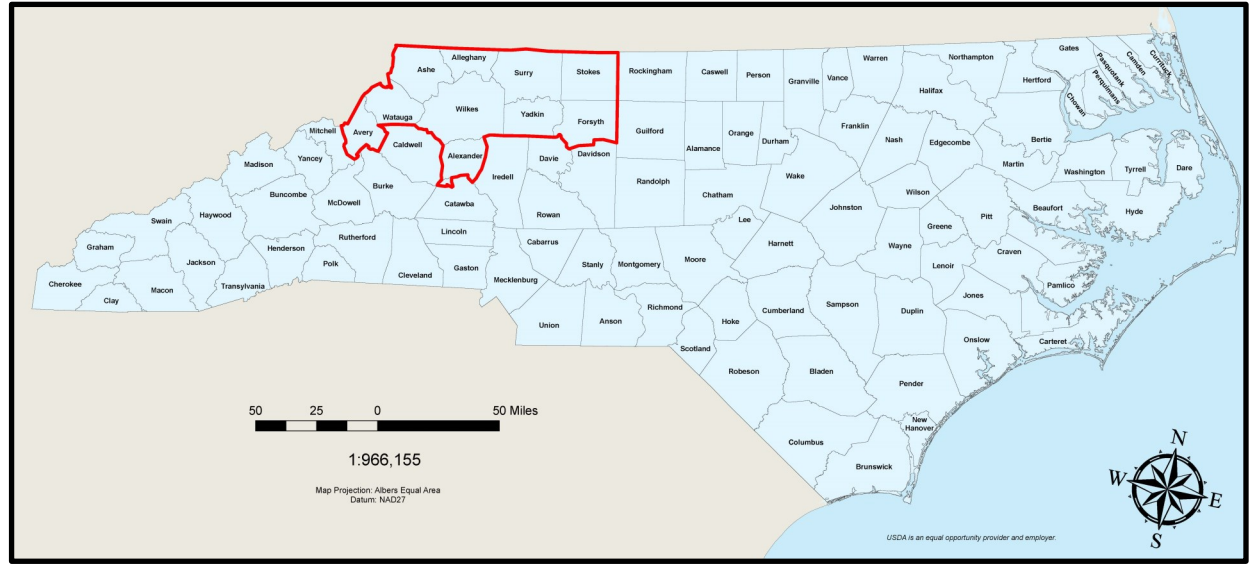


Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPPEQIP and RCPPEQIP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 4. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries. County totals for data for the entire county. Counties within Congressional District 4: Alamance and Orange .*

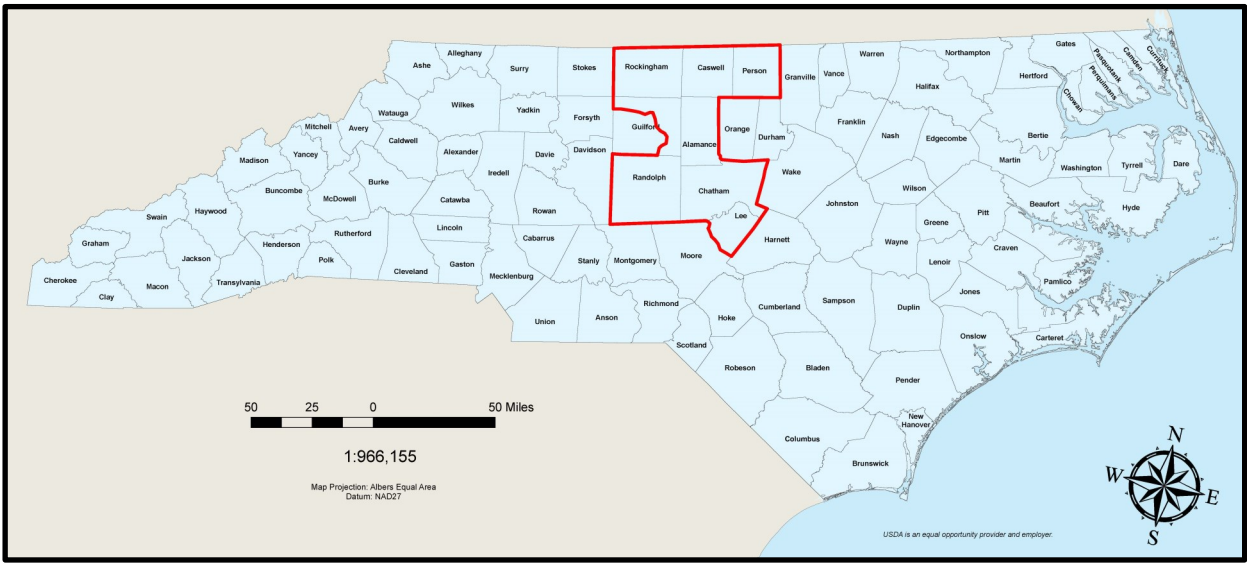
County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
ORANGE	7	264.2	\$23,776	1	87.5	\$48,223	6	11.0	\$41,939	14	362.7	\$113,938
Totals	7	264.2	\$23,776	1	87.5	\$48,223	6	11.0	\$41,939	14	362.7	\$113,938

Congressional District 5

Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPP-EQIP and RCPP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 5. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries. County totals for data for the entire county. Counties within Congressional District 5: Alexander, Alleghany, Ashe, Forsyth, Stokes, Surry, Watauga, Wilkes and Yadkin.*



County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	RCPP-EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
ALEXANDER							6	36.5	\$553,616				6	36.5	\$553,616
ALLEGHANY	1	19.4	\$1,750				3	67.1	\$103,940				4	86.5	\$105,690
ASHE	1	10.0	\$900	1	399.9	\$30,420	5	133.3	\$181,800				7	543.2	\$213,120
AVERY							2	12.5	\$23,762				2	12.5	\$23,762
STOKES							2	51.9	\$31,055				2	51.9	\$31,055
SURRY	1	10.9	\$985				1	440.0	\$93,408	1	15.0	\$187,396	3	465.9	\$281,789
WATAUGA							2	24.6	\$209,587				2	24.6	\$209,587
WILKES	3	56.5	\$5,090	1	171.3	\$19,789	8	608.7	\$261,001				12	836.5	\$285,880
YADKIN	6	93.1	\$8,390				6	802.9	\$310,080				12	896.0	\$318,470
Totals	12	189.9	\$17,115	2	571.1	\$50,209	35	2,177.5	\$1,768,249	1	15.0	\$187,396	50	2,953.5	\$2,022,969



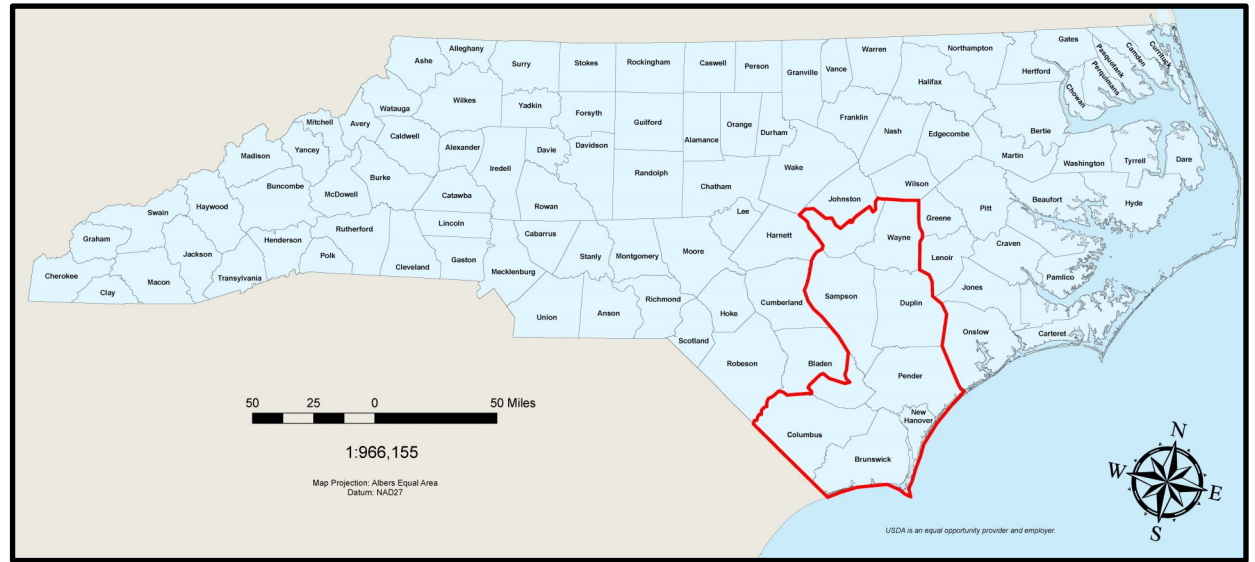
Congressional District 6

Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPP-EQIP and RCPP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 6. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries. County totals for data for the entire county.*

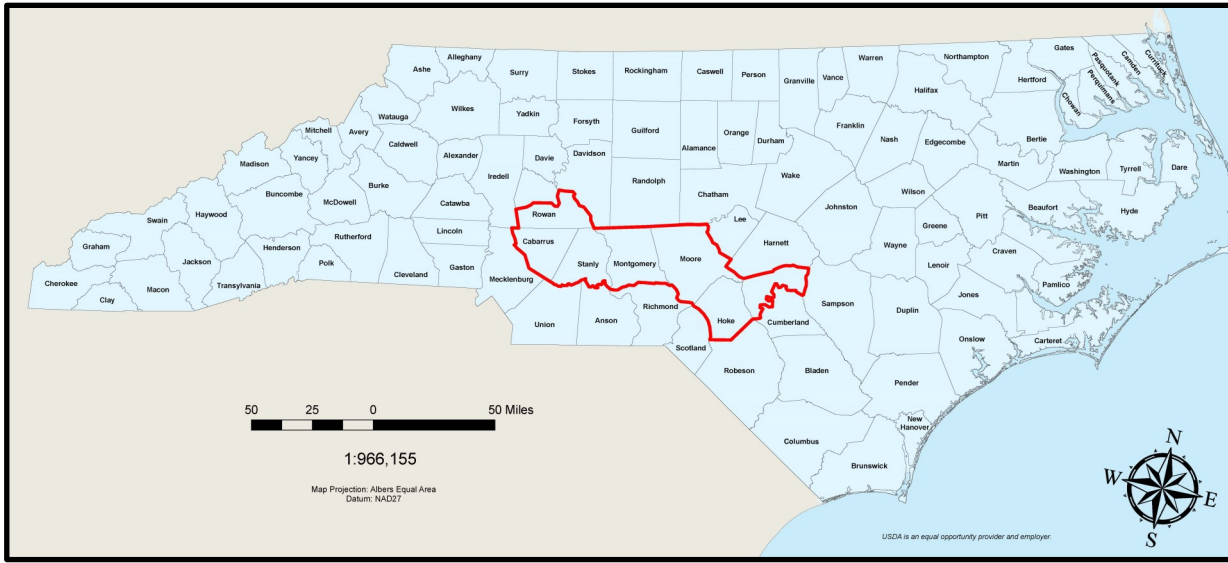
County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
ALAMANCE							2	61.0	\$15,488	2	61.0	\$15,488
CASWELL	1	11.3	\$1,020				5	123.8	\$63,125	6	135.1	\$64,145
CHATHAM	1	10.6	\$955	1	205.3	\$25,715	4	38.7	\$48,224	6	254.6	\$74,894
GUILFORD							2	15.6	\$9,259	2	15.6	\$9,259
LEE				4	640.8	\$69,986	1	488.0	\$21,201	5	1,128.8	\$91,187
PERSON	1	12.1	\$1,090	2	3,187.5	\$141,028				3	3,199.6	\$142,118
RANDOLPH	2	171.7	\$15,455				25	648.0	\$1,935,351	27	819.7	\$1,950,806
ROCKING-HAM	1	7.9	\$715				2	120.0	\$47,225	3	127.9	\$47,940
SURRY							2	55.0	\$583,201	2	55.0	\$583,201
Totals	6	213.6	\$19,235	7	4,033.6	\$236,729	43	1,550.1	\$2,723,074	56	5,797.3	\$2,979,038

Congressional District 7

Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPP-EQIP and RCPP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 7. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries. County totals for data for the entire county. Counties within Congressional District 7: Bladen, Brunswick, Columbus, Duplin, Johnston, New Hanover, Pender, Sampson and Wayne .*



County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
BLADEN	1	25.7	\$2,315	5	3,189.4	\$307,002	6	720.4	\$227,727	12	3,935.5	\$537,044
BRUNSWICK							3	765.1	\$253,993	3	765.1	\$253,993
COLUMBUS				4	926.6	\$170,259	4	170.4	\$45,973	8	1,097.0	\$216,232
DUPLIN	1	10.3	\$930	5	1,949.0	\$259,323	17	3,214.2	\$1,057,455	23	5,173.5	\$1,317,708
HOKE							1	8.0	\$243,471	1	8.0	\$243,471
JOHNSTON							2	28.2	\$232,258	2	28.2	\$232,258
PENDER				4	1,084.9	\$220,013	5	2,443.5	\$179,549	9	3,528.4	\$399,562
SAMPSON	2	23.3	\$2,100	7	1,626.7	\$268,877	13	5,276.9	\$683,109	22	6,926.9	\$954,086
WAYNE	1	22.9	\$2,065				6	824.5	\$220,259	7	847.4	\$222,324
Totals	5	82.2	\$7,410	25	8,776.7	\$1,225,474	57	13,451.2	\$3,143,794	87	22,310.1	\$4,376,678



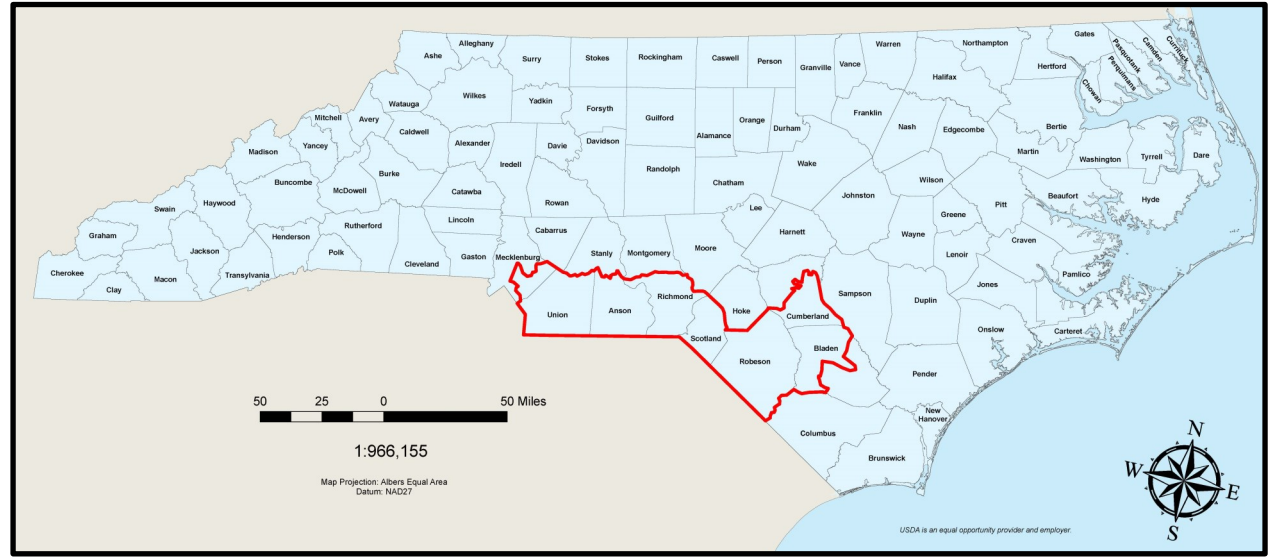
Congressional District 8

Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPP-EQIP and RCPP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 8. Note: *Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries. County totals for data for the entire county. Counties within Congressional District 8: Cabarrus, Cumberland, Hoke, Montgomery, Moore, Rowan and Stanly.*

County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
CABARRUS	2	35.6	\$3,205	1	25.2	\$16,875	1	1.0	\$9,498	4	61.8	\$29,578
CUMBERLAND				3	534.5	\$97,145	3	175.4	\$61,962	6	709.9	\$159,107
HOKE	1	18.8	\$1,695	4	4,027.7	\$293,933	3	1,702.0	\$249,446	8	5,748.5	\$545,074
MONTGOMERY				1	67.2	\$21,889	7	250.9	\$608,010	8	318.1	\$629,899
MOORE	1	6.8	\$615	15	13,936.1	\$819,637	37	1,549.6	\$1,476,408	53	15,492.5	\$2,296,660
RICHMOND							2	200.5	\$43,030	2	200.5	\$43,030
ROWAN	1	7.5	\$675				1	5.0	\$51,716	2	12.5	\$52,391
STANLY	1	16.0	\$1,440	13	3,957.2	\$372,484	9	2,460.1	\$351,982	23	6,433.3	\$725,906
Totals	6	84.7	\$7,630	37	22,547.9	\$1,621,962	63	6,344.5	\$2,852,052	106	28,977.1	\$4,481,644

Congressional District 9

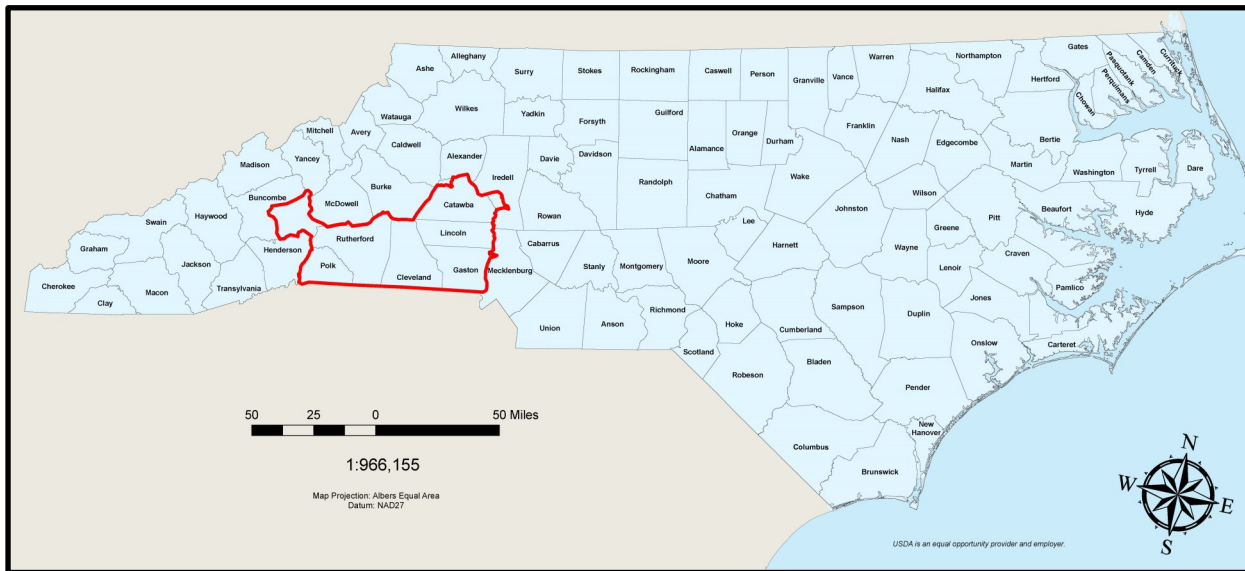
Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPP-EQIP and RCPP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 9. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries. County totals for data for the entire county. Counties within Congressional District 9: Anson, Bladen, Cumberland, Mecklenburg, Richmond, Robeson, Scotland and Union.*



County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
ANSON				19	4,438.9	\$656,128	7	125.0	\$801,989	26	4,563.9	\$1,458,117
BLADEN				6	4,967.3	\$463,066	9	440.4	\$350,885	15	5,407.7	\$813,950
CUMBERLAND							3	260.0	\$47,553	3	260.0	\$47,553
RICHMOND				1	157.1	\$56,419	11	877.2	\$337,859	12	1,034.3	\$394,278
ROBESON				2	1,068.6	\$237,693	16	1,538.9	\$298,499	18	2,607.5	\$536,192
SCOTLAND				7	3,326.8	\$219,553	3	1,085.6	\$73,502	10	4,412.4	\$293,055
UNION	6	143.4	\$12,920	2	3,400.2	\$185,145	6	259.7	\$392,068	14	3,803.3	\$590,133
Totals	6	143.4	\$12,920	37	17,358.9	\$1,818,003	55	4,586.8	\$2,302,355	98	22,089.1	\$4,133,278

Congressional District 10

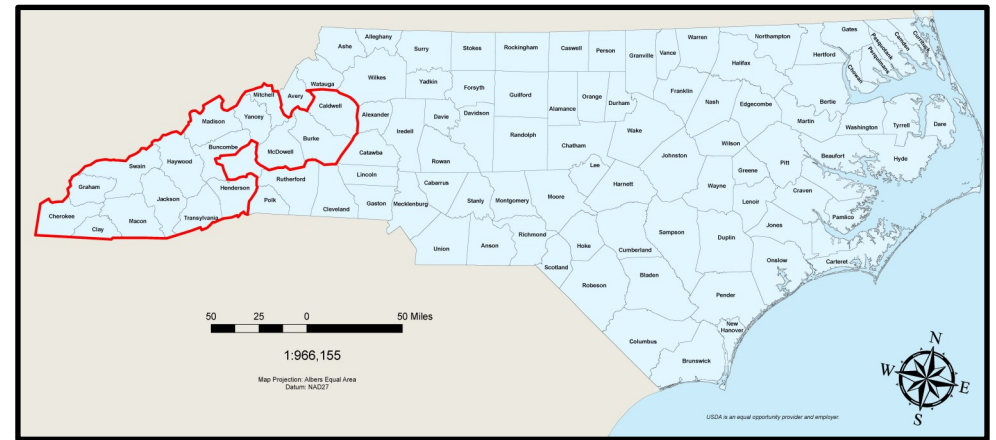
Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPPEQIP and RCPP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 10. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries. County totals for data for the entire county. Counties within Congressional District 10: Buncombe, Catawba, Cleveland, Gaston, Iredell, Lincoln, Polk and Rutherford.*



County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	RCPPEQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
BUNCOMBE				1	16.2	\$14,098	7	273.6	\$156,057	7	181.9	\$852,655	15	471.7	\$1,022,810
CATAWBA							3	58.1	\$241,861				3	58.1	\$241,861
CLEVELAND				1	36.1	\$21,045	9	291.7	\$778,239				10	327.8	\$799,284
GASTON				1	36.2	\$9,697	1	6.5	\$9,498				2	42.7	\$19,195
LINCOLN							3	172.3	\$190,038				3	172.3	\$190,038
POLK	2	23.7	\$2,140										2	23.7	\$2,140
RUTHERFORD	2	162.1	\$14,595				2	23.0	\$29,999	1	120.6	\$211,643	5	305.7	\$256,237
Totals	4	185.8	\$16,735	3	88.5	\$44,840	25	825.2	\$1,405,692	8	302.5	\$1,064,298	40	1,402.0	\$2,531,565

Congressional District 11

Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPP-EQIP and RCPP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 11. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries. County totals for data for the entire county. Counties within Congressional District 11: Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Transylvania and Yancey.*



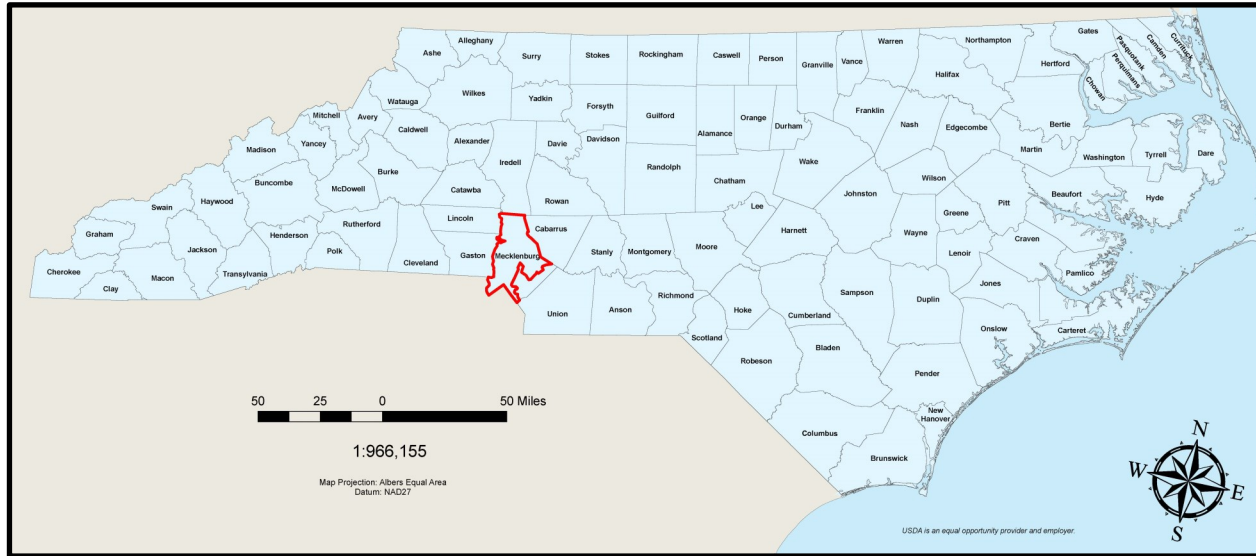
County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	RCPP-EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
BUNCOMBE				3	54.0	\$39,172	15	465.8	\$303,942				18	519.8	\$343,114
BURKE				2	3,483.8	\$26,036	2	165.0	\$139,482				4	3,648.8	\$165,518
CALDWELL							3	134.1	\$214,853				3	134.1	\$214,853
CHEROKEE	1	11.7	\$1,055				6	86.2	\$44,584				7	97.9	\$45,639
CLAY	2	10.5	\$950				4	106.0	\$42,197				6	116.5	\$43,147
GRAHAM	1	5.9	\$535	1	265.8	\$13,674	2	13.0	\$16,442				4	284.7	\$30,651
HAYWOOD				2	234.0	\$39,783	8	86.9	\$497,298				10	320.9	\$537,081
HENDERSON				1	73.4	\$11,924				5	228.4	\$731,756	6	301.8	\$743,680
JACKSON				2	73.3	\$23,024	1	0.7	\$9,498				3	74.0	\$32,522

Congressional District 11

...Continued

County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	RCP- EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
MACON				1	153.0	\$11,580	8	128.5	\$190,656	1	3.8	\$143,126	10	285.3	\$345,362
MADISON				1	11.5	\$7,507	11	571.8	\$128,747				12	583.3	\$136,254
MCDOWELL							3	12.0	\$69,443				3	12.0	\$69,443
MITCHELL				3	271.8	\$34,733	4	131.9	\$77,831				7	403.7	\$112,564
SWAIN							1	3,545.2	\$84,764				1	3,545.2	\$84,764
TRANSYLVANIA	1	4.3	\$390										1	4.3	\$390
YANCEY				1	23.8	\$33,499	4	681.5	\$142,929				5	705.3	\$176,428
Totals	5	32.4	\$2,930	17	4,644.4	\$240,932	72	6,128.6	\$1,962,666	6	232.2	\$874,882	100	11,037.6	\$3,081,411

Congressional District 12

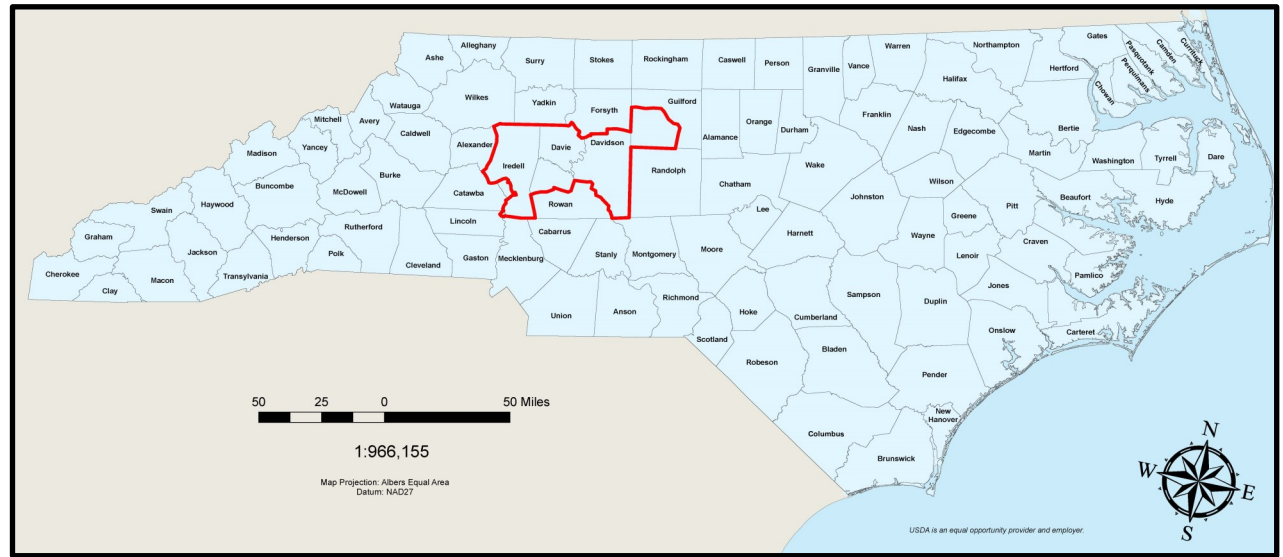


Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPP-EQIP and RCPP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 12. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries.*

County	EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
MECKLENBURG	1	4.9	\$9,498	1	4.9	\$9,498
Totals	1	4.9	\$9,498	1	4.9	\$9,498

Congressional District 13

Below, you will find a program snapshot of accomplishments by Farm Bill Programs (Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Regional Conservation Partnership Program (RCPP-EQIP and RCPP-CSP), and Agricultural Conservation Easement Programs (ACEP)) for North Carolina Congressional District 13. *Note: Data provided represents the entire county, which may or may not be completely within the Congressional District boundaries. County totals for data for the entire county. Counties within Congressional District 13: Davidson, Davie, Iredell,*



County	CSP-GCI Contracts	Acres	Financial Assistance	CSP Contracts	Acres	Financial Assistance	EQIP Contracts	Acres	Financial Assistance	RCPP-EQIP Contracts	Acres	Financial Assistance	Total Contracts	Total Acres	Total Financial Assistance
DAVIDSON							1	35.8	\$9,433				1	35.8	\$9,433
DAVIE							3	186.6	\$57,995				3	186.6	\$57,995
GUILFORD							2	445.0	\$80,663				2	445.0	\$80,663
IREDELL							1	5.0	\$74,832				1	5.0	\$74,832
ROWAN	3	63.2	\$5,690				2	203.7	\$71,442				5	266.9	\$77,132
Totals	3	63.2	\$5,690				9	876.1	\$294,365				12	939.3	\$300,055

Non- Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) Mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410;


(2) Fax: (202) 690-7442; or

(3) Email: program.intake@usda.gov.

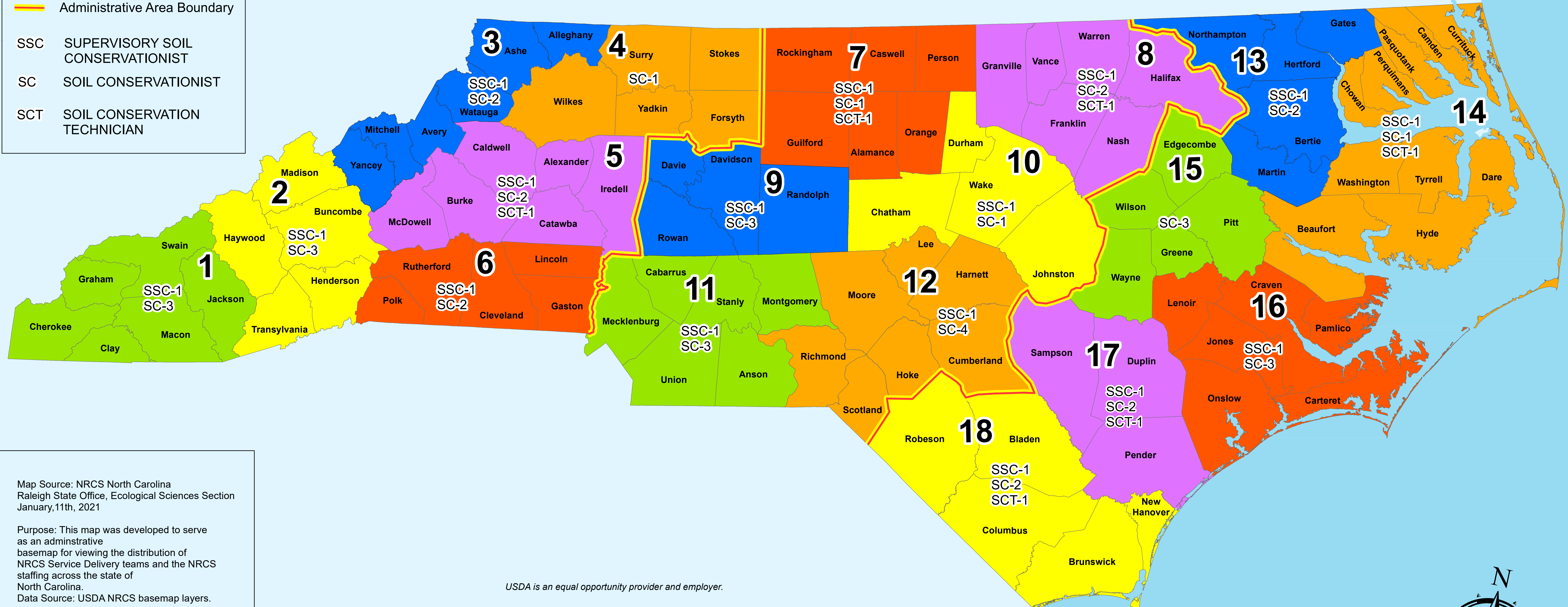
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North Carolina Service Delivery Teams and Staffing

Legend

-  Administrative Area Boundary
- SSC SUPERVISORY SOIL CONSERVATIONIST
- SC SOIL CONSERVATIONIST
- SCT SOIL CONSERVATION TECHNICIAN

AREA 1 ASTC-FO MARK FERGUSON **AREA 2** ASTC-FO LEE HOLCOMB **AREA 3** ASTC-FO JULIUS GEORGE

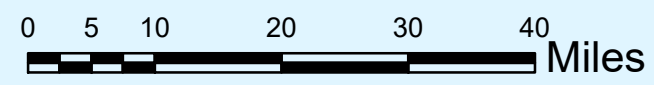


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Map Source: NRCS North Carolina
Raleigh State Office, Ecological Sciences Section
January, 11th, 2021

Purpose: This map was developed to serve as an administrative basemap for viewing the distribution of NRCS Service Delivery teams and the NRCS staffing across the state of North Carolina.
Data Source: USDA NRCS basemap layers.

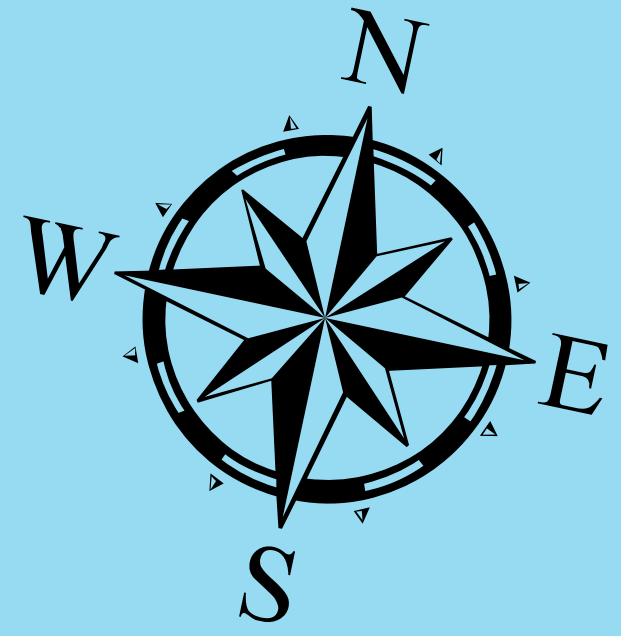
Map Location:
Z:\geodata\PROJECT_DATA\NRCS\Basemaps



1:959,763

Map Projection: Albers Equal Area
Datum: NAD27

Crafted by Bobby Abell





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

INTERNAL USE ONLY:
 Appointed Elected Seat
 Current Term: 2018 - 2022

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the Brunswick Soil and Water Conservation District of Brunswick County, North Carolina have recommended the individual listed below for APPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing 12/2020 01/2021 and ending 12/2022 to fill the expired or un-expired term of Elliot Swain.

Name of nominee: Anthony Wayne Street
 Address of nominee, City, State, Zip: 1714 Stanbury Rd., Supply, NC 28462
 Email address of nominee: anthonywaynestreet@gmail.com
 Home phone: 910-842-3881
 Mobile phone: 910-619-5947
 Business phone: N/A
 Occupation: Commercial Fisherman
 Age: 39
 Education: Masters Degree Public Administration
 Positions of leadership NOW held by nominee: none
 Former occupations or positions of leadership contributing to nominee's qualifications: former BSWCD Supervisor

Other pertinent information: _____

Dates of previous attendance at UNC School of Government training, if applicable: N/A

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 Robert Gene Ward 1-15-2021
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: ROBERT GENE WARD

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

X Anthony Wayne Street January 15, 2021
 Individual recommended for appointment Date
 Printed name: Anthony Wayne Street

Letter of Resignation

Elliot Swain
District Supervisor
6271 Funston Rd SE
Winnabow, NC 28479

Gene Ward
District Chairman
gward@atmc.net

Dear Mr. Ward,

It has come to my attention that the Brunswick County Soil and Water Conservation District Director staff position will soon become vacant. I believe that I am ideally suited to fill the position and continue to serve the board and the district as Director. As such, in order to avoid any conflict of interest during the hiring process, I am formally resigning as District Supervisor effective immediately.

I have valued my role as District Supervisor, and only hope to continue to serve the board and district in the future.

Thank you,
Elliot Swain



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INTERNAL USE ONLY:
 Appointed / Elected Seat
 Current Term: 2018 - 2022

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 1/20/2021 and ending 12/20/2022 to fill the expired or un-expired term of Margaret Knight.

Name of nominee: Hunter Quincy
 Address of nominee, City, State, Zip: 3016 Harts Mill Run Road, Tarboro, NC 27886
 Email address of nominee: hthquincy@gmail.com
 Home phone: _____
 Mobile phone: 252-266-6457
 Business phone: _____
 Occupation: Farmer
 Age: 43
 Education: Batchelors degree
 Positions of leadership NOW held by nominee: none
 Former occupations or positions of leadership contributing to nominee's qualifications: _____
 Other pertinent information: _____

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

Signatures

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

X Harold B Thompson 1-15-2021
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: Harold B Thompson

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

X Hunter Quincy 1-15-2021
 Individual recommended for appointment Date
 Printed name: Hunter Quincy

2137 NC 124 E
Pinetops, NC 27864
January 14, 2021

Dear Scott,

Regretfully I must inform you that I must resign from the Edgecombe Soil and Water Conservation District Board of Supervisors. My many and varying health issues prevent me from participating in meetings as I should. As chairman to the board, I thoroughly realize that my presence is paramount; since I am unable to meet my obligations I am submitting my resignation effective immediately.

I genuinely enjoyed the time that I served on the board but feel that I must relinquish my seat so that someone who has the time and commitment to devote to the needs of our Edgecombe County citizens may have the opportunity to serve. I hope that as I am able that I will be welcomed to sit in on meetings from time to time.

Thank you for your service and commitment to conserving and protecting our natural resources.

Sincerely,

/s/ Margaret S. Knight

Margaret S. Knight

This document is computer signed by Margaret S. Knight on January 14, 2021.



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INTERNAL USE ONLY:
Appointed / Elected Seat
 Current Term: 2021-2024

NOMINATION OF SUPERVISOR FOR REAPPOINTMENT

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

The Madison Soil and Water Conservation District of Madison County, North Carolina, nominates the individual listed below for REAPPOINTMENT as a district supervisor in accordance with N.C.G.S. 139-7 for a term of office commencing December 2020 and ending December 2024.
January 2021 *JFW*

Name of nominee: Donna Jones
 Address of nominee, City, State, Zip: 13623 HWY 212, Marshall, NC 28753
 Email address of nominee: fbanddonna@gmail.com
 Home phone: 828-656-8100
 Mobile phone: 828-206-0113
 Business phone: N/A
 Occupation: Farmer
 Age: 70
 Length of service as a supervisor: 10 years
 Attendance at district meetings during **present term** of office.
 Number of district meetings scheduled: 17
 Number of meetings attended by nominee: 15
 Date last attended UNC-School of Government training: 2-18-20

The NC Soil and Water Conservation Commission generally will not give favorable consideration to the reappointment of an incumbent district supervisor unless he/she has attended, except when prevented by sickness, at least 2/3 of all regularly scheduled district meetings during his/her present term of office (past 4 years), and has attended training at the UNC School of Government.

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 *Chuck Hagan* 12-7-20
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: Chuck Hagan

I hereby certify that the above information is true and accurate.
 X *Donna Jones* 11-15-20
 Individual recommended for reappointment Date
 Printed name: Donna Jones



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 919.707.3770 • www.ncagr.gov/swc/

INTERNAL USE ONLY:
Appointed / Elected Seat
 Current Term: 2021-2022

RECOMMENDATION FOR APPOINTMENT OF SUPERVISOR

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

The supervisors of the Mecklenburg Soil and Water Conservation District of Mecklenburg 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 January 2021 and ending December 2022 to fill the expired or un-expired term of Jacelyn Rice-Boayue.

Name of nominee: William Rice
 Address of nominee, City, State, Zip: 600 Poindexter Dr, Charlotte, NC 28209
 Email address of nominee: wrice@CharlotteNC.gov/ will.dalen@gmail.com
 Home phone: 704-677-8163
 Mobile phone: 704-578-9734
 Business phone: _____
 Occupation: Engineer/ Project Manager
 Age: 39
 Education: BS Mechanical Engineering, MS Earth Science
 Positions of leadership NOW held by nominee: None
 Former occupations or positions of leadership contributing to nominee's qualifications: Project Manager

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 Barbara Blewett 12.17.2020
 SWCD Chair (or Vice Chair if Chair is being nominated) Date
 Printed name: _____

I hereby certify that the above information is true and accurate.
 X Will Rice 12/16/2020
 Individual recommended for appointment Date
 Printed name: William Rice

Date: November 9, 2020

To: Barbara Bleiweis
Chairperson
Mecklenburg Soil and Water Conservation District
2145 Suttle Avenue
Charlotte, NC 28208

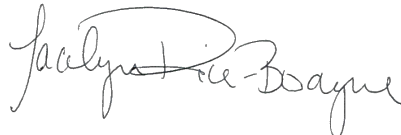
Re: Resignation letter

Dear Mrs. Bleiweis,

This letter is to inform you of my immediate resignation from the Mecklenburg Soil and Water Conservation District Board of Supervisors. I have really enjoyed working alongside you and the other board members towards MSCWD's goals. However, recent events make me unable to continue my service.

Thank you for the opportunity to serve, and I hope that we can continue to collaborate through other means.

Sincerely,

A handwritten signature in cursive script that reads "Jacelyn Rice-Boayue". The signature is written in black ink and is positioned above the typed name and contact information.

Jacelyn Rice-Boayue, PhD | Assistant Professor
UNC Charlotte | William States Lee College of Engineering
Department of Engineering Technology and Construction Management
Smith 248-D | 9201 University City Blvd | Charlotte, NC 28223
Phone: 704-687-8322 | Fax: 704-687-1607

NC Cost Share Programs Supervisor Contracts
Soil and Water Conservation Commission

County	Contract Number	Supervisor Name	BMP	Contract Amount	Comments
Bertie	08-2021-004	David Simons	Abandoned Well Closure	\$ 1,500	Supervisor in Hertford SWCD.
Chowan	21-2021-003	Carey Y. Parrish, IV	Cover Crop	\$ 2,000	
Craven	25-2021-002	Donald Heath	Cropland Conversion to Grass	\$ 26,108	
Currituck	27-2021-004	Manly West	Land Smoothing	\$ 14,013	
Hertford	46-2021-006	S. Pate Pierce	Abandoned Well Closure	\$ 1,205	
Montgomery	62-2021-001	Jess Maness	Livestock Exclusion System	\$ 6,359	Supplement to original that included heavy use areas, tanks, and some fencing
Pender	71-2021-802	Bill Murrell	Water Supply Well	\$ 6,370	

Total Number of Supervisor Contracts: 7

Total \$57,555

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

As a Soil and Water District Supervisor, for the Bertie 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: well closure

Contract number: 04-2021-004 Contract amount: \$ 1500

Score on priority ranking sheet: 8

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

Relative rank (e.g., ranked 8th out of 12 projects considered): 4th out of 4

Were any higher or equally ranked contracts denied? NO

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

Supervisor name: David Simons

[Signature]
(District Supervisor's signature)

12-17-2020
Date

Approved by:

[Signature]
(District Chairperson's signature)

12-17-2020
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 Chowan Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: Cover Crop

Contract number: 21-2021-003

Contract amount: \$2,000.00

Score on priority ranking sheet: 80

Cost Share Rate: 100% If different than 75%, please list % percent: 100%
Reason: Incentive Practice

Relative rank (e.g., ranked 8th out of 12 projects considered): 3 out of 10

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: Carey Y. Parrish, IV



(District Supervisor's signature)

12-14-20

Date

Approved by:



(District Chairperson's signature)

12-14-20

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 Craven 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 Agriculture Cost Share Program**

Best management practice: **Cropland Conversion to Grass**

Contract number: **25-2021-002**

Contract amount: **\$26,108.00**

Score on priority ranking sheet: **35**

Cost Share Rate: **90%**

If different than 75%, please list % percent: **90%**

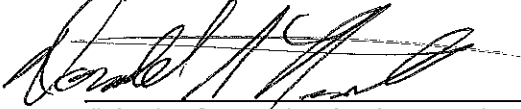
Reason: **All enrolled fields are in Enhanced Voluntary Agricultural District**

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

Were any higher or equally ranked contracts denied? **No**

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

Supervisor name: **Donald A. Heath**



(District Supervisor's signature)

11-06-2020
Date

Approved by:



(District Chairperson's signature)

11-9-20
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 Albemarle/Currituck 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 Cost Share - Agriculture

Best management practice: Land Smoothing

Contract number: 27-2021-004 Contract amount: \$14,013.00

Score on priority ranking sheet: 60

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 1

Were any higher or equally ranked contracts denied? No

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

Supervisor name: Manly West

Manly West
(District Supervisor's signature)

12/1/2020
Date

Approved by:

William L. Powell
(District Chairperson's signature)
WCC

12-1-20
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: NCA CSP

Best management practice: Abandoned Well Closure

Contract number: 46-2021-006 Contract amount: \$ 1,205

Score on priority ranking sheet: 45

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

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

Were any higher or equally ranked contracts denied? No

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

Supervisor name: Stuart Pate Pierce

Stuart Pate Pierce
(District Supervisor's signature)

9-15-20
Date

Approved by:

John D. Hill
(District Chairperson's signature)

9-15-20
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 _____ Montgomery SWCD _____ Soil and Water Conservation District, I have applied for, or stand to benefit* from, a contract under a commission cost share program. I did not vote on the approval or denial of the application or attempt to influence the outcome of any action on the application. The proposed contract is for the installation of the following best management practices.

Program: ACSP

Best management practice: Livestock Exclusion

Contract number: 62-2021-001 Contract amount: \$ 6,359

Score on priority ranking sheet: 87

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 11

Were any higher or equally ranked contracts denied? no

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

Supervisor name: Jeff Maness

Jeff Maness
(District Supervisor's signature)

12-15-20
Date

Approved by:

Don Thompson
(District Chairperson's signature)

12-9-20
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 Pender 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: Agri. Wtr. P

Best management practice: Livestock Well

Contract number: 71-21-802 Contract amount: \$ 6370

Score on priority ranking sheet: 225

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

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

Were any higher or equally ranked contracts denied? No

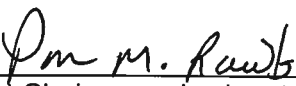
If yes, give an explanation as to why the supervisor's contract was approved over the other contracts:

Supervisor name: William Murrell


(District Supervisor's signature)

12/21/20
Date

Approved by:


(District Chairperson's signature)

12/21/20
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.

ATTACHMENT 7A

JAA POLICY

SWCC Business Meeting – January 20, 2021

- ▶ Limited to eleven (11) AgWRAP & CCAP practices
- ▶ The Commission will not award job approval authority for practices requiring a design by a PE or where there is an applicable approval authority through NRCS
- ▶ The Commission will reevaluate job approval authority for each participant every 4 years or as deemed necessary.
- ▶ The Commission will rescind job approval authority when a participant is no longer employed by a soil and water conservation district or Division of Soil and Water Conservation. Job approval authority can be reinstated if the participant is employed in any district or DSWC within 4 years.
- ▶ The Commission may rescind job approval authority for one or all categories if the individual fails to comply with the associated technical standards, submits false data or is in any way dishonest
- ▶ Over 50 individuals have been granted JAA by the SWCC

CURRENT JAA POLICY

UPDATED JAA POLICY

- ▶ Developed for all best management practices listed in the Detailed Implementation Plans for ACSP, CCAP and AgWRAP
- ▶ Eligible individuals who have been granted JAA by NRCS in the past may be granted comparable JAA
- ▶ Prerequisites, KSAs and designs completed independently by applicant are required before granting JAA

- ▶ District and division staff who have been granted NRCS JAA in the past may begin applying for comparable SWCC JAA
- ▶ JAA workgroup will develop the technical competency requirements for ACSP, CCAP and AgWRAP BMPs for commission approval
- ▶ Workgroup will recommend limits on certain Design BMPs
- ▶ Training committee and JAA workgroup will ensure any required training for a BMP will be available as they are integrated into the new JAA system

JAA POLICY

Implementation

A series of white diagonal lines of varying lengths and thicknesses, located in the bottom right corner of the slide, extending from the right edge towards the center.

02 NCAC 59D .0201 CRITERIA AND PROCEDURES FOR GRANTING JOB APPROVAL**AUTHORITY**

(a) “Eligible individuals” means Soil and Water Conservation District employees, county employees working as staff for a Soil and Water Conservation District and employees of the North Carolina Department of Agriculture and Consumer Services Division of Soil and Water Conservation.

(b) Eligible individuals seeking Job Approval Authority (JAA) from the Commission shall receive agreement from their immediate supervisor. District staff shall also receive agreement from the chair of the Soil and Water Conservation District for whom they are employed.

(c) Eligible individuals seeking JAA for a best management practice as defined by 02 NCAC 59D .0102(6) shall submit application to the Division for evaluation of technical competency. The application for JAA shall include:

- (1) Name;
- (2) Contact information;
- (3) JAA requested;
- (4) Signature of District Chair or Supervisor; and
- (5) Proof of technical competency for the requested JAA including comparable JAA through USDA-NRCS, or applicable certification and/or submission of two completed practice designs.

The minimum technical competency requirements for each practice shall be listed in the applicable program’s Detailed Implementation Plan (DIP) as defined in 02 NCAC 59D .0102(14).

(d) Eligible individuals who submit documentation of JAA issued by the USDA Natural Resources Conservation Service as part of the application described in Paragraph (c) of this Rule shall be granted equivalent JAA by the Commission, unless JAA has subsequently been rescinded due to factors identified in Paragraph (f) of this Rule.

(e) The Commission shall consider an eligible individual who is duly licensed as a professional engineer by the North Carolina Board of Examiners for Engineers and Surveyors as having JAA for any best management practice to which they affix their seal and signature to all designs and technical documents.

(f) The Commission may rescind an individual’s JAA for any or all best management practices where the Commission determines that ~~if~~ the individual fails to comply with the ~~associated technical~~ applicable practice standards, submits false data or is dishonest in the use of their JAA, taking into consideration the severity of the non-compliance, the extent and significance of any false data submitted, and the individual’s history of non-compliance.

(g) Individuals no longer employed by the County, District, or Division shall have previously issued JAA reinstated if they are re-employed as an eligible individual and have subsequently complied with the requirements described in Paragraphs (b) and (c) of this Rule.

*History Note: Authority G.S. 106-840; 106-850; 139-3; 139-4(d)(9) and 14;
Eff. January 1, 2021.*

North Carolina Soil and Water Conservation Commission (SWCC) Job Approval Authority (JAA)

Purpose

- A. North Carolina SWCC Job Approval Authority (JAA) is the quality assurance process that ensures adequate consideration by competent employees in the planning, design, and installation of ALL best management practices and technical assistance implemented through the NC Soil and Water Conservation Commission (SWCC), the Soil and Water Conservation District (SWCD), Division of Soil and Water Conservation, and other conservation partners, and that the practice will perform as intended for the planned service life. Job approval authority additionally serves to maintain the credibility and trust of SWCC with State boards of licensure, accrediting organizations, other agencies, units of government, and the public.
- B. SWCC requires approval of all best management practice plans, designs, and certifications by a qualified person who has appropriate job approval authority. Others may perform this work under the direction of the qualified person.

References

- A. This policy supports the implementation of best management practices categorized as Agronomic and Design JAA.
- B. Conservation partnership employees must read and understand the contents of these policies in order to fully comprehend the guidelines and procedures. The following additional authorities, and any amendments to these authorities, are applicable in North Carolina:
 - (1) NCGS 106 Article 71 “Soil and Water Conservation Commission”
 - (2) NCGS 106 Article 72 “Nonpoint Source Pollution Control Program”
 - (3) NCGS 139 “Soil and Water Conservation Districts”
 - (4) NCGS 89C “Engineering and Land Surveying”
 - (5) 02 NCAC 59D “Agriculture Cost Share Program for Nonpoint Source Pollution Control”
- C. The processes described in this policy are established to avoid best management practice failure. Users should be cognizant that ignoring any part of this policy, conservation practice standards or SWCC policies, have the potential for impact on public health and public safety, and may cause loss of life or significant property damage. In addition, employees could lose their JAA or depending on the damage, become personally liable.

Definitions

- A. Job Approval Authority (JAA)

JAA is the certification granted to an individual who has demonstrated the appropriate knowledge, skill, and abilities to plan, design, and/or certify installation of a given best management practice.

- B. Knowledge, Skills, and Abilities (KSAs)

KSAs are the competencies required for JAA to plan, design, install, and certify the best management practice according to the requirements of the practice standard.

C. Job Class

Job class is the subdivision, within JAA, for best management practices based on controlling factors of scale, complexity, or risk.

D. Controlling Factor

Controlling factor is the element which describes the scale, complexity, or hazard potential associated with a given practice.

E. Practice Phase

- (1) “Inventory & Evaluation (I&E)” is the onsite observation of an exploratory nature and preparation of sound alternative solutions of sufficient intensity for the client to make treatment decisions. Completion of an environmental evaluation (CPA-52 Sections A-P or SWCC-approved form), which validates that the best management practice or system, fits the site based on the planning criteria and practice standard purpose. Additionally, planners shall document alternative practices that address the resource concern(s) based on local, state, and federal laws, as well as projected effects on social, economic, and ecological opportunities. For ENG, I&E does not include the following tasks: surveys, siting and setback evaluations and approval, soils investigations, and automated agency design tools.
- (2) “Design (D)” is developing and checking all aspects of the supporting data, drawings, and specifications to insure the planned practice will meet the purpose for which it is to be applied and is in conformance with the criteria established in the practice standard. It also includes setting any specific inspection and material requirements. Design includes siting and setback evaluations, development of specifications for establishing vegetation and managing natural resources, surveys, soils investigations, hydrology and hydraulics, structural computations, development of construction specifications, and proper use of standard drawings, if available.
- (3) “Construction & Certification (C&C)” are surveys, layout, staking, on-site inspection of materials and work, and making tests to confirm the practice is installed according to the approved drawings and specifications in order to meet the best management practice standard, and planning criteria. Certification includes accurately documenting practice completion, such as an as-built drawing, field notes, photographs, checklists, and retaining the documentation in the case file.

F. Administrative Review and Concurrence

Administrative review and concurrence is an administrative function where the JAA package submittal will be reviewed to ensure all required documentation is present and concurrence will be provided that the employee requesting JAA has reached the desired competency level, obtained the required training, and completed the applicable prerequisites and certifications. It is necessary that applicants acquire concurrence from their immediate supervisor, e.g., SWCD Administrative Supervisor/Department Head and SWCD Chairperson, or Division of Soil and Water Conservation Director (or designee).

G. Technical Competency Determination

Technical competency determination is a technical function based on the employee's knowledge, training, experience, and demonstrated technical competence. At a minimum, demonstrating competence will consist of an employee's ability to: independently execute any of the three JAA practice phases (I&E, D, or C&C) with plans and specifications that supports the implementation of a best management practice or system as documented on an approved conservation plan. This technical determination will be completed by including all the minimum documentation as indicated in SWCC Technical Competency Determination Form.

H. Final Approval

Final approval is a SWCC action based on the outcome of the administrative review and concurrence and technical competency determination. The SWCC, when granting JAA approval, will evaluate the request and confirm the administrative concurrence and technical competency determination are consistent with this policy before final approval is issued.

I. Technical Criteria

Technical criteria are a set of principles, standards, or predefined requirements used to assess and determine technical proficiency levels for JAA.

J. Technical Competency

Technical Competency is a measure to evaluate and determine the expected technical proficiency levels to independently carry out Inventory & Evaluations (I&E), Design (D), and Construction & Certification (C&C).

Responsibilities

A. District or Division staff with supervisory responsibilities will

- (1) Ensure that technical employees who have JAA to plan, design, or install and certify best management practices maintain their JAA for practices necessary for addressing local resource concerns.
 - (i) The SWCC is responsible for ensuring ALL employees, SWCD, division and partners, are competent to carry out their assigned duties.
- (2) Identify training, experience acquisition, or other means needed to obtain and maintain the JAA of field office staff.
- (3) Request assistance from individuals with appropriate JAA from the area or State level, as appropriate, when pending tasks exceed the JAA of field office staff.

B. All technical employees will

- (1) Maintain a copy of their record of JAA (report from an approved JAA database) and maintain their skill levels for the best management practices for which they have JAA.
- (2) Request training needed to obtain or maintain JAA for best management practices necessary for addressing local resource concerns.

C. Partner employees operating under the technical supervision of an NRCS employee and providing engineering services, in partnership with NRCS, requires the evaluation and assignment of appropriate **JAA** with the following additional criteria:

- (1) NRCS may assign ENG JAA to Partner employees offering engineering service who are not Federal employees and who are not licensed to practice engineering in North Carolina when such authority does not conflict with State law.
 - (i) The General Statutes of North Carolina, Chapter 89C, provides the State Law regarding the practice of engineering in North Carolina. The NC Board of Examiners for Engineers and Land Surveyors has determined that the design and construction of certain conservation practices contained in Section IV of the eFOTG are considered the “practice of engineering” and require the approval of a Registered Professional Engineer. Chapter 89C-25 further provides “this chapter shall not prevent the following activities: practice by those employees of the NRCS, county employees, or employees of SWCDs, or employees of the Division of Soil and Water Conservation of the Department of Agriculture and Consumer Services who have engineering job approval authority issued by the Natural Resources Conservation Service or the Soil and Water Conservation Commission that involves the planning, designing, or implementation of best management practices on agricultural lands, or for the planning, designing, or implementation of best management practices approved for cost-share funding pursuant to programs identified in G.S. 139-4(d)(9).”
 - (ii) NRCS may assign ENG JAA to SWCD employees for engineering practices when these individuals are providing technical assistance in partnership with NRCS and;
 - (1) Are working under the technical supervision of an NRCS employee and are providing similar services as NRCS employees,
 - (2) Are implementing practices on agricultural land,
 - (3) Are following all NRCS policies and procedures, and
 - (4) Are qualified and have continuously demonstrated competence

Background

- A. For the purpose of this policy, an Agronomic best management practice is any practice included in SWCC best management practices that does not require Design JAA.
- B. A qualified person who has appropriate JAA may plan, design, supervise the installation of, and certify completion of the best management practice. While others may assist with planning, design, or installation of a best management practice, accomplishment of each phase of the work requires the oversight and approval of a person with appropriate JAA.
- C. The JAA process is designed to ensure technical assistance will result in practices which:
 - (1) Address the identified resource concerns,
 - (2) Meet site-specific requirements and are sustainable,
 - (3) Comply with SWCC and/or NRCS standards, technical criteria, and policies,
 - (4) Function as planned and perform safely,
 - (5) Provide cost-effective solutions with consideration given to installation, operation and maintenance, and removal or replacement costs.
- D. For all uses of JAA, the minimum documentation required to provide evidence of technical quality for a complete I&E (items 1-5), Design (items 3-9), and C&C (items 10-11) of best management practices shall be in accordance with the applicable Conservation Practice Standards, and include:
 - (1) Identification of resource concerns and development of alternatives,

- (2) Environmental Evaluation (CPA-52 or SWCC-approved form) with documented RMS alternatives,
- (3) Conservation plan ,
- (4) Conservation plan map,
- (5) Resource Assessments, Erosion Prediction Tools, calculations, surveys, and soils investigations,
- (6) Plans and Specifications and/or job sheet(s),
- (7) Operation and Maintenance guidance,
- (8) Design checker signature or initials,
- (9) Design approval signature,
- (10) Check-out and As-builts
- (11) Installation approval signature .

E. Document design approval, comprising the design, drawings, and specifications, in one of the following ways:

- (1) Place signatures on the design documentation or report and the cover or first sheet of the construction drawings.
- (2) Place signatures on an accompanying memorandum that describes the specific job and scope (including design documentation or report and plans).

Policy for Delegating and Assigning JAA

- A. Official job approval authority will be granted by the SWCC for specific technical skills related to commission-approved best management practices.
- B. A job approval authority database will be developed and maintained by DSWC.
- C. The Commission will reevaluate job approval authority for each participant every 4 years or as deemed necessary.
- D. The Commission will rescind job approval authority when a participant is no longer employed by a soil and water conservation district or Division of Soil and Water Conservation. Job approval authority can be reinstated if the participant is employed in any district or DSWC within 4 years.
- E. The Commission may rescind job approval authority for one or all categories if the individual:
 - o fails to comply with the applicable practice standards
 - o submits false data or is dishonest in the use of their JAA.
- F. Concerns regarding actions by an individual currently granted job approval authority shall be submitted in writing to the Technical Services Section Chief. A technical review team will investigate the complaints and submit to the SWCC a report including a recommendation. The technical review team shall consist of 3 individuals with a similar or higher job approval authority than the participant in question.

Classes and Phases

A. Best Management Practice Job Classes: The level of JAA required for any project shall consist of the highest class of all controlling factors for each component practice included in the plans and specifications. Job approval may be delegated and/or assigned for any one class for each controlling factor and may consist of one, two, or three “planning phases” of approval authority.

- (1) SWCC will grant JAA according to the job classes upon recommendation of the Division.

JAA Review

A. Requirements for JAA Review:

- (1) In order to demonstrate competence to request and acquire JAA, it is required that all employees be involved and trained in any of the three JAA practice phases (I&E, Design, or C&C). Through this process, JAA candidates will acquire the necessary on-the-job training and experience to independently prepare products that will be reviewed prior to making the formal request to acquire JAA. Approval of all such plans is required by a person with appropriate JAA before final packet is submitted to the participant. JAA candidates are expected to maintain records of any prior developed I&E, Design, or C&C in the event this documentation is requested as part of the formal JAA review process.
- (2) All SWCD and Division employees who desire JAA may be evaluated for technical competency for any of the following JAA practice phases: I&E, Design, or C&C. The minimum documentation requirements are listed in the Technical Competency Requirements for each practice. Requests for assigning JAA shall include a completed packet(s) and a signed form indicating the JAA requested.
 - (i) In order to obtain new JAA, at least two complete and correct environmental evaluations-CPA-52s (or SWCC-approved form) must be submitted for I&E phase, at least two complete designs must be submitted for D phase, or at least two check-out notes must be submitted for the C&C phase. *(Note- All required packets must be submitted for review at the same time.)*
 - (ii) In order to increase existing JAA, if available, at least **one** additional complete set of I&E, D, and/or C&C documentation is generally required for each of the phases. In these cases, the employee completing the technical competency determination has the authority to waive this requirement on a case-by-case basis.

B. A JAA Quality Assurance Review will be conducted in conjunction with Program Reviews by Division staff. In addition to formal Program Review, the Division Director (or designee) may review best management practices outside the routine quality assurance process.

Procedures for Acquiring JAA

A. All administrative information and supporting documentation associated with the employee's JAA technical competency determination, shall be submitted and retained by the Division for the purposes of review, technical competency determinations, and recommendation. Final approval will be granted by the SWCC after evaluation of the request, confirmation of the administrative concurrence and technical competency determination are consistent with this policy.

B. Individuals with valid NRCS JAA

Procedures for Maintaining and/or Reissuing JAA

A. All JAA limits will not expire unless the individual separates from the employer (District or Division).

B. JAA may be reinstated if the individual rejoins either the District or Division within 4 years of their separation, subject to application, review, determination, and approval.

- C. Maintaining existing JAA will require continuous technical competency and may require the submittal of at least one (1) additional complete set of I&E, Design, and/or C&C documentation.
- (1) If the SWCC implements significant changes to best management practice standards, employees with JAA affected by these revisions, may lose authority to I&E, Design, and/or C&C. All affected employees will be notified accordingly and be provided instructions for regaining JAA.

Procedures for the Suspension of JAA

The Commission may rescind job approval authority for one or all categories if the individual fails to comply with the associated technical standards, submits false data or is in any way dishonest. Concerns regarding actions by an individual currently granted job approval authority shall be submitted in writing to the Technical Services Section Chief. A technical review team will investigate the complaints and submit to the SWCC a report including recommendation. The technical review team shall consist of 3 individuals with a similar or higher job approval authority than the participant in question.

DRAFT

JOB APPROVAL AUTHORITY APPLICATION (Items highlighted in yellow are required by rule)

Applicant Name*

**Applicants must be a Soil and Water Conservation District employee, county employee working as staff for a Soil and Water Conservation District or an employee of the North Carolina Department of Agriculture and Consumer Services Division of Soil and Water Conservation*

Cell Phone

Employer

Work Phone

Mailing Address

City

State

Zip Code

Email Address

Place a mark by the best management practice(s) for which you are seeking job approval authority

SWC CODE	Agriculture BMPs Name	Practice Type**
	Agricultural Water Resources Assistance Program	
378	Agriculture Water Supply/reuse pond	Design
441-MI-AW	Micro-irrigation system conversion AgWRAP	Design
442-CI-AW	Conservation irrigation conversion AgWRAP	Design
574-BI-AW	Baseflow interceptor (streamside pickup) AgWRAP	Design
PSA	Pond Site Assessment	KSA
WNA	Water Needs Assessment	KSA
	Agrichemical Pollution Prevention Measures	
309	Agrichemical Containment and Mixing Facility	Design
309-AHF	Agrichemical Handling Facility	Design
309-PAMS	Portable Agrichemical Mixing Station*	Design
441-BPS	Backflow Prevention System (Chemigation or Fertigation)	Design
327-ATR	Abandoned Tree Removal	Agro.
590-PAA	Precision Agrichemical Application	Agro.

	Community Conservation Assistance Program	
412-GS-CC	Grassed swale CCAP	Design
BYRG-CC	Backyard Rain garden (<2,500 sq.ft)	Design
BYW-CC	Backyard Wetland	Design
CTN-CC	Cistern (<3,000 gallons)	Design
IPS	Impervious Surface	Design
	Erosion and Nutrient Management Measures	
362	Diversion	Design
441	Micro-Irrigation System	Design
466	Land Smoothing	Design
600	Terrace	Design
657	Wetlands Restoration System	Design
606	Subsurface Drain Tile	Design
327	Conservation Cover	Agro.
328	Sod-based Rotation	Agro.
329-CTS	3-Year Conservation Tillage System	Agro.
340	Cover Crops	Agro.
340-CRM	Crop Residue Management	Agro.
340-NSCC	Nutrient Scavenger Cover Crop	Agro.
342	Critical Area Planting	Agro.
329	Long Term No-till	Agro.
512	Cropland Conversion	Agro.
512-PR	Pasture Renovation	Agro.
528	Prescribed Grazing	Agro.
585	Stripcropping	Agro.
612	Pastureland Conversion	Agro.
	Sediment and Nutrient Management Measures	
313	Agricultural Water Collection System	Design
350	Sediment Control Basin	Design
351	Abandoned Well Closure	Design
378-AP-RR	Agricultural Pond Restoration/Repair	Design
410	Grade Stabilization Structure	Design
412	Grassed Waterway	Design
468	Rock-lined Waterway or Outlet	Design
560	Agricultural Road Repair/Stabilization (Access Rd)	Design
561-ASAA	All-Season Agricultural Access	Design
580	Stream Restoration	Design

580-SSP	Streambank and Shoreline Protection	Design
587	Water Control Structure	Design
636	Agricultural water collection and reuse system	Design
378-AP-SR	Agricultural pond sediment removal	Design
386	Field Border	Agro.
390	Riparian Buffer	Agro.
393	Filter Strip	Agro.
590-NM	Nutrient Management	Agro.
590-PNM	Precision Nutrient Management*	Agro.
	Stream Protection Management Measures	
558	Rooftop Runoff Management System	Design
561	Heavy Use Area Protection	Design
561-LFA	Livestock Feeding Area	Design
574	Spring Development	Design
575	Stock Trail and Walkway	Design
578	Stream Crossing	Design
614	Trough or Tank	Design
642	Water supply well	Design
642-SPW	Stream Protection Well	Design
382	Livestock Exclusion Fence	Agro.
	Waste Management Measures	
313-DS	Drystack	Design
313-FWS	Feeding/Waste Storage Structure	Design
313-WSP	Waste Storage Pond	Design
313-RAO	Retrofit of On-going Animal Operations	Design
316	Livestock Mortality Management System - Incinerator	Design
317	Manure Composting Facility	Design
359	Waste Treatment Lagoon	Design
360	Closure of Abandoned Waste Impoundment	Design
366	Livestock Mortality Management System - Other Systems	Design
558-SWM	Storm Water Management System	Design
590	Waste Application System	Design
590-CNSM	Concentrated Nutrient Source Management System	Design
590-LBR	Lagoon Biosolids Removal Practice	Design
590-MLTI	Manure/Litter Transportation Incentive	Design
595	Insect Control System	Design
632	Solids Separation from Tank-Based Aquaculture Production	Design
656	Constructed Wetland for Land Application	Design
380	Odor Management System	Agro.

Non- JAA	Knowledge /Skills/ Ability = KSA	
WPC	Water Point Certification	KSA
BSUR	Basic Surveying skills	KSA
DAD	Drainage Area Determination	KSA
EFH2	Estimating Runoff Volume and Peak Discharge -NRCS	KSA
WIN-TR-55	Watershed Technology	KSA
IRC	Inventory of Resource Concerns	KSA
RUSLE	Revised Universal Soil Loss Equation	KSA
WINPST	Window-Pesticide Screening Tool	KSA
EET	Environmental/Educational Training	KSA
MTT	Miscellaneous Technical Trainings	KSA/Design/Agro
AT	Administrative Trainings	KSA

Practice Type **

**Engineering /Design = Design ; Ecological/Agromomic = Agro

For applicants seeking equivalent JAA issued by the USDA Natural Resources Conservation Service, please provide Job Approval Authority sheet(s) issued by NRCS. (When submitting multiple forms, please save as one document for uploading purposes).

For applicants without NRCS JAA, please provide evidence of competency for each best management practice for which JAA is sought. Types of documentation include evidence of:

1. Technical competency prerequisites
2. Knowledge, skills and abilities (KSAs)
3. Independently completed designs and specifications for the conservation practice. Submissions should include applicable assessment forms, O&M plans, job sheets, check-out forms and construction certification.

List a reference for JAA sought. This person should be able to attest to your technical competency.

Best Management Practice(s)

Name

Address

Phone

Signature of Soil and Water Conservation District Chairman and/or immediate supervisor

Applicant Signature

I certify the information provided above is true, complete and correct to the best of my knowledge. USDA-NRCS has not rescinded my JAA for any conservation practices for failure to comply with the applicable practice standards, submitting false data or dishonesty in the use of my JAA.

DRAFT

Technical Specialist Continuing Training Update

NC Soil and Water Conservation Commission Meeting
January 20, 2021

Per rules (02 NCAC 59G .0104) adopted by the commission on November 18, 2018, technical specialists must complete at least six hours of continuing training every three years. This requirement was implemented January 1, 2019. Continuing training policies include:

- Technical Specialists may obtain all six (6) training hours in a single calendar year.
- Training hours in excess of six (6) hours may not be carried over to the subsequent three-year period.
- Technical Specialists failing to meet training requirements will be presented to the SWCC at their January meeting for notice of rescinding designation(s).
- Division staff will conduct a random audit of 10% of all Technical Specialists submitting training credits each year. Technical Specialists subjected to an audit will be requested to furnish proof of attendance for training courses claimed for credit.
- Division will issue an electronic certificate to Technical Specialists with name, registration number, designation(s), and three-year deadline date. Re-issue certificate at the end of the three-year period with successful completion of the training requirement.

One hundred twenty-seven courses were submitted to the division by technical specialists seeking education credit in 2020. Ten percent (13 courses submitted by 11 individuals) of these were selected at random and subjected to a review by Michael Shepherd, Senior Environmental Specialist. The review included evaluation of course content, number of eligible hours of training requested, and proof of attendance.

The result is all technical specialists subjected to the audit meet all criteria for course approval.

Submitted by: Jeff Young, PE
Chief of Technical Services Section
Division of Soil and Water Conservation

ACSP, CCAP and AgWRAP Consolidated Report

This year, the Division used a new format for the Cost Share Programs Consolidated Report. Please click on the following link:

[North Carolina Department of Agriculture and Consumer Services Division of Soil and Water Conservation FY2020 Cost Share Programs Annual Report](https://www.ncagr.com/soil-and-water-conservation/fy2020-cost-share-programs-annual-report)

You may also access the page directly at the following address:

<https://spark.adobe.com/page/pQ24CCmH7MQTm/>

Enclosed is an exported PDF version of this report. For best viewing, you are encouraged to view the online report.



A photograph of a field of green plants, likely a crop field, under a blue sky with white clouds. The plants are in the foreground, and a line of trees is visible in the background. The text is overlaid on the image.

Cost Share Programs Annual Report

FY2020 | SOIL AND WATER CONSERVATION
COMMISSION

The Soil and Water Conservation Commission (Commission) has the statutory responsibility to create, implement and supervise three voluntary, incentive-based conservation programs: Agriculture Cost Share Program (ACSP), the Community Conservation Assistance Program (CCAP), and the Agricultural Water Resources Assistance Program (AgWRAP). These programs are governed by 02 NCAC 59D. This report consolidates the annual reporting for the three programs for fiscal year 2020 (FY2020).



Through these voluntary, incentive-based conservation programs, cooperators are provided educational, technical and financial assistance through their local soil and water conservation districts. The 96 local districts of North Carolina are comprised of 492 elected and appointed district board supervisors, assisted by their staff and partners in natural resource conservation.

The Soil and Water Conservation Commission (SWCC), the governing body of seven members chosen by the local district boards, provides statutory authority and allocates financial resources for the cost share programs according to rules.

The North Carolina Department of Agriculture and Consumer Services, Division of Soil and Water Conservation provides administrative and technical support to the local districts. The Division develops the standards of the program approved by the Commission, completes the accounting of funds for program implementation, and provides professional engineering assistance to the local staff. For more information, please refer to Appendix A: Funding and Compliance Process.



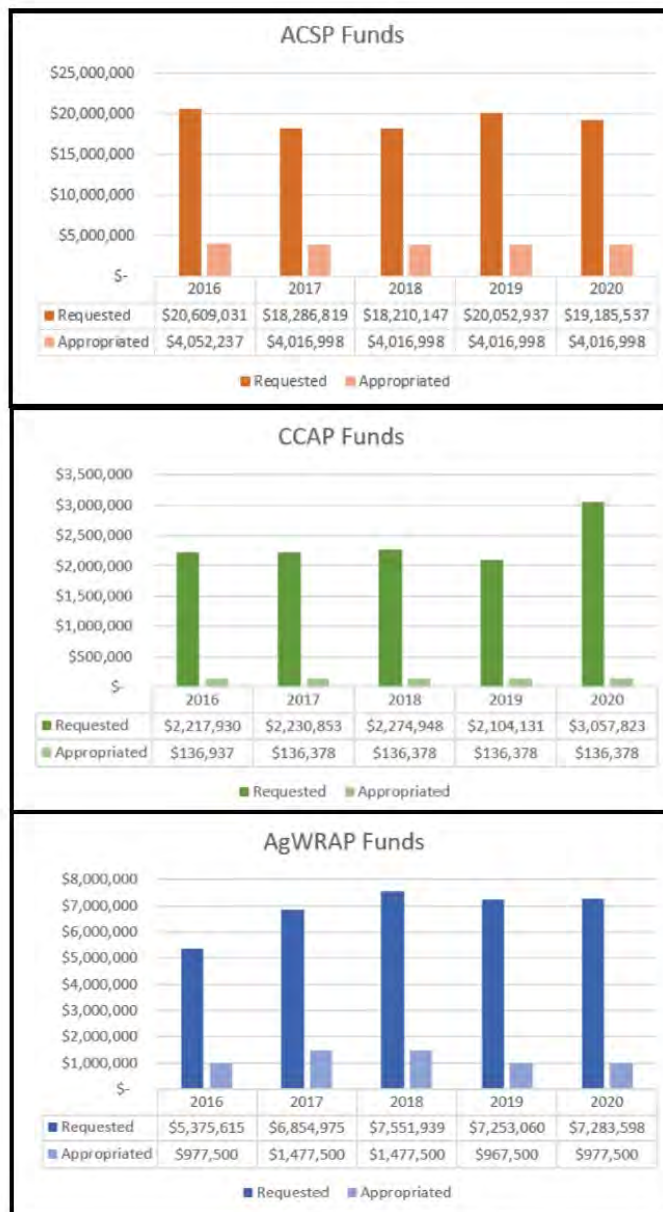
Those in the Conservation Partnership include technical and professional employees of the soil and water conservation district or county, the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), the North Carolina Department of Agriculture and Consumer Services (NCDA&CS), NCDA&CS Division of Soil and Water Conservation (Division), and the North Carolina State University Cooperative Extension Service as well as local resource conservation groups. Through these partnerships, districts provide the framework for contracting with participants and ensuring the work is performed according to established standards and specifications.



For most practices in the three cost share programs, the amount provided in cost share is based on 75 percent of a predetermined average cost for the practice up to a maximum of \$75,000 per cooperating applicant per year. However, some practices are cost shared on 75 percent of actual cost due to the variable nature of the practice. For ACSP and AgWRAP, farmers who qualify as beginning farmers or limited resource farmers, and farmers participating in an enhanced voluntary agricultural district are eligible to receive up to 90 percent cost share up to a maximum of \$100,000 per year.

To ensure compliance of the cost share programs, districts complete site visits, also known as spot checks, to a minimum of 5 percent of randomly selected active contracts each year to ensure that practices are being maintained properly. Spot checks for FY2020 showed excellent compliance with maintenance requirements by cooperators. When practices are discovered to need additional maintenance, the district is usually able to assist the cooperator to restore the practice to its intended function. Districts follow the Commission's Non-Compliance with Maintenance Requirements for Cost Share Contracts Policy which requires cooperators to repair, re-implement or repay a prorated amount of funds for the practice if it is not functioning as planned or not being operated for its intended use as specified in 02 NCAC 59D .0109. For more information, please refer to Appendix A: Funding and Compliance Process.

Program Allocations



Cost share programs are operated on a budget approved by the state legislature for each fiscal year. In recent years, the budgets for the cost share programs have remained relatively consistent, as shown on the graphs to the right.

However, current appropriations do not enable districts to meet demand for financial assistance for installing BMPs to protect water quality and improve water resources in North Carolina. Appropriations are often three, five or seven times lower than the requested amount for program funding.

This trend can be seen in each of the last five years, as depicted on the graphs to the right. Additional appropriations given to the programs may go a long way to help improve the water resource in North Carolina and support agriculture in the state.

The maps below show the location of all BMPs contracted and implemented in FY2020. Please note that while some BMPs are implemented the year they are contracted, cooperators have up to 3 years to install the contracted BMP to allow for budgeting, weather, and contracting delays.

The next sections will highlight some of the successes seen from each program.

Soil and Water Conservation Commission Funded Best Management Practices





The North Carolina Agriculture Cost Share Program (ACSP) was authorized by the General Assembly in 1983 to improve water quality associated with agriculture in three nutrient sensitive watersheds covering 16 counties. In 1990, the program was expanded to include 96 soil and water conservation districts covering all 100 counties across the state. In FY2020, there were 70 approved BMPs in the ACSP that cover both short-term and long-term practices.

While the program was established to improve water quality associated with agriculture, ACSP also benefits the general public. The implementation of the program ensures water quality improvements to local bodies of water, improves soil health and reduces erosion, creates local jobs, and improves the sustainability and resiliency of agribusiness in North Carolina.

N.C.G.S 106-850.74(e) requires that each project's benefits to water quality be estimated before funding is awarded. To meet this requirement, the Commission chose three indicators of water quality benefits (not all benefits are required for each type of contract - required benefits are determined by a workgroup of technical experts):

1. Tons of soil saved
2. Pounds of nitrogen saved or managed
3. Pounds of phosphorous saved or managed

Soil savings estimates have been required on all ASCP contracts since the start of the program. Beginning with the 1997 program year, estimates of nitrogen and phosphorus savings were required. These estimates have allowed the Division to track progress made by agriculture relative to the nutrient reduction requirements in the Neuse, Tar-Pamlico, Jordan Lake and Falls Lake Nutrient Sensitive Water Strategies for agriculture. The ACSP is playing a key role in helping farmers achieve and maintain the nutrient reductions required by these rules.



In FY2020, the Districts obligated \$5,231,385 to 777 new contracts through ACSP.

In FY2020, 952 ACSP contracts were implemented, including those that were contracted in previous years. The BMPs installed through these contracts saved 61,265 tons of soil, managed 60,143 pounds of phosphorus, and 319,382 pounds of nitrogen on 38,720 acres of land.

Since the inception of the program in 1984, the practices implemented through ACSP have saved 7.7 million tons of soil, 21.3 million pounds of phosphorous, and 6.9 million pounds of nitrogen.



In FY2020, 1,914 acres of marginally or environmentally sensitive cropland were converted to trees, grass or wildlife habitat area. 213,952 acres have been converted since the program began.

ACSP supports assistance for the implementation of wet and dry waste management to ensure the proper storage of animal waste. In FY2020, 51 waste management practices were implemented, bringing the total to 4,256.

Mortality management systems are also a recognized BMP under ACSP. These systems ensure proper management of livestock mortalities to minimize water quality impacts. Since the program began, 1,097 systems have been installed, with 10 being installed in FY2020.





In FY2020, 17 chemical handling and management measures were installed to provide an environmentally safe means for application, mixing and storing agricultural chemicals. 193 have been implemented since the program began.



No-till and conservation tillage practices have shown great benefits for water quality, soil health, and carbon storage. In FY2020, 702 acres were managed using these practices. Through ACSP, no-till or conservation tillage practices have now been implemented on a total of 669,044 acres.



In FY2020, 9 water control structures were installed. These water control structures improve water management on the farm and reduce nutrient loss. 4,481 water control structures have been implemented through ACSP.



Riparian buffers have positive impacts on watersheds by filtering run-off from urban and rural areas. Through ACSP, 17,058.1 acres of forested riparian buffers have been established to reduce nutrient loss on 68,428 acres of cropland. In FY2020, 4.1 acres were established, reducing nutrients on 64 acres of cropland.



1,460 miles of fencing have been installed, in combination with other practices (e.g. watering sources) to exclude livestock from streams or other bodies of water. In FY2020 alone, 24 miles of livestock exclusion fencing were installed.



Session Law 2006-78 established the Community Conservation Assistance Program (CCAP). The purpose of the program is to reduce the delivery of nonpoint source (NPS) pollution into the waters of North Carolina by installing best management practices (BMPs) on developed lands not directly involved in agricultural production.

Often times, CCAP BMPs are implemented on public or private property, such as city or county parks, and private lands. These projects add to the aesthetics of the land, contributing to green spaces in urban environments while provide direct positive impacts to water quality in the local community and at the watershed level. In addition, these projects are often completed with volunteers, including school children, and contain educational components, strengthening the communities bonds and their bond to the natural environment.

Currently there are 17 BMPs that CCAP utilizes to address the site-specific natural resource concerns of the cooperator. These vary in complexity and cost, ranging from stream restoration projects to the closing of abandoned wells.

The CCAP program also has the ability to provide the local districts with the capacity to request innovative practices that are currently not in our standards. These district BMPs allow the districts to request a practice that is recognized by other professional organizations but has not yet been adopted by the CCAP program. This allows districts and CCAP to test newer practices and further develop guidance and policies regarding these innovative practices.



For the FY2020, the Commission chose to allocate funds regionally (eastern, central, western) based upon a competitive priority ranking process for CCAP. The Community Conservation Assistance Program Advisory Committee reviewed the ranking parameters, cost-shared BMPs including their standards and specifications, and general program guidance. This independent advisory committee provides review of existing and potential future policies for the program and makes their recommendations to the Commission, which then decides the program guidelines and functionality.

Through the Regional Application Process, for FY2020, districts obligated \$133,302 to contract 16 projects, ranging from backyard raingardens to large-scale marsh sills, in 13 districts.

For FY2020, these projects have resulted in 53.9 pounds of nitrogen and 50.4 pounds of phosphorus removed annually and saved 200.3 tons of soil per year. Since CCAP began, almost 6,000 tons of soil has been saved annually. In addition, nitrogen and phosphorous have been reduced by 1,027 pounds and 400 pounds annually.



56 streambank and shoreline protection projects have been implemented since the program began. Riparian buffers, stream restorations, and marsh sills are also recognized BMPs in CCAP, of which, 18, 25 and 13 have been implemented since the program began. These BMPs help to reduce soil erosion into North Carolina's public bodies of water, thereby helping increase the health of these water bodies.



Permeable pavement and impervious surface conversions are also BMPs in CCAP. These practices help ensure rainfall is able to percolate into the ground rather than run off into streams, taking any pollution near by with it during heavy rainfall events. To date, 4 of these practices have been installed.



Cisterns allow rainwater to be collected from rooftops and then stored for irrigation of non-edible plants. This is one of the more popular BMPs in CCAP with 97 having been installed since the beginning of the program. These cisterns help increase water use efficiency in North Carolina and reduce competition for potable water sources.



Backyard raingardens, bioretention areas and grassed swales help ensure that run-off caused from heavy rain events can be filtered before reaching streams. 123 of these practices have been installed since the beginning of the CCAP.

Often CCAP practices integrate training and educational and outreach activities for children, adults, and staff as shown in this raingarden installation picture.



Critical area plantings along with stormwater wetlands allow for stormwater to be filtered before reaching streams as well as prevent soil erosion on steeped slopes of land, such as that pictured here. These practices ensure better water quality. These types of projects are often at a much larger scale than the bioswales or raingardens mentioned previously. To date, 95 of these practices have been implemented through CCAP.



The North Carolina Agricultural Water Resources Assistance Program was authorized through Session Law 2011-145, and became effective on July 1, 2011. This program, referred to as AgWRAP, was established to assist farmers and landowners in doing any one or more of the following through the implementation of one or more of the 8 eligible BMPs:

- Identify opportunities to increase water use efficiency, availability and storage;
- Implement best management practices (BMPs) to conserve and protect water resources;
- Increase water use efficiency;
- Increase water storage and availability for agricultural purposes.

Public benefit of this program is achieved by the following:

- Reducing competition for water resources by public users
- Improving the efficient use of water while enabling the industry to produce food, fiber and other agricultural products
- Preparing the agricultural industry to weather future droughts
- Generating and protecting local jobs in agriculture and agribusiness

In FY2020, the districts obligated \$1,531,197 of state funds to implement 198 contracts through AgWRAP.

These BMPs resulted in over 51 million gallons of water storage increase in FY2020. In addition, these BMPs allowed just under 2,000 acres of cropland to be irrigated.



Since the program began, water storage increase has reached over 1.5 trillion gallons and has allowed close to 15,000 acres of cropland to be irrigated.

While AgWRAP's primary purpose is water storage, availability and efficiency, the program also has benefits to soil loss reduction as well as nitrogen and phosphorous savings.

AgWRAP as resulted in close to 7,000 pounds of nitrogen saved, 430 pounds of phosphorous saved and over 5,000 tons of soil saved since the program began.



432 water supply wells have been installed to provide a water source for irrigation, livestock, aquaculture, freeze protection and on-farm processing. In FY2020, 156 wells were contracted.



AgWRAP through both district allocations and the Regional Application Process, has helped install 87 new water supply ponds for irrigation or livestock watering. In FY2020, 8 new water supply ponds were contracted.



In FY2020, 9 pond sediment removal BMPs were contracted to increase water storage capacity. AgWRAP has helped 72 pond sediment removals be implemented.



AgWRAP has also helped repair 46 water supply ponds to ensure adequate water supply and safety measures related to ponds. In FY2020, 11 pond repair/retrofit ponds were contracted.



50 conservation irrigation conversions, including micro-irrigation conversions have been completed to increase water use efficiency. In FY2020, 18 Conservation Irrigation Conversion practices (including Micro-irrigation) were contracted.

Disaster Relief Program



Due to the devastating impacts of Hurricane Matthew, Tropical Storms Julia and Hermine, and the western wildfires, the North Carolina General Assembly (NCGA) passed the Disaster Recovery Act of 2016 as Session Law 2016-124 and the Disaster Recovery Act of 2017 as Session Law 2017-119. In 2018, the General Assembly appropriated disaster recovery funds to help implement BMPs that will address the impacts of Hurricane Florence in Session Law 2018-136. In the legislation, the NCGA notes that the State and federal disaster relief initiatives are not intended to make individuals whole after a loss; they are intended to assist the affected areas in recovering from the damage caused by the disasters.

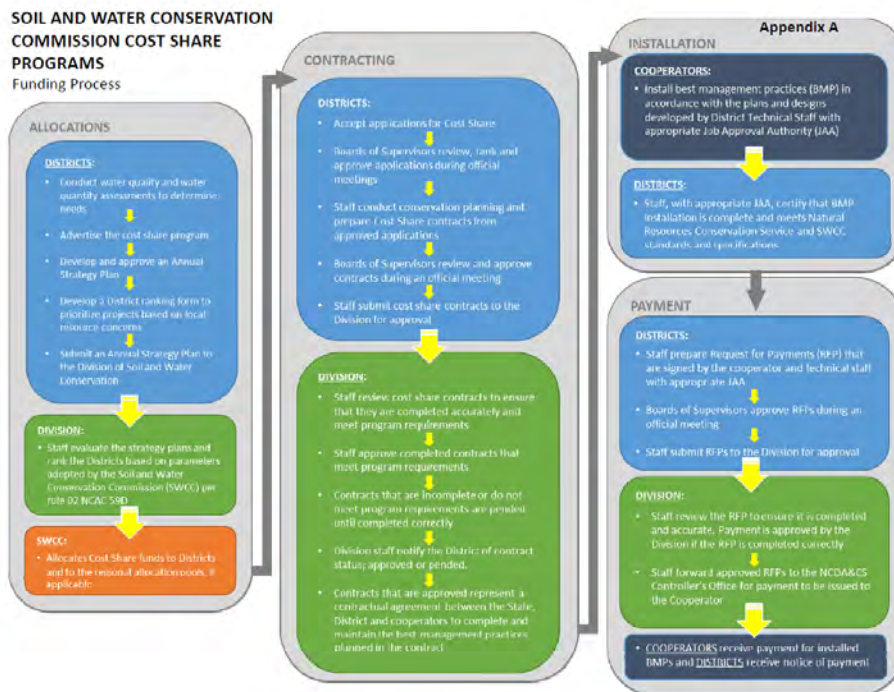
In Fiscal Year 2020, through the ACSP and AgWRAP programs, districts obligated \$2,480,747 in 188 contracts.

Conclusion

The Commission believes Cost Share Programs are being administered cost-effectively and that considerable water quality and water quantity benefits are being realized for the investment made with state funds. ACSP and AgWRAP aid agricultural operations in making essential water quality and water quantity improvements that benefit the public and the agricultural cooperators the program supports. The cost of the conservation practices installed through these programs cannot be passed on to the consumer in the price of the food or fiber product. ACSP and AgWRAP thereby contribute both to water resource improvement and to sustaining a strong state agricultural economy. CCAP fills a need with voluntary, incentive-based stormwater retrofits where municipal regulatory programs cannot help individual landowners address water quality problems. Where municipalities are hindered by right-of-way and liability issues, CCAP can offer relief to homeowners and businesses to protect their properties and improve water quality. For all three programs, the Commission continues to emphasize prioritization, accountability, adaptability, and the utilization of other funding sources, such as grants, in managing these public funds to further improve the water quality and quantity benefits intended by the General Assembly.

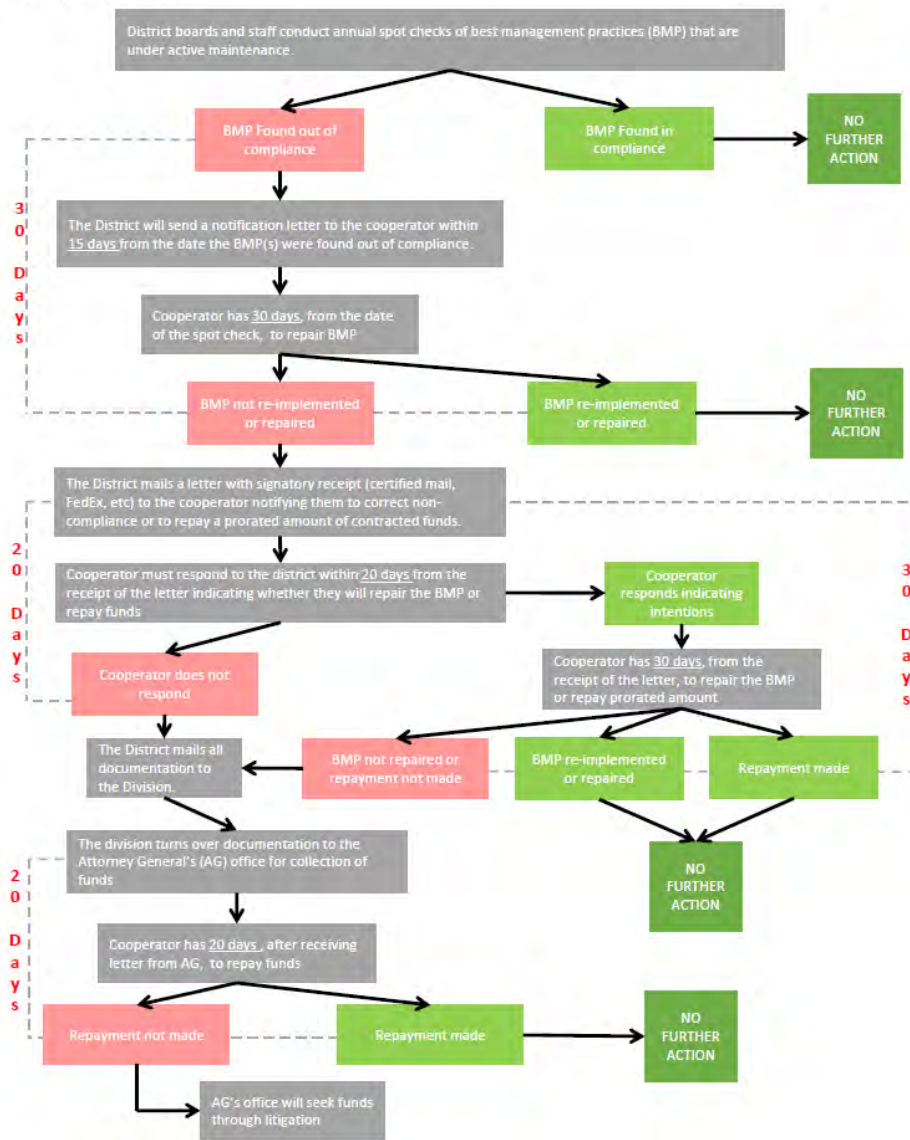
Increased costs of fuel, labor, and materials have significantly impacted the amount of conservation all three programs can implement and the number of cooperators who can be assisted. In the past decade, the appropriations to the ACSP have been reduced by over \$1.1 million. The Commission has taken actions that have helped to offset these impacts in the short-term, but the Commission is still unable to meet over \$20 million requested. ACSP and AgWRAP continue to play a vital role in assisting cooperators with voluntary water quality protection and water resource improvement as well as with state and federal regulatory compliance requirements. CCAP functions as the only program that provides relief to individual property owners that are affected by stormwater that state and local watershed-level regulations cannot address. These programs are our state's cornerstone in efforts to support resiliency and stewardship for the benefit of water quality and quantity and all the citizens of the state of North Carolina.

Appendix A: Funding and Compliance Process



SOIL AND WATER CONSERVATION COMMISSION COST SHARE PROGRAMS
Compliance Process

Appendix A



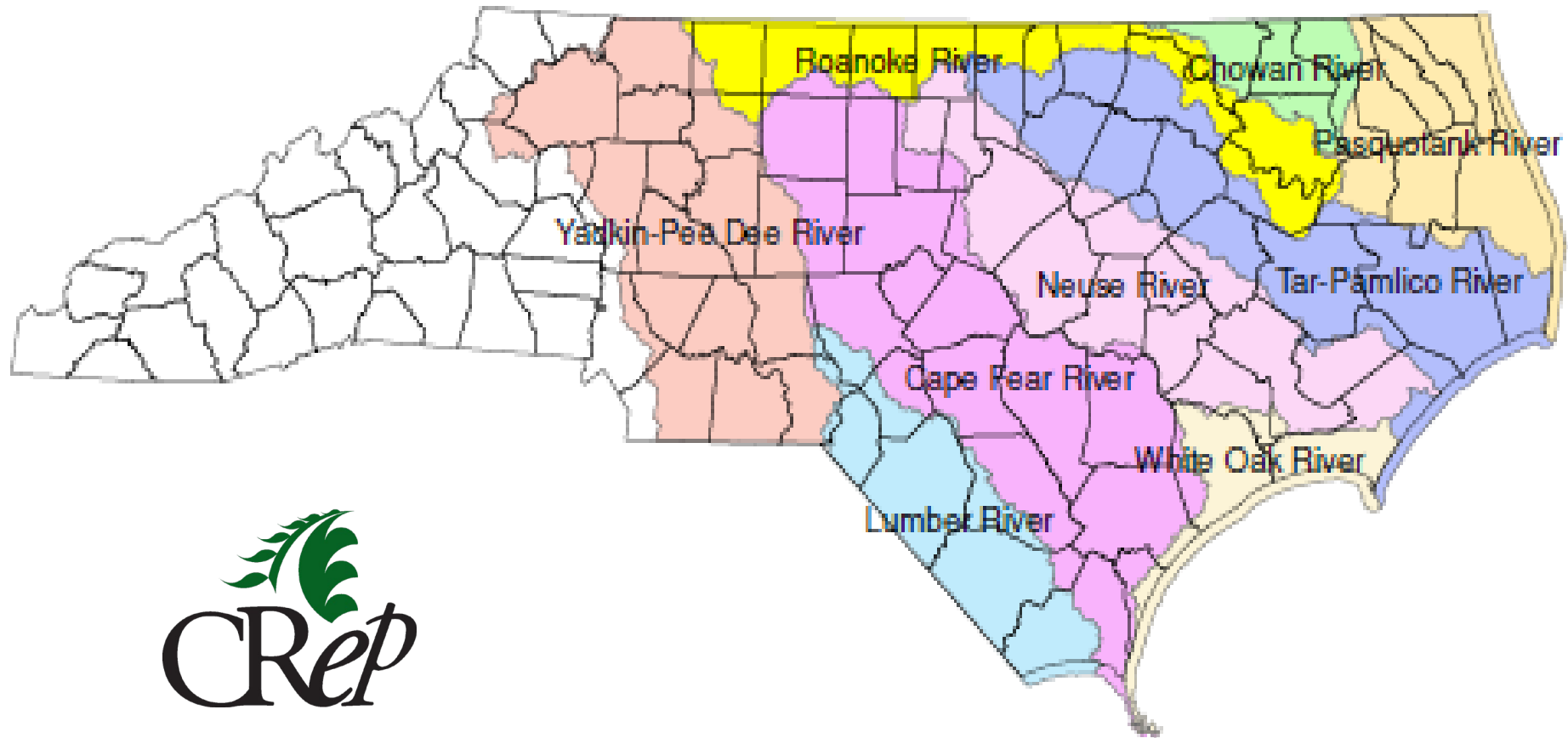
Credits:

NC Conservation Reserve Enhancement Program 2020 Annual Report



January 20, 2021

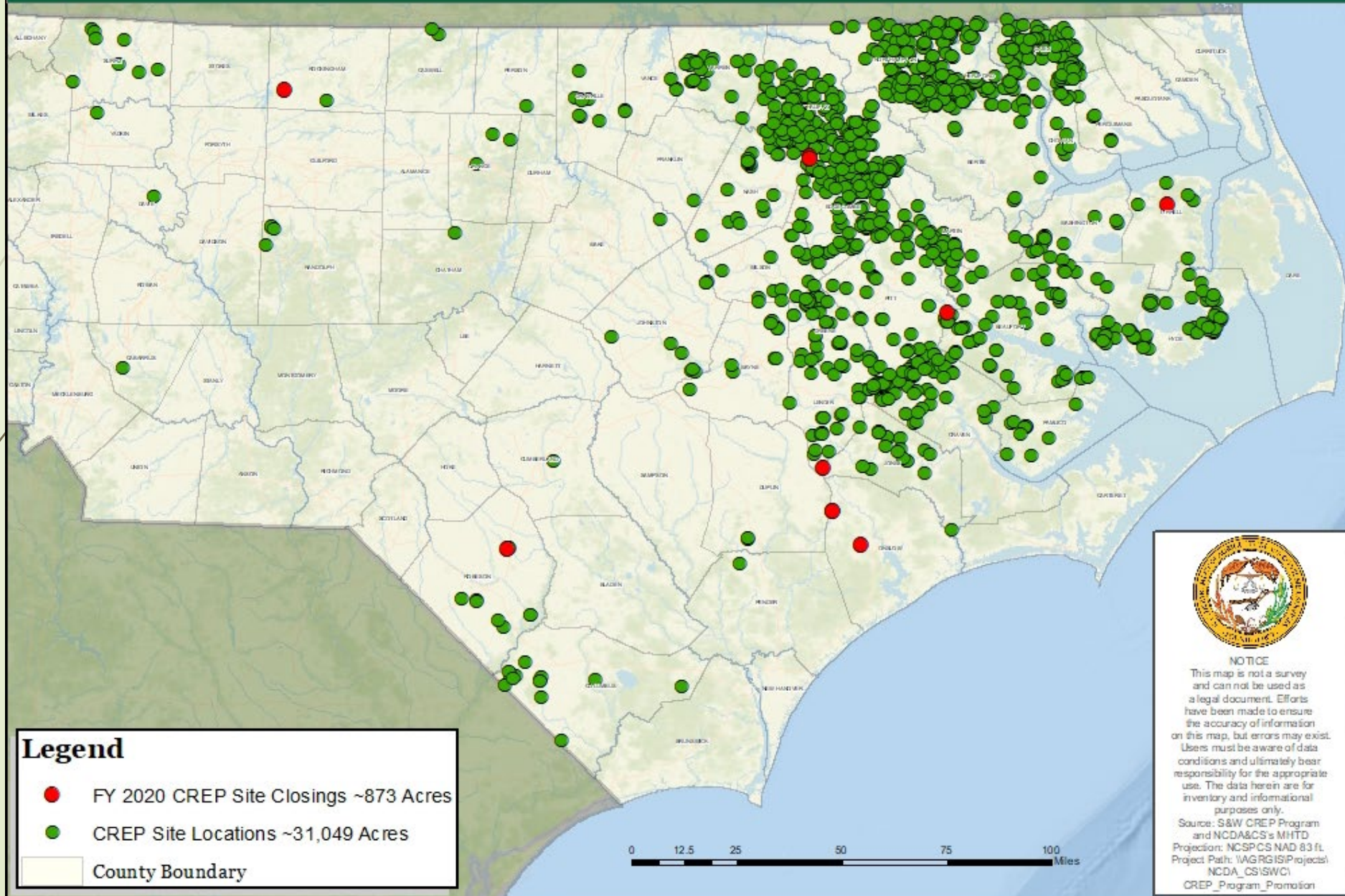
Figure 1: CREP River Basins





Conservation Reserve Enhancement Program (CREP)

ATTACHMENT 9B



CREP Objectives

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. Progress: **28,610** ac

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. Progress: **2,439** ac

Closed Easements as of 9/30/20

Permanent Easements - 295 Easements (+13)

- Totaling 8,123 Acres (+262) and 1,710 acres of existing buffer (+611)

30-year Easements - 896 Easements (+1)

- Totaling 18,607 Acres (-99)

***Approximately 1,000 Stream Miles Protected
Through Long Term Conservation Easements
(+31.2)***

Overall Program Effectiveness

Stream Miles Protected	Sediment Reduction (tons/year)	Nitrogen Reduction (#/year)	Phosphorus Reduction (#/year)
1,146 (estimated for cumulative acres)	247,151	1,946,582	442,049

CREP Marketing Initiatives

LIVESTOCK PRODUCERS
LANDS



POLLINATOR HABITAT



SENTINEL





FY2022 Technical Assistance Allocation Methodology

Per 02 NCAC 59D .0108, the Technical Assistance Funds Rule of the Cost Share Program Rules, the Commission will allocate technical assistance funds to districts based on the following criteria:

- The needs requested by the districts
- The BMP needs in the respective district
- The ability to provide 50% match by the district
- The recommendation of the Division

The Commission will allocate technical assistance funds as described in the Detailed Implementation Plan. The methodology presented today will be incorporated into the FY2022, FY2023 and FY2024 Detailed Implementation Plans so that districts can plan and budget accordingly.

02 NCAC 59D .0108 (b) reads as follows:

(b) The Commission shall allocate technical assistance funds as described in its DIP. This allocation shall be made based on the implementation of conservation practices for which district employees provided technical assistance incorporating the following:

- (1) Commission Cost Share Programs funded practices will be weighted at 100 percent;*
- (2) other local, State, federal, and grant funded practices that meet the purpose requirements as set forth in Rule .0101 of this Section will be weighted at a minimum of 25 percent as specified in the DIP;*
- (3) districts shall submit information on funded practices as specified in Subparagraph (2) of this Paragraph through their annual strategic plan;*
- (4) this allocation will be calculated using the highest three of the most recent seven years; and*
- (5) this allocation will be calculated once every three years, unless there is a change in technical assistance State appropriations*

The Cost Share Committee convened two times to discuss the recommendation presented today. They recommend the Commission add the following information to the FY2022, FY2023 and FY2024 Detailed Implementation Plans:

- (1) All data in CS2 will be incorporated into the calculation except for Disaster Response Funding Codes as district received separate technical assistance payments for their work on these practices.
- (2) Weight all local, state, federal and grant funded practices that meet the purposes of ACSP, CCAP and AgWRAP at a weight of 25%. This includes only the BMP construction/installation cost and excludes the design, construction oversight and practice certification cost to be consistent with item (1). Data is obtained from the NRCS state office for federal programs, the NC Foundation for Soil and Water Conservation directly, and by districts uploading grant and funder agreements.
- (3) Adopt a maximum allocation of \$30,000 per district. The minimum allocation per county is set in the rule at \$20,000 per district, unless the district requests a lesser amount in their annual strategic plan.



**Orange Soil & Water
Conservation District
Phone: (919) 245-2750**

**PO Box 8181
306-D Revere Road
Hillsborough, NC 27278**

December 18, 2020

NORTH CAROLINA SOIL AND WATER CONSERVATION COMMISSION
1614 Mail Service Center
Raleigh, NC 27699-1614

RE: Special Request from the Orange Soil and Water Conservation District Board
to approve contract 68-2019-010 for Sykes Dairy Inc.

Dear North Carolina Soil and Water Conservation Commission:

Sykes Dairy Inc. contract 68-2019-010 (Closure Waste Impoundment) was approved by the Orange Soil and Water Conservation District Board (OSWCDB) on 5/29/2019 in the amount of \$9,709. This is one of the highest ranking contracts approved by the OSWCDB over the last several years. The waste holding pond is a major threat to Cane Creek Reservoir, Chapel Hill's water supply. The Division of Soil and Water (DSW) approved the contract on 6/17/2019.

Sykes Dairy Inc. (Jeff Sykes) had sold his dairy cows due to the critical state of the dairy industry. He had taken a new job with an engineering company and was working on NC Department of Transportation (NCDOT) projects. When the funding for these NCDOT projects was drastically cut, he was laid off since he was one of the last employees hired.

Orange Soil and Water Conservation District (OSWCD) staff talked to Jeff Sykes on 11/8/2019. He indicated he was considering selling a small number of cow shares. He would basically be boarding approximately 5 dairy cows and milking them once a day. This was the first time this had been brought up. Jeff Sykes indicated he still wanted to close the waste impoundment and district staff told him we would need to talk with DSW management and research it further. Jeff Sykes was also told that we would have to get approval from the DSW before starting work on the closure, considering the new plan that had been disclosed.

There have been numerous discussions with DSW staff over the last year about whether this closure could be approved to move forward under the current circumstances. We have also had numerous discussions with Sykes Dairy Inc. to make sure that they intend to continue milking the 5 cows.

Sykes Dairy Inc. has been out of business for more than three years and their general permit AW1680030 has been rescinded by the Division of Water Resources (DWR), the permitting authority. Sykes Dairy Inc. is a “deemed permitted” operation according to DWR.

Sykes Dairy Inc. is intensively grazing the 5 dairy cows on an abundance of pasture around the facility. They are not keeping the dairy cows on the lot or feeding them on the lot. They simply walk them across the lot and milk them in the old parlor, then walk them back across the lot to the pasture 30 minutes later, once a day. This is a very manageable situation without creating a waste management or water quality problem, considering Sykes Dairy Inc. excellent record of compliance with DWR regulations.

Buster Towell, Senior Environmental Specialist, with DWR was asked by Sykes Dairy Inc. for an official opinion as to what would constitute a “de minimus” discharge from the operation. Mr. Towell has been Sykes Dairy Inc. inspector for more than 10 years and is very familiar with the farm. His official determination was, “in my opinion this would be considered de minimus.” Mr. Towell also spoke with staff from the Central Office CAFO Unit regarding the request from Sykes Dairy Inc.. “The Central Office staff stated that their definition of de minimus in this case would mean less than 10% of the threshold number of cattle. Please also note that in the next to the last paragraph, third sentence, the Central Office CAFO Unit stated, “ when you were covered under the State General Permit you were required to be permitted due to the fact that you had at least 100 cows that were being confined,” (see Attachment A).

Sykes Dairy Inc. is a “deemed permitted” operation according to Animal Feeding Operations, DWR. The DSW definitions reference general permit AWG 200000, section VII., EPA AFO 40 CFR § 122.23(b)(1) that are specific to general permitted operations like swine and cattle. The general permit definition for “Animal Feeding Operation” (AFO) “has nothing to do with this situation or this facility,” according to staff representing Animal Feeding Operations, DWR, the permitting authority, (see Attachment B).

The DSW response to the OSWCD also references policy 1.c.ix which states, “a statement signed by the applicant/landowner that he/she will not reimplement the system and that no confined animal operation will be restarted on that farm. The completion of NC-ACSP-1C (7/02) meets this requirement.” Sykes Dairy Inc. will not reimplement the system. If Sykes Dairy Inc. does not meet the DSW definitions of an AFO or CAFO, according to Animal Feeding Operations, Division of Water Resources, then how can it be considered a confined animal operation? The DSW opinion, “rationale for stating that ACSP BMP- Closure Waste Impoundment policy 1.c.ix would not be met if Mr. Sykes continued to milk cows at his facility,” is not supported by the facts.

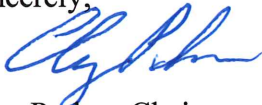
The NC-ACSP-1C (03/2019), Addendum to NC-ACSP-2 (Contract Agreement) is what Sykes Dairy Inc. signed (See Attachment C). Number 3 states, “in signing this addendum, the applicant agrees that the lagoon/storage facility will not be used for storing or treating animal waste for the life of the contract.” Policy 1.c.ix, the last

sentence states, “the completion of NC-ACSP-1C (03/2019) meets this requirement.” Sykes Dairy Inc. will not be in noncompliance of #3, under the NC-ACSP-1C (03/2019), if the Soil and Water Conservation Commission (SWCC) consider allowing the closure contract to be approved under the current circumstances. The NC-ACSP-1C (03/2019) needs to be more inclusive of statutory definitions and DSW policy, since this is what is being signed and agreed to, in the actual North Carolina Agriculture Cost Share Program (NCACSP) contract by the cooperator. The OSWCD feels like this would provide more clarity at all levels, from the DSW, to soil and water districts across the State, to our cooperators signing NCACSP contracts with more implicit understanding of contractual compliance.

The OSWCDB is officially notifying the SWCC that we request consideration of a Special Request to be presented at the January 20th, 2021 SWCC meeting, regarding contract 68-2019-010 (Sykes Dairy Inc.-Closure Waste Impoundment). We submit all of the above statutory definitions, regulatory attachments/opinions of the permitting authority (Animal Feeding Operations, DWR) and NCACSP policy discussion for the consideration of the SWCC. We realize that there is probably no precedent for this highly unusual situation, but we feel strongly that Sykes Dairy Inc., a “deemed permitted operation,” is not in noncompliance with any statutes or laws according to DWR and has not violated any NCACSP policy.

The Orange Soil and Water Board feels that compelling documentation of statutory definitions, policy and regulatory opinion has been provided to make the case for the final approval of contract 68-2019-010 (Sykes Dairy Inc.). We thank you for your time and consideration of this important matter

Sincerely,



Clay Parker, Chairman
Orange Soil and Water Conservation District Board of Supervisors

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. DANIEL SMITH

Director



NORTH CAROLINA
Environmental Quality

October 15, 2020

Mr. Jeff Sykes
5704 Vernon Road
Mebane, North Carolina 27302

Dear Mr. Sykes:

You have asked for opinion to be given as to what would constitute a "de minimus" discharge of a combination of wastewater mixed with wash down water from your dairy milking parlor. As you know, I have been your inspector for the past 10 plus years and feel that I am very familiar with your farm.

One definition of the word de minimus refers to something so little, small, or miniscule that it would not be worth consideration. Currently you have explained to me that you are only milking 5-6 cows once a day, and that you are only generating about 25 gallons of mixed liquid per day. If this liquid is to be discharged to the ground and let filter out through grass, I do not see that there could ever be a discharge that would reach any surface waters. In my opinion this would be considered de minimus.

I have also spoken to staff from our Central Office CAFO Unit regarding your request. Their opinion on this matter deals with the definition of de minimus as it relates to animal numbers. When you were covered under the State General Permit you were required to be permitted due to the fact that you had at least 100 cows that were being confined. Ten percent (10%) of 100 cows would be 10 cattle. The Central Office staff stated that their definition of de minimus in this case would mean less than 10% of the threshold number of cattle.

I hope this information helps you, and please feel free to contact me if I can be of any further assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Buster Towell".

Buster Towell

Senior Environmental Specialist
Division of Water Resources

Cc: Orange Soil & Water Conservation District
RRO Files



Attachment B

Todd –

Thank you for your email. I know that we have had many discussions regarding the proposed closure of the waste structure at the Sykes Dairy in Orange County. As you know, Buster Towell (the DWR inspector that has done compliance inspections on this farm for years) has also provided much input regarding the proposed action.

As the regulatory agency responsible for protecting water quality in NC, DWR has great interest in seeing this old waste structure properly closed out. In accordance with NC Session Law 2013-413 and NC Administrative Code 15A NCAC 02T .1306, the Sykes Dairy requested and was granted rescission of their animal waste management permit May 8, 2020. To have their permit rescinded, the facility has to be below the cattle/dairy permitting threshold defined in state law (NC GS 143-215.10B) of 100 confined cattle for at least 3 years. Once the permit was rescinded, this facility is no longer defined as or considered to be an animal feeding operation per the statutory definition (NC GS 143-215.10B). However, in granting that permit rescission Mr. Sykes is not relieved of the responsibility to properly manage any waste storage structures until they are properly closed according to NRCS Standards.

Note: The definition that is referenced from the General Permit AWG200000 applies to animal feeding operations that are subject to that general permit; it did not include the permitting threshold numbers, as any facility holding that general permit already meets that requirement. The statutory definition is the absolute definition for Animal Feeding Operations in North Carolina. I have included that language below for your convenience.

§ 143-215.10B. Definitions.

As used in this Part:

- (1) "Animal operation" means any agricultural feedlot activity involving 250 or more swine, 100 or more confined cattle, 75 or more horses, 1,000 or more sheep, or 30,000 or more confined poultry with a liquid animal waste management system, or any agricultural feedlot activity with a liquid animal waste management system that discharges to the surface waters of the State. A public livestock market regulated under Article 35 of Chapter 106 of the General Statutes is an animal operation for purposes of this Part.
- (2) "Animal waste" means livestock or poultry excreta or a mixture of excreta with feed, bedding, litter, or other materials from an animal operation.
- (3) "Animal waste management system" means a combination of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste.
- (4) "Division" means the Division of Water Resources of the Department.
- (5) "Feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, in a 12-month period. Pastures shall not be considered feedlots for purposes of this Part.
- (6) "Technical specialist" means an individual designated by the Soil and Water Conservation Commission, pursuant to rules adopted by that Commission, to certify animal waste management plans. (1995 (Reg. Sess., 1996), c. 626, s. 1; 1996, 2nd Ex. Sess., c. 18, s. 27.34(b); 2001-326, s. 1; 2004-176, s. 1; 2013-413, s. 57(n).)

The facility certainly does not meet the federal definition of a CAFO which has much higher animal thresholds; a facility below the large CAFO definition thresholds would have to have discharge for it to meet the CAFO criteria. The 40 CFR language referenced in the email discuss the confining, feeding... for 45 days or more in a 12-month period. That is true, but it is also contingent upon either meeting the large CAFO threshold (700 cows) or having cows with discharge to surface waters. All aspects must be satisfied to meet the federal definition of a CAFO.

The Sykes Dairy is now considered to be "deemed permitted" or permitted by regulation. This is no different that any site that has any number of animals confined or not. So long as they satisfy the requirement in 15A NCAC 02T .1303 and cause no water quality standards violations, they are not considered to pose risk of environmental harm.

It's my understanding that Mr. Sykes wishes to continue to pasture a small number of cows and milk approximately 5 cows. With regard to stocking, DWR generally considers 10% of the permitted head count to be a de minimus number of animals to be active. With the permitting threshold for cattle/dairy to be 100, it would seem reasonable that to keep less than 10% of that number of animals (less than 10 milking cows) could be maintained without jeopardizing protections to water quality if the site conditions were properly managed. I have not been to the Sykes Dairy, but Buster Towell has assured me that the location where Mr. Sykes indicated he intended to milk the few animals is well suited to be able to manage any waste without the waste pit so long as proper vegetation is maintained.

It is not my intention to provide opinion regarding granting/not granting of cost share funding, as that does not fall within my role serving in the regulatory agency. The information that I have provided above is intended to bring clarification to the regulatory definitions of AFOs and CAFOs.

I hope this information is helpful as we all work together to serve the citizens of North Carolina. Please let me know if you have additional questions.

Christine B. Lawson
Engineer
Animal Feeding Operations Program
Department of Environmental Quality

919 707 3664 office
984 232 1223 mobile
Christine.Lawson@ncdenr.gov

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Todd Roberts <troberts@orangecountync.gov>
Sent: Friday, December 11, 2020 6:41 PM
To: Lawson, Christine <Christine.Lawson@ncdenr.gov>
Cc: Towell, Buster <buster.towell@ncdenr.gov>; K Ray <kray@orangecountync.gov>
Subject: [External] FW: Response: Contract 68-2019-010 (Sykes Dairy Inc.)

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Hi Christine! Hope you and your family are well. I tried calling you Friday and missed you, left a message. Orange SWCD and Sykes Dairy Inc. are preparing a Special Request for the Soil and Water Commission at their next meeting on Jan. 20th, 2021. The Special Request and documentation has to be in at least 30 days before the meeting. We need to ideally have it sent in by this coming Friday (12/18/20) . We would greatly appreciate it, if you could review our request to the Division of Soil and Water at the bottom of the email and then review the Division's response that we just received. We would like to talk to you about the status of Sykes Dairy Inc., once you have had a chance to review their response. Sykes Dairy has a rescinded general permit and is now a deemed permitted operation. You and I have discussed this briefly in the past. We would very much like to consult with you and Buster before preparing the Special Request documentation, since this is your expertise. We feel like some of the information provided is not accurate and does not apply to Sykes Dairy Inc..

Thank you for your consideration on this important matter and we hope to be able to talk to you on Monday.

Best Regards,

Todd Roberts, Soil and Water Conservation Coordinator
Orange County Soil and Water Conservation
Department of Environment, Agriculture, Parks and Recreation

Attachment C

NCDA&CS
DSWC

NC-ACSP-1C
(03/2019)

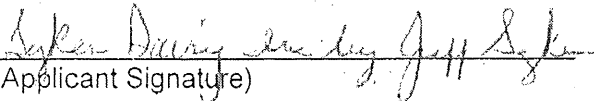
ADDENDUM TO NC-ACSP-2 (CONTRACT AGREEMENT)

TO: DIVISION OF SOIL AND WATER CONSERVATION

FROM:

SUBJECT: ABANDONED CONFINED ANIMAL OPERATION

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


(Applicant Signature)

DATE: 6-11-19


(District Chair Signature)

DATE: 6-17-19

Division Response and References

From: [Henshaw, Julie](#)
To: [Todd Roberts](#); [K Ray](#); rcparker12@hotmail.com
Cc: [Cox, Vernon N](#); [Shepherd, Michael D](#); [Joshua Vetter](#); [Parks, Ken](#)
Subject: Response: Contract 68-2019-010 (Sykes Dairy Inc.)
Date: Thursday, December 10, 2020 4:41:00 PM
Attachments: [image001.png](#)
[cafo_permitmanual_chapter2.pdf](#)
[CFR-2011-title40-vol22-sec122-23.pdf](#)

Good afternoon,

In response to the email request below, we are providing the following information regarding ACSP contract 68-2019-010 in the amount of \$9,709.

This contract is for: [ACSP Closure Waste Impoundment](#)

Policy 1.c.ix states he/she will not reimplement the system and that no confined animal operation will be restarted on the farm.

The NC DEQ cattle waste management system general permit AWG200000, Section VII., and EPA AFO 40 CFR § 122.23(b)(1) offer the following definitions:

Animal feeding operation means a lot or facility (other than an aquatic animal production facility) where the following conditions are met: a. animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period

Although Mr. Sykes will be keeping and feeding his cows on pasture, when the cows are brought onto the lot to be milked this is considered as maintaining as mentioned in the animal feeding operation definition. This is further referenced in EPA's definition of an animal confinement area and in their permit manual.

In EPA 40 CFR § 122.23(b)(8). in the definition of Production Area, the animal confinement area is defined to include milkrooms and milking centers.

Taken from the EPA's CAFO permit writers manual:

"AFOs are defined as, "operations where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period and where vegetation is not sustained in the confinement area during the normal growing season." 40 CFR § 122.23(b)(1). EPA interprets *maintained* to mean that the animals are confined in the same area where waste is generated or concentrated. Areas where animals are maintained can include areas where animals are fed and areas where they are watered, cleaned, groomed, milked, or medicated.

The first part of the regulatory definition of an AFO means that animals must be kept on the lot or facility for a minimum of 45 days in a 12-month period. If an animal is confined for any portion of a day, it is considered to be on the facility for a full day. For example, dairy cows that are brought in from pasture for less than an hour to be milked are counted as being confined (i.e., on the lot or facility) for the day. In addition, the same animals are not required to remain on the lot for 45 days

or more for the operation to be defined as an AFO. Rather, the first part of the regulatory definition is met if some animals are fed or maintained on the lot or facility for 45 days out of any 12-month period. The 45 days do not have to be consecutive, and the 12-month period does not have to correspond to the calendar year.”

The combination of these definitions and regulations was the rationale for stating that ACSP BMP-Closure Waste Impoundment policy 1.c.ix would not be met if Mr. Sykes continued to milk cows at his facility.

Attached are EPA’s CAFO permit manual and 40 CFR § 122.23 for reference.

If order for this item to be considered at the January 20, 2021 Soil and Water Conservation Commission agenda, please submit a written request (letter) from your board to the Commission specifying the special request or action requested. This letter should be considered and approved by your board. As a reminder, a board member will need to present the request during the Commission meeting. Please include the items identified in the Commission’s [Special Requests Policy](#). The board letter may be submitted electronically (scanned with signature) by emailing to helen.wiklund@ncagr.gov and julie.henshaw@ncagr.gov by December 21, 2020. Should you have additional questions, please contact me.

We hope this information is helpful as you prepare your request.

Julie Henshaw, Nonpoint Source Programs Section Chief
NCDA&CS Division of Soil and Water Conservation
919.707.3776
julie.henshaw@ncagr.gov

From: Todd Roberts <troberts@orangecountync.gov>
Sent: Thursday, December 3, 2020 1:27 PM
To: Cox, Vernon N <Vernon.Cox@ncagr.gov>; Henshaw, Julie <julie.henshaw@ncagr.gov>; Vetter, Joshua <Joshua.Vetter@ncagr.gov>; Parks, Ken <ken.parks@ncagr.gov>; Shepherd, Michael D <Michael.Shepherd@ncagr.gov>
Cc: K Ray <kray@orangecountync.gov>
Subject: [External] Contract 68-2019-010 (Sykes Dairy Inc.)

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The Orange Soil and Water District and Jeff Sykes, officially request all statutory, administrative code, policy, definitions and source of definitions used by the Division of Soil and Water, in determining that an approved NCACSP contract (68-2019-010), could not proceed with the closure of a waste holding pond. This closure contract is a high priority for the Orange Soil and Water Board and has the potential for creating a serious water quality problem in Cane Creek Reservoir, Chapel Hill’s water supply. This information is needed in order for the Orange SWCD to prepare a Special Request for the Commission and to fully understand the basis for the Division’s decision. We would

appreciate a prompt response, considering the thirty day requirement for notification and documentation of the Special Request, before the next Commission meeting on January 20th, 2020.

Best Regards,

Todd Roberts, Soil and Water Conservation Coordinator
Orange County Soil and Water Conservation
Department of Environment, Agriculture, Parks and Recreation

306D Revere Rd / PO Box 8181 / Hillsborough NC 27278 / 919-245-2754 / <http://www.co.orange.nc.us>
Living Legacy of Conservation Stewardship- 75 years

Closure - Waste Impoundments

Definition/Purpose

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

Policies

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

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

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

Agriculture Cost Share Program

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

Agriculture Cost Share Program

CLOSURE - WASTE IMPOUNDMENT	
Maintenance Period	10 years
BMP Units	EACH
Required Effects	ACRES_AFFECTED ANIMAL TYPE ANIMAL UNITS N and P Waste Managed
JAA/NRCS standards unless otherwise noted	ECS - 342 - Critical Area Planting ECS - 633 - Waste Utilization ENG - 360 - Closure of Waste Impoundments; DSWC Guidelines for Lagoon Closure Plan Development
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads. NC-ACSP-1C Form NC-ACSP-WMP Form Lagoon Specification Questions, 2 bids
Additional Spot-check Requirements	All waste management systems for operations not permitted by the Division of Water Resources must be spot-checked annually for five years following implementation.

Chapter 2

2. AFOs and CAFOs

2.1. Animal Feeding Operations (AFOs)

When Congress passed the CWA in 1972, it specifically included the term *concentrated animal feeding operation* in the definition of *point source*. CWA § 502(14). Before EPA defined the CWA term *concentrated animal feeding operations* in the 1976 CAFO regulations, the 1974 ELGs for the Feedlots Point Source Category, formerly 40 CFR part 412.11(b), defined a *feedlot* to mean “a concentrated, confined animal or poultry growing operation for meat, milk or egg production, or stabling, in pens or houses wherein the animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained in the area of confinement.” Similarly, the support documentation for the ELG [see, for example, EPA’s *Development Document for the Final Revisions to the National Pollutant Discharge Elimination System Regulation and the Effluent Guidelines for Concentrated Animal Feeding Operation*, EPA-821-R-03-001 (2002)] distinguished between animals grown in feedlots and those grown in non-feedlot situations. The development document defines feedlot using the following three conditions:

1. A high concentration of animals held in a small area for periods in conjunction with one of the following purposes:
 - a. Production of meat.
 - b. Production of milk.
 - c. Production of eggs.
 - d. Production of breeding stock.
 - e. Stabling of horses.
2. The transportation of feed to animals for consumption.
3. By virtue of the confinement of animals or poultry, the land or area will neither sustain vegetation nor be available for crop or forage.

In 1976 EPA revised its regulations in response to a court case holding that EPA could not exempt certain categories of point sources from NPDES permit requirements. *NRDC v. Train*, 396 F. Supp. 1393 (D.D.C. 1975), *aff'd NRDC v. Costle*, 586 F.2d 1369 (D.C. Cir. 1977). The revised regulations refer to *CAFOs* rather than *feedlots*. 41 FR 11458 (March 18, 1976). The 1976 rule defined which facilities were CAFOs, and therefore point sources under the CWA, and established permitting requirements for CAFOs. *Id.* EPA's 1976 definition of CAFO draws on the definition of a CAFO from the 1974 feedlot definition. Although the definition of the term CAFO was further revised in the 2003 CAFO regulations, the types of facilities covered by the definition are nearly identical to those in the original definition of a feedlot.

A facility must first meet the definition of an AFO before it can be considered a CAFO. AFOs are defined as, "operations where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period and where vegetation is not sustained in the confinement area during the normal growing season." 40 CFR § 122.23(b)(1). EPA interprets *maintained* to mean that the animals are confined in the same area where waste is generated or concentrated. Areas where animals are maintained can include areas where animals are fed and areas where they are watered, cleaned, groomed, milked, or medicated. For an overview of the livestock industry, see [Chapter 4 of the Technical Development Document for the 2003 CAFO regulations](#).

Regulatory Citation

Animal feeding operation (AFO) means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

Animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period.

AND

Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

40 CFR § 122.23(b)(1)

The first part of the regulatory definition of an AFO means that animals must be kept on the lot or facility for a minimum of 45 days in a 12-month period. If an animal is confined for any portion of a day, it is considered to be on the facility for a full day. For example, dairy cows that are brought in from pasture for less than an hour to be milked are counted as being confined (i.e., on the lot or facility) for the day. In addition, the same animals are not required to remain on the lot for 45 days or more for the operation to be defined as an AFO. Rather, the first part of the regulatory definition is met if some animals are fed or maintained on the lot or facility for 45 days out of any 12-month period. The 45 days do not have to be consecutive, and the 12-month period does not have to correspond to the calendar year. For example, June 1 to the following May 31 would constitute a 12-month period. Therefore, animal operations such as stockyards, fairgrounds, and auction houses where animals may not be fed, but are confined temporarily, may be AFOs.

The second part of the regulatory definition of an AFO distinguishes confinement areas from pasture or grazing land. That part of the definition relates to the portion of the facility where animals are confined and where natural forage or planted vegetation does not occur during the normal growing season. Confinement areas might have some vegetative growth along the edges while animals are present or during months when animals are kept elsewhere. If a facility maintains animals in an area without vegetation, such as dirt lots with incidental vegetative growth, the facility meets the second part of the AFO definition.

True pasture and rangeland operations are not considered AFOs because animals at those operations are generally maintained in areas that sustain crops or forage growth during the normal growing season. In some pasture-based operations, animals can freely wander in and out of areas for food or shelter; that is not considered confinement. In general, an area is a pasture if vegetation is maintained during the normal growing season. However, pasture and grazing-based operations can also have confinement areas (e.g., feedlots, barns, milking parlors, pens) that meet the definition of an AFO.

Incidental vegetation in a clear area of confinement would not exclude an operation from meeting the definition of an AFO. In the case of a winter feedlot, the second part of the AFO definition (i.e., no vegetation) is meant to be evaluated during the winter, when the animals are confined. Animals from a grazing operation can be confined during winter months in a confinement area that had vegetation during other parts of the year. If the animals are confined for more than 45 days but not year-round and vegetation emerges in the spring when animals are removed, the presence of vegetation does not prevent that feedlot from being defined as an AFO because the vegetation is growing when animals are not present. In that example, the feedlot will not sustain the vegetation that had emerged in spring once the animals are moved back into the feedlot. Therefore, the facility in the example meets the definition of an AFO.



Winter feeding of cattle. (Photo courtesy of USDA/NRCS)

2. AFOs and CAFOs

2.1. Animal Feeding Operations (AFOs)

2.2. Concentrated Animal Feeding Operations (CAFOs)

Is this animal production operation an AFO?

Example A: An operation confines its animals for 10-day intervals every month for 5 months. The animals are kept in an enclosure with slot floors.

Answer: The operation meets the AFO definition because it confines animals for a total of 50 days (i.e. more than 45 days) in a 12-month period, and the confinement area has slot floors and therefore sustains no vegetation.

Example B: An operation confines mature animals in pens of five each. It has 200 pens per building and five buildings. The animals are confined year-round.

Answer: The operation is an AFO because it confines animals for 45 days or more and does not sustain vegetation in the confinement area.

Example C: An operation raises beef cattle in a 5,000-acre pasture from April 1 through November 30 each year. From December 1 through March 3, the cattle are confined by a fence to a 10-acre area. The animals are not free to move between the temporary confinement area and the pasture area. The growing season for the area in which the operation is located is from May 1 through October 15. A site visit is made to the operation during January, and the 10-acre area where the animals are confined has vegetation on less than 5 percent of the ground; the other areas are barren soil or packed manure. The confinement area was completely covered by vegetation during a prior visit to the operation during August.

Answer: While the operation is pasture-based for most of the year, it meets the definition of an AFO. The animals are held in confinement for more than 45 days, and the vegetation has been denuded to the point that it is incidental while the animals are in confinement. The fact that the vegetation reestablishes itself some time after the animals have been released from confinement does not change the fact that the winter confinement results in the operation meeting the definition of an AFO.

Example D: A beef cattle operation maintains the herd on pastures from March 15 through November 15. From November 16 through March 14, the herd is moved to a fenced field where crops were grown during the spring and summer. During the winter, while the animals are confined to the field, the animals eat all the post-harvest residue and other vegetation that remained in the field after the crops were harvested. Additional feed is also brought to the field to sustain the herd throughout the winter.

Answer: The operation meets the AFO definition. The animals are confined and fed for more than 45 days in a 12-month period (November through March). Although the confinement area is used for crop production during times when the animals are grazing on pasture, the vegetation is not sustained during the period when the animals are confined there.

Example E: An operation raises beef cattle in a 10,000-acre pasture rangeland. In the winter, food is brought to various locations in the pasture rangeland to sustain the animals. The area immediately around the food supply is rendered barren of vegetation. However, the animals have full access to the pasture area.

Answer: The operation is not an AFO because the animals are free to move within the entire pasture, and the vegetation is sustained in pasture areas.

Is this animal production operation an AFO? *(continued)*

Example F: An operation raises beef cattle in a 2,000-acre pasture. In the winter, the animals congregate in a smaller area (e.g., 100 acres), and have access to a creek as their primary source of water. The area immediately around the creek is rendered barren of vegetation when the animals are present. The barren area constitutes approximately 10 percent of the 100-acre wintering area. The remainder of the 100 acres retains vegetative cover.

Answer: The operation is not an AFO because vegetation is sustained in the confinement area while the animals are present. While the practices at the operation do not result in it meeting the definition of an AFO, the practices are not protective of water quality. EPA would encourage such an operation to provide an alternative water source to keep the animals out of the creek to reduce potential water quality impacts.

Example G: An operation raises cattle on pasture; however, a number of the cattle are confined for birthing each spring. The confinement area is a dirt-floored pen that has only incidental vegetation along the edges and in some small areas in the pen. The animals are in the pen for 90 days each spring.

Answer: The operation meets the AFO definition. The animals are confined and fed for more than 45 days, and the vegetation in the confinement area is only incidental.

Example H: An operation raises cattle on pasture; however, as part of the rotational grazing program the cattle frequently are moved between smaller, fenced pasture areas. Cattle move between pastures in narrow laneways that are largely devoid of vegetation. The barren area constitutes less than 10 percent of the pasture areas, and the remainder of the acres retains vegetative cover year-round. The animals are not fed or watered in the laneways and are prevented from congregating in the laneways by gates and fencing.

Answer: The operation does not meet the AFO definition. The animals are not confined in the laneways that are devoid of vegetation.

2.2. Concentrated Animal Feeding Operations (CAFOs)

This section provides information to help identify which AFOs are CAFOs. An AFO is a CAFO if it meets the regulatory definition of a Large or Medium CAFO, 40 CFR parts 122.23 (b)(4) or (6), or has been designated as a CAFO, 40 CFR part 122.23(c), by the NPDES permitting authority or by EPA (see Section 2.2.8). Note that some authorized states have adopted regulatory definitions for CAFOs that are more inclusive and, therefore, broader in scope than EPA's regulations. Those facilities are subject to requirements under state law but not under federal law.

2.2.1. Types of Animal Operations Covered by CAFO Regulations

The CAFO regulations define a Large CAFO on the basis of the number of animals confined. Medium CAFOs are defined as meeting specific criteria in addition to the number of animals confined, and those criteria are discussed in Section 2.2.5. The animal types with specific

2. AFOs and CAFOs

2.1. Animal Feeding Operations (AFOs)

2.2. Concentrated Animal Feeding Operations (CAFOs)

2.2.1. Types of Animal Operations Covered by CAFO Regulations

threshold numbers for the Large and Medium size categories identified in the regulations are cattle, dairy cows, veal calves, swine, chickens, turkeys, ducks, horses, and sheep. *Chapter 4 of the Technical Development Document for the 2003 CAFO rule* provides descriptions of those animal types and their associated operations. An AFO that meets the small or medium size thresholds can be designated as a CAFO by the permitting authority if certain criteria are met, including that the AFO is determined to be “a significant contributor of pollutants to waters of the United States.” 40 CFR § 122.23(c). For further discussion, see Section 2.2.8.

2.2.2. Animal Types Not Listed in CAFO Regulations

An operation confining any animal type (e.g., geese, emus, ostriches, bison, mink, alligators) not explicitly mentioned in the NPDES regulations and for which there are no ELGs is subject to NPDES permitting requirements for CAFOs if (1) it meets the definition of an AFO, and (2) if the permitting authority designates it as a CAFO. For a discussion of designation, see Section 2.2.8.

2.2.3. AFOs Defined as Large CAFOs

An AFO is a Large CAFO if it stables or confines equal to or more than the number of animals specified in Table 2-1 for 45 days or more in a 12-month period. The definition of a Large CAFO is based solely on the number of animals confined.

Table 2-1. Large CAFOs

Number of animals	Type of animal
700	Mature dairy cows, whether milked or dry
1,000	Veal calves
1,000	Cattle, other than mature dairy cows or veal calves (Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.)
2,500	Swine, each weighing 55 pounds or more
10,000	Swine, each weighing less than 55 pounds
500	Horses
10,000	Sheep or lambs
55,000	Turkeys
30,000	Laying hens or broilers, if the AFO uses a liquid-manure handling system
125,000	Chickens (other than laying hens), if the AFO uses other than a liquid-manure handling system
82,000	Laying hens, if the AFO uses other than a liquid-manure handling system
30,000	Ducks, if the AFO uses other than a liquid-manure handling system
5,000	Ducks, if the AFO uses a liquid-manure handling system

Source: 40 CFR § 122.23(b)(4)

2. AFOs and CAFOs

2.1. Animal Feeding Operations (AFOs)

2.2. Concentrated Animal Feeding Operations (CAFOs)

2.2.3. AFOs Defined as Large CAFOs

In determining whether the applicable Large CAFO threshold is satisfied, the number of animals actually maintained is considered, not the capacity of the operation.

Is this operation a Large CAFO?

Example A: An operation confines 2,800 mature swine (more than 55 pounds each) in six houses. The houses have concrete floors with conveyances to capture manure.

Answer: The operation meets the definition of an AFO; it confines animals for more than 45 days over a 12-month period and the confinement area does not sustain vegetation. The operation is a Large CAFO because it confines more than 2,500 mature swine, a number that exceeds the regulatory threshold for a Large CAFO.

Example B: A 1,000-head cow/calf operation evenly splits its calving between fall and spring. The animals are generally pastured with the exception of two 60-day periods when the cow/calf pairs are confined for weaning. Because the calving is split, only 500 cow/calves are confined in any one weaning session.

Answer: The operation meets the definition of an AFO because animals are confined for 45 days in a 12-month period. Because the operation does not confine 1,000 or more animals or cow/calf pairs for more than 45 days, the operation is not defined as a Large CAFO. The operation could be a Medium CAFO if it meets one of the two discharge criteria for the Medium CAFO category, or is designated as a CAFO by the permitting authority.

Example C: A background yard (raises feeder cattle from the time calves are weaned until they are on a finishing ration in the feedlot) has the capacity to hold 1,100 head of cattle. The facility operates year-round (animals are confined 365 days a year) and has never confined more than 800 head at any time.

Answer: The operation meets the definition of an AFO because animals are confined for 45 days in a 12-month period on a feedlot where vegetation is not sustained. Because the operation does not confine 1,000 or more animals at any one time, the operation is not defined as a Large CAFO. The operation could be a Medium CAFO if it meets one of the two discharge criteria for the Medium CAFO category, or is designated as a CAFO by the permitting authority.

2.2.4. Practices Constituting Poultry Operation Liquid-Manure Handling

The thresholds for chicken and duck AFOs in the CAFO definitions are based on the type of litter or manure handling system being used. The two systems are either a *liquid-manure handling system* or *other-than-a-liquid-manure handling system*. The animal number thresholds that determine whether the system is a CAFO for chicken or duck AFO using a liquid-manure handling system are lower than the thresholds for CAFOs that use other-than-liquid-manure handling systems.

2. AFOs and CAFOs

2.1. Animal Feeding Operations (AFOs)

2.2. Concentrated Animal Feeding Operations (CAFOs)

2.2.4. Practices Constituting Poultry Operation Liquid-Manure Handling

An AFO is considered to have a liquid-manure handling system if it uses pits, lagoons, flush systems (usually combined with lagoons), or holding ponds, or has systems such as continuous overflow watering, where the water comes into contact with manure and litter. In addition, operations that stack or pile manure in areas exposed to precipitation are considered to have liquid-manure handling systems. That includes operations that remove litter from the confinement area and stockpile or store it uncovered in remote locations for even one day.

However, permitting authorities may authorize some limited period of temporary storage of litter of no more than 15 days that would not result in the facility meeting the definition of a liquid-manure handling system (e.g., where time is needed to allow for contract hauling arrangements and precipitation does not occur) (USEPA 2003, 3-6). If litter is stockpiled beyond that temporary period, the uncovered stockpile would constitute a liquid-manure handling system, and the lower CAFO thresholds for chickens and ducks would apply (see Tables 2-1 and 2-2).

Wet Lot and Dry Lot Duck Operations

Duck operations are considered to use a liquid-manure handling system if (1) the ducks are raised outside with swimming areas or ponds or with a stream running through an open lot, or (2) the ducks are raised in confinement buildings where fresh or recycled water is used to flush the manure to a lagoon, pond, or other storage structure. In addition, a duck operation that stacks manure or litter as described above for other dry poultry operations is considered to have a liquid-manure handling system.

Dry-lot duck operations include those that (1) use confinement buildings and handle manure and litter exclusively as dry material; (2) use a building with a mesh or slatted floor over a concrete pit from which manure is scraped into a solid manure storage structure; or (3) use dry bedding on a solid floor. Dry-lot duck operations are generally considered to be “operations that use other than a liquid-manure handling system.”

2.2.5. AFOs that Are Medium CAFOs

An AFO is a Medium CAFO if it meets both parts of a two-part definition. The first part addresses the number of animals confined, and the second part includes specific discharge criteria. In addition, a medium-sized AFO can be designated a CAFO by the permitting authority or EPA (see Section 2.2.8). Table 2-2 lists the animal number ranges associated with the Medium CAFO definition. If an AFO confines the number of animals listed in Table 2-2 for 45 days or more in a 12-month period, it meets the first part of the definition of a Medium CAFO.

An AFO meets the discharge criteria for the second part of the Medium CAFO definition if pollutants are discharged in one of the following ways:

- ▶ Into waters of the U.S. through a man-made ditch, flushing system, or other similar man-made device.

- ▶ Directly into waters of the U.S. that originate outside the facility and pass over, across, or through the facility or otherwise come into direct contact with the confined animals.

40 CFR § 122.23(b)(6).

Table 2-2. Medium CAFOs

Number of animals	Type of animal
200–699	Mature dairy cows, whether milked or dry
300–999	Veal calves
300–999	Cattle, other than mature dairy cows or veal calves (Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.)
750–2,499	Swine, each weighing 55 pounds or more
3,000–9,999	Swine, each weighing less than 55 pounds
150–499	Horses
3,000–9,999	Sheep or lambs
16,500–54,999	Turkeys
9,000–29,999	Laying hens or broilers, if the AFO uses a liquid-manure handling system
37,500–124,999	Chickens (other than laying hens), if the AFO uses other than a liquid-manure handling system
25,000–81,999	Laying hens, if the AFO uses other than a liquid-manure handling system
10,000–29,999	Ducks, if the AFO uses other than a liquid-manure handling system
1,500–4,999	Ducks, if the AFO uses a liquid-manure handling system

Source: 40 CFR § 122.23(b)(6)

The term *man-made device* means a conveyance constructed or caused by humans that transports wastes (manure, litter, or process wastewater) to waters of the U.S. (USEPA 1995, 8). Man-made devices include, for example, pipes, ditches, and channels. If human action was involved in creating the conveyance, it is man-made even if natural materials were used to form it. A man-made channel or ditch that was not created specifically to carry animal wastes but nonetheless does so is considered a man-made device. To be defined as a Medium CAFO, there must be an actual discharge of pollutants to waters of the U.S. However, it is not necessary for the man-made device to extend the entire distance to waters of the U.S. It is sufficient that the wastes being discharged flow through the man-made device. For example, a culvert could simply facilitate the flow of waste-water from one side of a road to another (and subsequently into a water of the U.S.) and is a man-made device for the purposes of this provision. Also, a flushing system is a man-made device that uses fresh or recycled water to move manure from the point of deposition or collection to another location.

2. AFOs and CAFOs

2.1. Animal Feeding Operations (AFOs)

2.2. Concentrated Animal Feeding Operations (CAFOs)

2.2.5. AFOs that Are Medium CAFOs

Definition of Production Area

Production area means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cow yards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, run-off ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions, which separate uncontaminated stormwater. Also included in the definition of production area is any egg-washing or egg-processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities.

40 CFR § 122.23(b)(8)

Tile drains in the production area are another example of a man-made device. Tile drains are underground pipes that collect subsurface water for transport away from the site. If tile drains discharge manure to waters of the U.S. from the production area of a medium-sized AFO, the facility meets discharge criterion for the Medium CAFO definition and is a Medium CAFO. An additional example would be the discharge to waters of the U.S. from a continuous-flow-through water trough system.

The Medium CAFO definition addresses discharges directly into a water of the U.S., which originate outside the facility and pass over, across, or through the facility or otherwise come into direct contact with the confined animals. The discharge criterion is met if animals in confinement at an AFO can come into direct contact with waters of the U.S. Thus, a stream running through the area where animals are confined indicates that there is a direct discharge of pollutants unless animals are prevented from any direct contact with waters of the U.S.

Is this operation a Medium CAFO?

Example A: Runoff from an earthen lot with 850 beef cattle, confined for 6 months a year, passes through a settling basin, riser pipe, concrete channel, junction box, and distribution manifold before flowing by gravity to an area where it infiltrates into the soil and does not reach waters of the U.S.

Answer: No. While the system described includes several man-made devices, the operation does not meet the definition of a Medium CAFO because the runoff does not enter waters of the U.S.

Example B: A 400-head beef cattle AFO, operated year-round, has a grassed waterway installed adjacent to the production area that transports contaminated runoff to an open field. There is no surface water in the area where the runoff is transported.

Answer: No. While a properly designed grassed waterway is a man-made device, the discharge does not reach a water of the U.S. If the discharge reached a water of the U.S., the facility would be a CAFO.

2. AFOs and CAFOs

2.1. Animal Feeding Operations (AFOs)

2.2. Concentrated Animal Feeding Operations (CAFOs)

2.2.5. AFOs that Are Medium CAFOs

2.2.6. Operations under Common Ownership

Under the CAFO regulations, two or more AFOs under common ownership are considered one operation if, among other things, they adjoin each other (including facilities that are separated only by a right-of-way or a public road) or if they use a common area or system for managing wastes. 40 CFR § 122.23(b)(2). For example, operations generally meet the criterion where manure, litter, or process wastewater are commingled (e.g., stored in the same pond, lagoon, or pile) or are applied to the same cropland.

In determining whether two or more AFOs are under common ownership, the number of managers is not important. Two AFOs could be managed by different people but have a common owner (e.g., the same family or business entity owns both). For facilities under common ownership that either adjoin each other or use a common area or system for waste disposal, the cumulative number of animals confined is used to determine if the combined operation is a Large CAFO and is used in conjunction with the discharge criteria in Section 2.2.5 to determine if the combined operation is a Medium CAFO.

Is this operation under Common Ownership?

Example: If a single farm has six chicken houses with a total of 125,000 birds, and the houses are managed by two people, is the farm considered a CAFO?

Answer: Yes. The chicken houses are part of a single operation and presumably use a common area or system for the disposal of wastes; therefore, the entire operation is a Large CAFO. The number of managers is not relevant.

2.2.7. Operations with Multiple Animal Types

Under the CAFO regulations, multiple types of animals are not counted together to determine the type and size of a CAFO. However, once an operation is defined as a CAFO on the basis of a single animal type, all the manure generated by all animals confined at the operation are subject to NPDES requirements. If wastestreams from multiple livestock species subject to different regulatory requirements are commingled at a CAFO, any NPDES permit for the facility must include the more stringent ELG requirements. 2003 CAFO Rule, 68 FR 7176, 7,195 (Feb. 12, 2003). See Appendix N, References for NPDES Permit Writers.

In situations where immature animals (e.g., heifers and swine weighing less than 55 lbs) are confined along with mature animals, the determination of whether the operation is defined as a CAFO depends on whether the mature or immature animals separately meet the applicable threshold. Operations that specialize in raising only immature animals (heifers, swine weighing less than 55 lbs, and veal calves) have specific thresholds under the regulations. However, once an AFO is defined as a CAFO, manure generated by all the animals in confinement would be addressed by the CAFO's NPDES permit if it is a permitted CAFO.

2. AFOs and CAFOs

2.1. Animal Feeding Operations (AFOs)

2.2. Concentrated Animal Feeding Operations (CAFOs)

2.2.7. Operations with Multiple Animal Types

Is this AFO a CAFO?

Example A: A dairy operation confines year-round 275 dry mature dairy cows, 500 lactating mature dairy cows, and 800 heifers.

Answer: The operation meets the definition of a Large CAFO because it confines more than 700 (in this case 775) mature dairy cows, milked or dry for more than 45 days. The 800 heifers alone would not meet the threshold for a Large CAFO. If the CAFO obtains permit coverage, the manure from all the animals confined, including the heifers, would be subject to the ELG and would need to be addressed in the CAFO's NMP.

Example B: A swine nursery operation has 15,000 piglets that range in weight from 40 to 60 pounds. The operation also has a farrowing house with 2,200 sows and approximately 13,000 piglets that are not weaned. The operation maintains that number of animals year-round.

Answer: The operation would meet the definition of a Large CAFO if it has at least 10,000 piglets that weigh under 55 pounds confined for more than 45 days. If the CAFO obtains permit coverage, the manure from all the animals confined would be subject to the ELG and would need to be addressed in the CAFO's NMP.

Example C: An operation confines for more than 45 days 250 beef cattle, 20 horses, and 22,000 chickens (does not use a liquid-manure handling system).

Answer: The operation does not meet the definition of a CAFO. The number of animals of any one animal type that are confined for 45 days in a 12-month period does not exceed the thresholds for a Large or Medium CAFO. Because sufficient animals are not confined, there is no need to determine whether the AFO meets one of the two discharges criteria to be defined as Medium CAFO. However, the operation could still be designated as a CAFO if the appropriate authority determines that the operation is a significant contributor of pollutants to waters of the U.S.

An operation that confines multiple animals types, where no one type meets the Large or Medium CAFO threshold, can be designated as a CAFO if it is found to be a significant contributor of pollutants to waters of the U.S. For additional discussion of designated CAFOs, see Section 2.2.8.

2.2.8. AFOs Designated as CAFOs

The CAFO regulations set the standards for the Director (either the Regional Administrator or the NPDES permitting authority) to designate any AFO as a CAFO if the AFO is a significant contributor of pollutants to waters of the U.S.¹ Designation provides for protection of surface water quality while maintaining flexibility for states or other entities to assist small and medium AFOs to mitigate the conditions that could subject the AFO to NPDES requirements.²

The Director may designate any AFO as a CAFO on a case-by-case basis if he determines that the AFO is a significant contributor of pollutants to waters of the U.S. as specified in 40 CFR part 122.23(c). AFO operations that may be considered for designation include the following:

- ▶ A medium-sized AFO that is not defined as a CAFO and is determined to be a significant contributor of pollutants to waters of the U.S. The definition of a Medium CAFO is in the text box provided.
- ▶ A small AFO (i.e., confines fewer than the number of animals defined in Table 2-2) that meets one of the methods of discharge criteria in 40 CFR sections 122.23(c)(3)(i), (ii) and is determined to be a significant contributor of pollutants to waters of the U.S.
- ▶ An AFO that raises animals other than species identified in the regulatory definitions of Large and Medium CAFOs and is determined to be a significant contributor of pollutants to waters of the U.S. Examples of such AFOs include geese, emus, ostriches, llamas, minks, bison, and alligators.

Medium CAFO Definition Discharge

- Pollutants are discharged into waters of the U.S. through a man-made ditch, flushing system, or other similar man-made device; or
- Pollutants are discharged directly into waters of the U.S. that originate outside and pass over, across, or through the facility or otherwise come into direct contact with animals confined in the operation.

40 CFR §§ 122.23(b)(6)(ii)(A), (B)

2.2.9. Process for Designating an AFO as a CAFO

For an AFO to be designated as a CAFO, the Director must determine that the AFO is a significant contributor of pollutants to waters of the U.S. 40 CFR part 122.23(c). Once an operation is designated as a CAFO, it must seek coverage under an NPDES permit and, among other things, develop and implement an NMP.

Under 40 CFR part 122.23(c)(3), an AFO may not be designated as a CAFO until the NPDES permitting authority or EPA has determined that the operation should and could be regulated under the permit program and conducted an inspection of the operation. In addition, a small AFO may not be designated as a CAFO unless it also meets the small AFO discharge criteria, 40 CFR parts 122.23(c)(3)(i), (ii), and is determined to be a significant contributor of pollutants to waters of the U.S. EPA recommends that the designation process be conducted as soon as possible following the inspection. Regardless of when an inspection takes place, the designation should be based on current information.

2. AFOs and CAFOs

2.1. Animal Feeding Operations (AFOs)

2.2. Concentrated Animal Feeding Operations (CAFOs)

2.2.9. Process for Designating an AFO as a CAFO

In determining whether an AFO is a significant contributor of pollutants to waters of the U.S., the permitting authority or EPA Regional Administrator (see Section 2.2.10) will consider the factors specified in 40 CFR part 122.23(c)(2), which are listed in the left-hand column of Table 2-3, below. The right-hand column in Table 2-3 gives examples of case-by-case designation factors that can be assessed during the designation inspection. The assessment of regulatory factors may be based on visual observations and water quality monitoring and other sources of relevant information.

Table 2-3. Example factors for case-by-case CAFO designation

Designation factor	Example factors for inspection focus
Size of the operation and amount of wastes reaching waters of the U.S.	<ul style="list-style-type: none"> • Number of animals • Type of feedlot surface • Feedlot design capacity • Waste handling/storage system design capacity
Location of the operation relative to waters of the U.S.	<ul style="list-style-type: none"> • Location of waterbodies • Location of floodplain • Proximity of production area and land application area to waters of the U.S. • Depth to groundwater, direct hydrologic connection to waters of the U.S. • Located in an impaired watershed
Means of conveyance of animal wastes and process wastewaters into waters of the U.S.	<ul style="list-style-type: none"> • Identify existing or potential man-made (includes natural and artificial materials) structures that could convey waste • Direct contact between animals and waters of the U.S.
Slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of manure into waters of the U.S.	<ul style="list-style-type: none"> • Slope of feedlot and surrounding land • Type of feedlot (concrete, soil) • Climate (e.g., arid or wet) • Type and condition of soils (e.g., sand, karst) • Drainage controls • Storage structures • Amount of rainfall • Volume and quantity of runoff • High water table • Buffers
Other relevant factors	<ul style="list-style-type: none"> • History of noncompliance • Use of conservation practices to minimize nutrient transport to waters of the U.S. • Working with USDA or Soil and Water Conservation District to improve operation

Following the on-site inspection for designation, the NPDES permitting authority should prepare a brief report that (1) identifies findings and any follow-up actions, (2) determines whether the facility should or should not be designated as a CAFO, and (3) documents the reasons for that determination. Regardless of the outcome, the permitting authority should prepare a letter to inform the facility of the results of the inspection and, if appropriate, propose that the facility be designated as a CAFO. The letter should explain that EPA regulations would require the operation to seek coverage under an NPDES permit if it is designated. After providing the CAFO a reasonable opportunity to respond with any questions or concerns, the permitting authority may then send the CAFO a final designation letter. The letter should indicate whether a general permit is available or whether an individual permit application should be submitted by a specific date.

In those cases where a facility has not been designated as a CAFO but the NPDES permitting authority has identified areas of concern, the authority should note those areas in the letter. The letter should state that if the concerns are not corrected, the facility could be designated as a CAFO in the future. The letter should also include a date for a follow-up inspection to determine whether the concerns have been adequately addressed. Samples of letters that would be used at the conclusion of a designation inspection are in Appendix B, Example Letters to Owners/Operators after a Site Visit.

The following are examples of situations that might warrant CAFO designation.

- ▶ An AFO that maintains 350 cattle is adjacent to a river that is impaired as a result of nutrient loading. The operator routinely piles the waste next to the enclosure where it remains until a contract hauler picks it up. The waste is removed monthly, but precipitation occurs several times a month; runoff from the stockpiled manure flows through naturally occurring channels in the ground to the river. The facility would be a candidate for inspection and designation as a CAFO (the permitting authority also could recommend site modification). Note that an AFO that confines the number of animals specified in 40 CFR part 122.23(b)(6) (Medium CAFO) does not need to meet the discharge criteria specified in parts 122.23(c)(3)(i) or (ii) to be designated as a CAFO. For a discussion of Medium CAFOs, see Section 2.2.5.
- ▶ An AFO with 650 swine is crossed by a stream that originates outside the facility. The stream flows through an open lot where the animals are confined and continues on to connect with other waters of the U.S. beyond the facility. The facility would be a candidate for inspection and designation as a CAFO. Because the facility is a small AFO, meeting one of the discharge criteria in 40 CFR parts 122.23(c)(3)(i) or (ii) is a necessary condition for designation.

2.2.10. EPA Designation in NPDES Authorized States

The CAFO regulations authorize the EPA Regional Administrator to designate AFOs as CAFOs in NPDES-authorized states and tribal areas where the Regional Administrator has determined that one or more pollutants in an AFO's discharge contribute to an impairment in a downstream or adjacent state or Indian country water that is impaired for that pollutant or pollutants.

Such designation is based on assessment of the factors in §122.23(c)(2) and requires an on-site inspection. Upon designation by EPA, the operation would be required to apply to the permitting authority for permit coverage. EPA designation in NPDES-authorized states is intended to ensure consistent implementation of designation requirements across state or tribal boundaries where serious water quality concerns exist. If EPA decides that the AFO does not need to be designated as a CAFO, EPA may work with the state permitting authority to identify other appropriate actions.

References

USEPA (U.S. Environmental Protection Agency). 1995. *Guide Manual on NPDES Regulations for Concentrated Animal Feeding Operations*. EPA-833-B-95-001. U.S. Environmental Protection Agency, Office of Water, Washington, DC.

USEPA (U.S. Environmental Protection Agency). 2002. *Development Document for the Final Revisions to the National Pollutant Discharge Elimination System Regulation and the Effluent Guidelines for Concentrated Animal Feeding Operation*. EPA-821-R-03-001. U.S. Environmental Protection Agency, Washington, DC.

USEPA (U.S. Environmental Protection Agency). 2003. *NPDES Permit Writers' Guidance Manual and Example Permit for Concentrated Animal Feeding Operations*. EPA-833-B-04-001. U.S. Environmental Protection Agency, Washington, DC.

Endnotes

¹ 40 CFR part 122.23(c); for more information about EPA designation in authorized states, see Section 2.2.10.

² The Manual does not address how the CWA applies to discharges from AFOs that are not defined or designated as CAFOs.