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

#### SPECIAL-CALLED TEAMS MEETING

#### **BUSINESS SESSION**

Department of Agriculture **Division of Soil & Water Conservation** September 8, 2021 Teams Link: Click here to join the meeting

#### CALL TO ORDER Ι.

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 BUSINESS III. 1. Approval of Agenda Chairman John Langdon 2. Consideration of Draft Cost Share Program Response to Tropical Ms. Julie Henshaw

3. Practices for Disaster Response

Storm Fred Damage

Ms. Julie Henshaw Funds for Tropical Storm Fred Disaster Response

5. Director's Report

- IV. PUBLIC COMMENTS
- Ms. Julie Henshaw A. Cover Crop B. Disaster Livestock Stream Crossing C. Disaster Pasture Renovation D. Disaster Winter Forage Crop E. Emergency Access Restoration F. Non-Field Farm Road Repair 4. Approval to Use Agriculture Cost Share Program Contingency **Director Vernon Cox**

#### V. ADJOURNMENT



#### NORTH CAROLINA SOIL & WATER CONSERVATION COMMISSION BUSINESS SESSION MEETING MINUTES September 8, 2021

Department of Agriculture Division of Soil & Water Conservation Special-Called Teams Meeting

Commission Members	Guests	Guests
John Langdon	Sandra Weitzel	Elliot Swain
Wayne Collier	Daphne Cartner	Mark Ferguson
Blount Knowles	Tim Beard	Tom Gerow
Chris Hogan	Rick McSwain	Jeff Parker
Chris Hughes	Ken Parks	Keith Larick
Derek Potter	Tom Hill	Amanda Sand
Mike Willis	Allie Dinwiddie	Lena Simmons
Commission Counsel	Ralston James	Kenneth Campbell
Phillip Reynolds	Sydney Mucha	Brian Loadholt
Guests	Scott Melvin	Emily Nelson
Vernon Cox	Travis Smith	Jake Stokes
David Williams	Dewitt Hardee	Kara Cassels
Julie Henshaw	Cindy Safrit	Marybeth Watkins
Kristina Fischer	Paula Day	Mark Byrd
Joshua Vetter	Eric Pare	Mark Walton
Helen Wiklund	Eddie Culberson	Mary Waligora
Jeff Young	Wilkes SWCD	Mitchell Womack
Bryan Evans	Charles Bass	Cruise Gibbs
Cayle Aldridge	Chelsea Ricks	Bill Yarborough
Lisa Fine	Brian Lannon	Gary Cox

Chairman Langdon called the meeting to order at 8:02 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 stated the meeting guidelines.

- **1. Approval of Agenda:** Chairman Langdon asked for approval of the agenda. Commissioner Collier moved to approve the agenda and Commissioner Knowles seconded. Motion carried.
- 2. Consideration of Draft Cost Share Program Response to Tropical Storm Fred Damage: Chairman Langdon recognized Ms. Julie Henshaw to present. Ms. Henshaw stated there are five policy waivers to approve in response to Tropical Storm Fred. The Division of Soil and Water Conservation is working with the Department of Agriculture and Consumer Services to assess

circumstances where existing cost share policies may impede or enable efficient response to the damages caused by Tropical Storm Fred. The policy waivers are listed below:

- Approve a policy waiver to permit grazing or harvesting of crops on acres affected by ACSP contracts for conservation cover, cover crop, crop residue management, and nutrient scavenger crop as needed to supplement lost forage.
- Approve a waiver to the <u>Prohibition of Post-Approval of Contracts</u> policy for best management practices funded through the Tropical Storm Fred Disaster Response Funding codes back to the date of the storm, <u>August 17, 2021</u>.
- Authorize the Division Director to approve additional policy waivers to respond to this disaster ifneeded between Commission meetings. Any additional policy waivers approved will be presented at the next commission meeting.
- Authorize the Division Director to approve Agriculture Cost Share Program allocations in between Commission meetings to speed the availability of resources to program participants. Allocations will be made using parameters set in 02 NCAC 59D .0103 and presented at the next Commission meeting.
- Approve refunding Agriculture Cost Share Program contingency funding should additional appropriations for disaster response become available.

These policy waiver recommendations shall be effective immediately and remain in effect through the end of the fiscal year unless the Commission takes action to rescind them sooner.

The current eligible counties are as follows: Avery, Buncombe, Haywood, Madison, Transylvania, Watauga, and Yancey.

Commissioner Hughes moved to approve the policy waiver recommendations and Commissioner Willis seconded. Motion carried.

**3. Practices for Disaster Response:** Chairman Langdon recognized Ms. Julie Henshaw to present. Ms. Henshaw stated there are six Best Management Practices (BMPs) being presented for approval. Many of these BMPs are an improved version that districts have used in previous disaster responses. The two new practices to the Disaster Response Program are the Cover Crop practice and the Disaster Livestock Stream Crossing practice, but they are the same or similar to BMPs that are available in the Agriculture Cost Share Program (ACSP).

#### **3A.** Cover Crop

- **3B.** Disaster Livestock Stream Crossing
- **3C.** Disaster Pasture Renovation
- **3D.** Disaster Winter Forage Crop
- **3E. Emergency Access Restoration**
- **3F. Non-Field Farm Road Repair**

Chairman Langdon asked for a motion to approve the six BMPs. Commissioner Knowles moved to approve the six BMPs and Commissioner Hughes seconded. Motion carried.

4. Approval to Use Agriculture Cost Share Program (ACSP) Contingency Funds for Tropical Storm Fred Disaster Response: Chairman Langdon recognized Ms. Julie Henshaw to present. Ms. Henshaw stated the Division can fund and provide relief based on Rule 02 NCAC 59D .0103 (c), which states, "...95 percent of the annual appropriation shall be allocated to districts accounts administered by the Division. The Division shall retain five percent of the annual appropriation as a contingency to be used to respond to an emergency or natural disaster." The Division is proposing to use the 5% contingency, which is equivalent to \$200,850 available from the allocation made at the July Commission meeting. The eligible districts can make the requests through an on-line form. Allocations will be made by following the Agriculture Cost Share Program (ACSP) allocation parameters set in the rule. The first round of allocations will be made next Thursday, giving districts one week to enter their requests.

Commissioner Hughes moved to approve the ACSP Contingency Funds for Tropical Storm Fred and Commissioner Collier seconded. Motion carried.

Chairman Langdon excused himself from the meeting and Vice Chairman Collier presided over the remainder of the meeting. Vice Chairman Collier recognized Director Vernon Cox to present.

5. Director's Report: Director Cox shared some pictures he took during a trip to the western part of the state accompanied by Bryan Evans and David Williams. The pictures showed the damages from Tropical Storm Fred.

**IV. Public Comments:** Vice Chairman Collier asked for comments. No comments were declared.

V. Adjournment: Meeting adjourned at 8:33 a.m.

Jer N. Cy

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

Helen Wednel

Helen Wiklund, Recording Secretary

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

#### DRAFT Cost Share Program Response to Tropical Storm Fred Damage

The Division of Soil and Water Conservation is working with the Department of Agriculture and Consumer Services to assess circumstances where existing cost share policies may impede or enable efficient response to the damage caused by Tropical Storm Fred. The division is recommending the Soil and Water Conservation Commission (SWCC) consider the following items to respond quickly:

- 1. Approve a policy waiver to permit grazing or harvesting of crops on acres affected by ACSP contracts for conservation cover, cover crop, crop residue management, and nutrient scavenger crop as needed to supplement lost forage.
- 2. Approve a waiver to the <u>Prohibition of Post-Approval of Contracts</u> policy for best management practices funded through the Tropical Storm Fred Disaster Response Funding codes back to the date of the storm, <u>August 17, 2021</u>.
- 3. Authorize the Division Director to approve additional policy waivers to respond to this disaster if needed between Commission meetings. Any additional policy waivers approved will be presented at the next commission meeting.
- Authorize the Division Director to approve Agriculture Cost Share Program allocations in between Commission meetings to speed the availability of resources to program participants. Allocations will be made using parameters set in 02 NCAC 59D .0103 and presented at the next Commission meeting.
- 5. Approve refunding Agriculture Cost Share Program contingency funding should additional appropriations for disaster response become available.

These policy waiver recommendations shall be effective immediately and remain in effect through the end of the fiscal year unless the Commission takes action to rescind sooner.

#### **Cover Crop**

#### **Definition/Purpose**

- A crop of grasses, legumes, small grain, or brassicas grown primarily for seasonal vegetative protection, erosion control and soil improvement. Cover crops are typically grown for one year or less.
- The practice can be implemented to support one or more of the following purposes:
  - Reduce erosion from wind and water.
  - Reduce water quality degradation by utilizing excessive soil nutrients.
  - Improve infiltration of rainfall
  - Maintain or increase soil health and organic matter content.
  - Suppress excessive weed pressures and break pest cycles.
  - Improve soil moisture use efficiency.
  - Minimize soil compaction.
- To be eligible for cost share through NC ACSP the cover crop must result in documented water quality benefits from reduced soil erosion (wind and water) and/or nutrient scavenging.

#### POLICIES

1. This practice can be contracted at the following rates:

Management	Unit Cost	Cost Share 75% rate	Cost Share 90% rate
Cover Crop	\$50/acre	\$38/acre	\$45/acre

- 2. This practice may be contracted annually OR for up to 3 years.
- 3. Cover crops contracted for more than one year, may be planted on different acres each year of the contract.
- 4. Plant species, seedbed preparation, seeding rates, seeding dates, seeding depths, fertility requirements, and planting methods will be consistent with soil/site conditions and the criteria in the <u>NRCS Cover Crop Practice Standard Specifications Development Tables</u>
- 5. Multiple species cover crop mixes are allowable.
- 6. The specifications in the NRCS Development Tables should always be followed when possible. If deviations from the specifications are necessary, any variabilities must be supported by NCDA regional agronomists, county extension agents, or NRCS area office staff.
- Certified seed or bin seed may be used for this cost share practice in order to receive payment. Cooperators using bin seed must be careful to adhere to the restrictions imposed by the federal Plant Variety Protection Act, the NC seed rules and statutes, and laws governing the use of seed from patented plants.
- 8. Planting outside of the provided seeding date ranges is not recommended.

- 9. If an applicant must plant outside of the specified seeding dates, due to unforeseen circumstances, the decision must be well documented.
- 10. Planting outside of specified seeding dates may require a substantial increase in seeding rates to achieve the intended purpose of the practice.
- 11. Any variabilities in cover crop seeding specifications must still result in a cover crop stand that meets the intended purpose of the practice.
- 12. The planner is responsible for the seeding specification provided to the producer, including local/regional adaptability of cover crop type.
- 13. Drill or broadcast methods of seeding may be used. Drilling is the preferred seeding method and should be encouraged when possible.
- 14. If broadcast methods of seeding are used:
  - a. Seeding rates should be substantially increased to account for poor seed to soil contact.
  - b. Seed should be broadcast prior to harvest of soybeans and cotton; during the defoliation pass or before leaf drop.
- 15. Seedbed preparation may be done by any suitable implement or method. Seedbed preparation may be eliminated when cover crops are seeded by broadcasting.
- 16. Fertilizer (organic or inorganic) application to cost shared cover crops is prohibited.
- 17. Cover crop stand adequacy must be certified and documented after the cover crop has been established (installation) and again prior to the termination of the cover crop as a final inspection and check-out.
  - a. Establishment (Installation) Certification Verify the planned establishment specifications below were followed by the producer as closely as possible:
    - i. Planting date
    - ii. Seeding mix
    - iii. Seeding rate
    - iv. Planting method
  - b. Final Inspection and Check-out **Prior** to termination, determine if the cover crop:
    - i. Reached a maturity level and density to address the identified resource concern(s),
    - ii. Achieved the practice purpose(s) and associated standard criteria, and
    - iii. Met the producer's objective.
  - c. Practice payment can be made after the final inspection and check-out if the cover crop adequately met the requirements above.
  - d. If the cover crop did not adequately meet the practice requirements, the applicant may:

- i. Reestablish the cover crop at a later date, before the contract expires.
  - 1. The cover crop may be reestablished in different fields than originally planned, if needed.
  - 2. If new fields are planted, the expected results must be revised to account for the change in fields.
  - 3. OR,
- ii. Cancel the contract with no payment.
  - If the applicant followed all specifications and the crop failed due to circumstances beyond their control, the cancellation shall not negatively affect the applicants local ranking score for future cost share contracts.
- e. If only small portions of a field do not adequately meet the practice requirements, those areas should be excluded from payment calculations. The areas being excluded must be clearly delineated in the check-out documentation.
- 18. Determine method and timing of termination to meet grower's objective and current NRCS Cover Crop Termination Guidelines.
- 19. Cover crops may not be terminated more than 30 days before planting the succeeding crop.
- 20. Only the acreage planted shall be considered for payments. The area occupied by farm roads, BMPs, ditches, structures, etc. shall not be included.
- 21. Field offices unwilling to assist operators in achieving success and monitor cover crop establishment and stand quality should not offer this practice to cooperators in their district.
- 22. If applicable, the Residue and Tillage Management practice may be contracted on the same acres as part of a conservation cropping system.
- 23. Do NOT harvest or graze cover crops.
- 24. No burning of crop residue will be permitted.
- 25. Ensure herbicides used with crops are compatible with cover crop selections.

COVER CROP		
Maintenance Period	1 year	
BMP Units	ACRES	
	SOIL_SAVED	
	NITROGEN_SAVED	
Required Effects	PHOSPHORUS_SAVED (If erosion present)	
	ACRES-AFFECTED (planted acres)	
JAA	ECS - 340 - Cover Crop ECS - 328 - Conservation Crop Rotation	
CS2 Reference Materials	NC-ACSP-11 Signature Page	
	Map with BMP location, fields, and roads	

#### **Disaster Livestock Stream Crossing**

#### Definition/Purpose

A Disaster Stream Crossing means repairing or replacing a trail constructed across a stream to allow **livestock** to cross with minimal disturbance to the stream bottom and to reduce soil erosion on the banks.

- 1. Forded or structural crossings are allowable.
- 2. Adequate livestock exclusion fencing is encouraged.
- 3. Cost share funds may be used to repair or replace existing gates.
- 4. If this crossing is intended for vehicular or equipment access, please use the Non-Farm Field Road Repair BMP or Emergency Access Restoration BMP.

DISASTER LIVESTOCK STREAM CROSSING	
Maintenance Period	10 years
BMP Units	EACH
Required Effects	ACRES_AFFECTED ANIMAL TYPE ANIMAL UNITS
JAA/NRCS Standard	ENG - 578 - Stream Crossing
Supporting Practices	National Engineering Handbook, Material Specification 592 – Geotextiles ECS - 382 – Fencing
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads.

#### **Disaster Pasture Renovation**

#### Definition/Purpose

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

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

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

- 4. All NC Agriculture Cost Share Program policies relative to vegetation seeding rates and times are to be followed.
- 5. When determining the acreage for which payments can be made for this practice, only the acreage actually planted shall be considered. The area occupied by farm roads, best management practices, ditches, structures, etc. shall not be included in planted acreage. Payment shall be made once vegetation is established.

- 6. This practice shall be based on actual costs with a cap of \$225/acre charge to ACSP (up to \$270/acre if applicant qualifies as a beginning/limited resource farmer or is in an Enhanced Voluntary Agricultural District).
- 7. This practice can be used in conjunction with the Disaster Winter Forage Crop BMP.

DISASTER PASTURE RENOVATION	
Maintenance Period	10 years
BMP Units	Acres
Required Effects	ACRES_AFFECTED ANIMAL TYPE ANIMAL UNITS
JAA/NRCS Standard	ECS - 512 – Forage and Biomass Planting
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads.

#### **Disaster Winter Forage Crop**

#### Definition/Purpose

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

#### Policies

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

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

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

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

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

DISASTER WINTER FORAGE CROP		
Maintenance Period	None	
BMP Units	Acres	
Required Effects	ACRES_AFFECTED	
JAA/NRCS Standard	ECS - 328 – Conservation Crop Rotation ECS - 340 – Cover Crop	
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads.	

#### **Emergency Access Restoration**

#### Definition/Purpose

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

- 1. The road shall be for agricultural use only.
- 2. Soil slopes shall be stable and protected from erosion.
- 3. For crossings:
  - a. Culverts shall be reinforced concrete, corrugated metal, PVC or corrugated highdensity polyethylene. Other materials may be used with Division approval.
  - b. This practice does not apply for bridge crossings.
  - c. Top width must be sufficient for intended traffic to safely cross.
  - d. The crossing shall be adequately crowned over culvert.
  - e. Fill material must be adequately compacted for road or crossing stability.
- 4. Cost share shall not exceed 40% of average cost (or actual cost with receipts for components with no established average cost).
- 5. Cooperators assisted with this practice are not eligible for cost share to repair the practice if it fails for a period of 5 years, unless the road is damaged in a disaster and the General Assembly appropriates funds for road repair as part of a special disaster response. However, the cooperator will be eligible to apply for cost share to replace the emergency restoration with a repair that meets the relevant NRCS standard.
- 6. Anyone with job experience on design/construction of Access Roads, Stream Crossings, or Structures for Grade Controls can be approved by the Division to approve comparable design/constructions for this practice.

EMERGENCY ACCESS RESTORATION		
Maintenance Period	5 years	
BMP Units	EACH	
Required Effects	None	
JAA/NRCS Standard	ENG - 560 - Access Road ENG – 587 – Structures for Water Control ENG - 578 - Stream Crossing	
Supporting Practices	ECS - 342 - Critical Area Planting ENG - 561 - Heavy Use Area	
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads.	

#### Non-Field Farm Road Repair

#### Definition/Purpose

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

- 1. The road shall be for agricultural use only.
- Structural geotextiles shall meet the requirements of "Construction Specification 217 Geotextiles" and "Interim Material Specification 592 – Geotextiles"
- 3. If the land is converted to residential or commercial uses during the maintenance period, the cost share contract shall be considered out of compliance.

NON-FIELD FARM ROAD REPAIR		
Maintenance Period	Maintenance Period 10 years	
BMP Units	EACH	
Required Effects	None	
JAA/NRCS Standard	ECS - 342 - Critical Area Planting ENG - 561 - Heavy Use Area ENG - 560 - Access Road	
Supporting Practices	None	
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads.	
Additional Spot-check Requirements	The district shall inspect the site at least every two (2) years during the maintenance period.	

## Soil and Water Conservation Commission Meeting September 8, 2021





## 2. Consideration of Draft Cost Share Program Response to Tropical Storm Fred Damage

- 1. Approve a policy waiver to permit grazing or harvesting of crops on acres affected by ACSP contracts for conservation cover, cover crop, crop residue management, and nutrient scavenger crop as needed to supplement lost forage.
- 2. Approve a waiver to the Prohibition of Post-Approval of Contracts policy for best management practices funded through the Tropical Storm Fred Disaster Response Funding codes back to the date of the storm, August 17, 2021.

## 2. Consideration of Draft Cost Share Program Response to Tropical Storm Fred Damage

- 3. Authorize the Division Director to approve additional policy waivers to respond to this disaster if needed between Commission meetings. Any additional policy waivers approved will be presented at the next Commission meeting.
- 4. Authorize the Division Director to approve Agriculture Cost Share Program allocations in between Commission meetings to speed the availability of resources to program participants. Allocations will be made using parameters set in 02 NCAC 59D .0103 and presented at the next Commission meeting.

## 2. Consideration of Draft Cost Share Program Response to Tropical Storm Fred Damage

5. Approve refunding Agriculture Cost Share Program contingency funding should additional appropriations for disaster response become available.

These policy waiver recommendations shall be effective immediately and remain in effect through the end of the fiscal year unless the Commission takes action to rescind sooner.

Current eligible counties include: Avery, Buncombe, Haywood, Madison, Transylvania, Watauga, and Yancey.

## 3. Practices for Disaster Response

- A. <u>Cover Crop</u>
- B. Disaster Livestock Stream Crossing
- C. Disaster Pasture Renovation
- D. Disaster Winter Forage Crop
- E. Emergency Access Restoration
- F. Non-Field Farm Road Repair



# 4. Approval to Use ACSP Contingency Funds for Tropical Storm Fred Response

• Per 02 NCAC 59D .0103 (c)

...95 percent of the annual appropriation shall be allocated to district accounts administered by the Division. The Division shall retain five percent of the annual appropriation as a contingency to be used to respond to an emergency or natural disaster.

- \$200,850 available from the allocation made at the July Commission meeting
- Eligible Districts to make requests through <u>online form</u>
  - Allocations to be made following ACSP allocation parameters set in rule
  - First round of allocation to be made next Thursday, giving districts 1 week to enter requests.



### T.S. Fred Stream & Farm Damages August 15-18, 2021

Haywood, Transylvania and Buncombe Counties



































