



**NORTH CAROLINA
SOIL & WATER CONSERVATION COMMISSION
WORK SESSION MEETING MINUTES
November 14, 2023**

Department of Agriculture & Consumer Services
Division of Soil & Water Conservation
Watauga County Commission's Chamber
814 West King Street
Boone, NC 28607

Commission Members	Guests	Guests
Chris Hughes	Cayle Aldridge	Lorien Deaton
Billy Kilpatrick	Bryan Evans	Billy Kilpatrick's wife
James Lamb	Michael Shepherd	Jennie Hanifan
John Langdon	Scott Melvin	Denny Norris
Brian Parker	Kristina Fischer	Guests - Online
Derek Potter	Helen Wiklund	Anne Coan
George Teague	Lisa Fine	Amanda Sand
Commission Counsel	Ken Parks	Paula Day
Phillip Reynolds	Eric Pare	Allie Dinwiddie
Guests	Tom Hill	Payton Lane
David Williams	John Beck	Elton Wilson
Julie Henshaw	Rachel Smith	Heather Reichert
Matt Safford	Mike Willis	Jennifer Roach
Josh Vetter	Rick McSwain	Ben Wilkins

Chairman Langdon called the meeting to order at 6:29 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 will recuse himself from Item 8. Chairman Langdon stated the meeting guidelines.

1. **Approval of Agenda:** Chairman Langdon asked for comments on the agenda. Chairman Langdon requested to move Item 14A up to Item 8A.

Chairman Langdon thanked Commissioner Hughes and Director Williams and staff for hosting the meeting and the tours.

2. **Approval of Meeting Minutes:** Chairman Langdon asked for comments on the minutes. None were declared.

2A. September 18, 2023, Work Session Meeting Minutes

2B. September 19, 2023, Business Session Meeting Minutes

3. **Division Report:** Chairman Langdon recognized Director David Williams to present. A copy of the report is included as an official part of the minutes. Director Williams stated the report will be presented at the business meeting. Director Williams stated the Commission may have received contact about an email from the Division concerning requests from the districts about financial assistance for Agriculture cost share and technical assistance. The Division wanted to present a couple of options and get approval of an allocation at this meeting and get the allocation out since half the year is over. After discussion with several district supervisors and Commission members, the Division has decided to withdraw the recommendation to consider allowing engineering design and construction oversight as a cost shareable component for ACSP. Director Williams authorized the staff to send the email out and collect the information to present a couple of options to the Commission. The Division has asked the Department to work with the General Assembly staff to seek clarification on whether the Division has the authority to use those funds to increase technical assistance payments to the districts. The Division will also explore getting engineering assistance through contracting with private engineers through the Division versus going through the Cost Share Program. Fifteen percent is being held back from the district financial assistance allocation today to have a better discussion at the January Commission meeting.
4. **Association Report:** Chairman Langdon recognized President Teague to present. A copy of the report is included as an official part of the minutes. President Teague stated the report will be presented at the business meeting.
5. **Executive Director's Report:** Chairman Langdon recognized Mr. Bryan Evans to present. A copy of the report is included as an official part of the minutes. Mr. Evans stated the report will be presented at the business meeting. Mr. Evans stated there is one action item for tomorrow that the Commission annually approves the topics for Basic Training.
6. **NRCS Report:** Chairman Langdon asked if Ms. Odessa Armstrong will be in attendance to present at the meeting tonight. Director Williams stated Ms. Armstrong will be in attendance to present the report. A copy of the report is included as an official part of the minutes.
7. **Consent Agenda:** Chairman Langdon recognized Mr. Eric Pare, Mr. John Beck, and Mr. Matt Safford to present. Copies of the reports are included as an official part of the minutes.

7A. Supervisor Appointments:

- Landon Swisher, Davie SWCD, filling the unexpired elected term of Justin Miller for 2022-2026 with an attached resignation letter from Mr. Miller
- Jack Cunningham, Greene SWCD, filling the unexpired elected term of Steven Porter for 2020-2024 with an attached resignation letter from Mr. Porter
- Stephen David Porter, Lenoir SWCD, filling the unexpired elected term of Blaire Deaver King for 2022-2026 with an attached resignation letter from Ms. King
- Glenn Pruitt, Surry SWCD, filling the unexpired appointed term of Earl Sheppard for 2022-2026 with an attached resignation letter from Mr. Sheppard and missing a resignation letter from Mr. Pruitt from his elected term; appointment is subject to approval upon receiving a resignation letter.

7B. Supervisor Contracts: 6 contracts; totaling \$50,869

7C. StRAP Supervisor Contracts: 4 contracts

Grantee Organization	Contract Number	Supervisor Name	District	Practice	Comments
Polk County	22-080-4119	William Davis	Polk	Stream debris removal	Supervisor is landowner benefiting from project
Yadkin County	22-080-4144	Lenuel Chamberlain	Yadkin	PL-566	Supervisor is landowner benefiting from project
Mills River Partnership	22-080-2042	Wayne Carland	Henderson	Stream debris removal	Supervisor is landowner benefiting from project
Madison SWCD	22-080-4054	Mark Cody	Madison	Stream debris removal	Supervisor is landowner benefiting from project

8. Commission Member Contract: Chairman Langdon recused himself and passed the gavel to Vice Chairman Potter. Vice Chairman Potter recognized Mr. John Beck to present. A copy of the report is included as an official part of the minutes. Mr. Beck stated the contract is for a trough tank/livestock pipeline for erosion and flooding issues around the water tanks.

8A. Johnston – ACSP on Government-Owned Property: Mr. Beck stated the request is from Johnston County for a contract on government-owned property. The request is to install grass waterway and rock-lined outlet on the Central Crops Research Station in Clayton. They are also requesting funding for technical assistance and guidance from the Johnston SWCD to install it properly. The Division supports approving this request. Two explanation letters were submitted--one from the district and one from Mr. Keith Starke, superintendent of the Central Crops Research Station.

Vice Chairman Potter returned the gavel to Chairman Langdon.

9. Job Approval Authority Applications: Chairman Langdon recognized Mr. Josh Vetter to present. A copy of the report is included as an official part of the minutes. Mr. Vetter stated there are two applications that have been submitted for comparable NRCS JAA. The practices have been verified, and the Division staff and the Job Approval Authority Committee recommends approving these applications.

10. StRAP Progress Update: Chairman Langdon recognized Mr. Matt Safford to present. A copy of the report is included as an official part of the minutes. Mr. Safford stated the following:

- As of November 1, 2023
 - Division has paid out \$16.6M in reimbursements
 - Statewide average is \$19.11/linear foot for stream debris removal

- Completed work includes: over 2.3M linear feet of stream debris removal, and repairs have been completed on 29 PL-566 structures
- Twenty grantees have completed their work and closed out their contracts with two additional contracts pending receipt of final paperwork
- Grantee Feedback Session was held in October
 - Thirty-eight grantees attended virtually, and other grantees submitted their feedback in writing
 - Grantees requested the Division provide the following information: a list of the average project costs per linear foot, examples of bid packets, projected ranking forms, photos/videos outlining clear work standards, and develop a ranking system
 - Identify stream segments for StRAP, planned priorities for future projects, making the contractor bid process more successful, and process for estimating project costs
- Proposed Division timeline for the second round of StRAP applications is November 27, 2023 – February 9, 2024
 - Division will present their recommendations for allocations at the March 2024 Commission meeting
- Total available allocation is \$20M with 95% allocated to grantees and 5% retained by the Division for administration and contingency costs
- In the first round of funding, vegetative debris removal is the most popular project type at 51% requested funds
- Division recommends awarding a portion of funds to all project types including streambank stabilization and culvert replacement along with having a priority ranking list that will assist grantees align their projects with StRAP priorities
- A report prepared by Dr. Barbara Doll funded by the NC Policy Collaboratory was published about Flood Mitigation Assessment of Stream Debris Removal in June 2023 that studies the efficacy of stream debris removal projects. The study, which focused on several StRAP sites in Burke, Cumberland, and Harnett counties, included the following recommendations:
 - Focusing on vegetative debris removal funding on sites with stream constrictions, such as bridges.
 - Focusing on debris removal where debris is impacting stream banks.
 - Fund the replacement of undersized culverts

10A. Consideration of StRAP Priorities: Mr. Safford stated the following:

- Division recommends that current and former StRAP grantees are eligible to apply for funding in the second round of funding and former grantees that received StRAP funds would not be affected with the application status
- Applicants with remaining funds from previous Division programs would be eligible to receive future StRAP funding, but their project ranking may be reduced based on the amount of unspent vegetative debris removal funds at the time of the application
- Division recommends award caps on the following:
 - Vegetative debris removal projects: Reduce cap (previously \$500,000)
 - Other stream projects (sediment removal, restoration, etc.): Cap of \$500,000
 - PL-566 projects: Cap of \$2,000,000 per grantee

- Total cap for each grantee: \$2,000,000

Commissioner Potter stated that he does not trust the model in the report, and it would not fit the same way for our projects. Commissioner Potter also stated that the caps in the first StRAP round had multiple entities in a county applying for funding but there were many entities that did not get any funding; the funding needs to be better evenly distributed geographically. Also, the projects were ranked by high priority. Commissioner Potter stated the caps should be lowered because in the first round of funding, we received \$38M in StRAP funds, but with less than half the funding this round, the caps should be reduced.

Director Williams stated that we have less money, but we are comparing different applications in each county, and goals need to be set to compare the projects. If an entity should apply and decide what project is the highest priority for funding, this is challenging for the Division to determine how to allocate the funds. The recommendation is to set goals by each project type for these funds and the Division would like this flexibility when reviewing the applications.

Chairman Langdon recognized former Commissioner Mike Willis. Mr. Willis stated in Caldwell County we focused the majority on the municipalities where they have sewer and water laterals across major streams. With the flooding events, the savings on these completed repairs is amazing. The vegetation stabilization is working. The town follows a stream that is impaired and impacted that are supported by these stream laterals. The DOT also played a big part.

Chairman Langdon called a break at 7:30 p.m. The meeting resumed at 7:43 p.m.

Chairman Langdon stated he appreciated Director Williams' email about the Technical Review Committee (TRC) and asked if anyone in the room is on the Technical Review Committee. Chairman Langdon appreciates everyone that works on the TRC and wants the staff and TRC to know that the drama that has come from this engagement was fine but the order in which it was handled inflamed things. Chairman Langdon added that it is important to know the facts, statutes, laws, and regulations. The political impact on what we do can be positively or negatively impacted on the result. Chairman Langdon stated people are stretched and you cannot quit, even though the pay is not there, the challenge is there. You do the right thing for the right reasons and must consider a campaign to encourage our districts with what their strengths are and to share it with their neighbors and make the districts stronger to achieve their goals. We should be able to lobby our legislature for the employees to earn more and get trained, especially where EWP is concerned. There are districts, e.g., Madison SWCD has new employees with \$500,000 to work with and no Job Approval Authority (JAA) experience.

Chairman Langdon stated supervisors need to know the origin of the Technical Review Committee (TRC) and their responsibilities and the statute and why Governor Hunt's administration put this together.

11. Community Conservation Assistance Program Advisory Committee 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 there are two items for approval.

11A. Detailed Implementation Plan Revisions: Mr. Hill stated there is a change to the DIP. Mr. Hill stated the application for a project in Henderson SWCD has been removed. The district

received funding and the bid came in under their projected cost so it freed up \$50,000 which can be put towards other projects.

- 2024 One-Time Non-Recurring Funds
 - Senate and House passed \$333,000 additional funds for FY 2024
 - Both Legislative bodies passed \$500,000 for FY 2025
- Union County’s project was not funded due to the complexity of the project and the need for discussion with three other landowners
- Current FY 2024 DIP on page 3 highlighted in yellow reads as follows: “Should a region not have sufficient applications to fund, the Commission will allocate the remaining funds by approving applications in other regions, funding applications by highest score, with a just-in-time allocation. *The maximum CCAP cost share allocation per project will be limited to \$50,000 and the district allocation will be limited to \$100,000.*”

11B. Regional Application Recommendations: Mr. Hill asked for approval of the recommendations from the CCAP Advisory Committee for FY 2024 as shown in the attachment for Item 11B.

- FY 2024 Application Status
 - \$1,494,441 submitted, 52 applications
 - West: 18 applications - \$552,300 (\$380,113 shortfall)
 - Central: 9 applications - \$280,726 (\$102,539 shortfall)
 - East: 25 applications - \$657,915 (\$445,228 shortfall)
 - \$172,187 available for each region
 - \$516,561 total available
- Division reviews and Cooperator Acknowledgements
- Recommended projects per region are as follows:
 - West: 4 projects; regional allocation \$172,187; proposed allocation \$143,000; remaining balance of \$29,187
 - Watauga – New River Conservancy, \$50,000
 - Mitchell – Dean Pitman, \$50,000
 - Henderson – Fern Leaf Charter, \$40,000
 - Henderson – Sandy Stewart, \$3,000
 - Central: 5 projects; regional allocation \$172,187; proposed allocation \$159,726; remaining balance of \$12,461
 - Wake – Wake County General Services, \$50,000
 - Chatham – Altadore Investments, \$2,750
 - Davidson – Cassandra Martin, \$50,000
 - Harnett – Town of Erwin, \$50,000
 - Orange – Patrick Hyatt, \$6,976
 - East: 6 projects; regional allocation \$172,187; proposed allocation \$143,500; remaining balance of \$28,687
 - Beaufort – Tony Sugg, \$27,000
 - Carteret – Josh Lyle, \$20,000
 - Craven – Walter Wilson, \$18,000
 - Lenoir – Lenoir County, \$35,000
 - Carteret – John Talton, \$40,000
 - Dare – Baycliff HOA, \$22,000

- Just-in-time allocation
 - Craven SWCD and Dare SWCD will receive funds for one project each; Craven’s project totals \$50,000 for streambank stabilization and Dare’s project totals \$20,335 for a marsh sill
- Pictures of the projects were shown in each region

Chairman Langdon asked Commissioner Hughes to introduce the Watauga SWCD supervisors. Commissioner Hughes stated Ms. Jenny Hanifan was in attendance and Chairman Denny Norris is present. Mr. Norris stated one of the biggest CCAP projects that was completed in Watauga County was in Green Valley Community Park. The park is along a river and creek, which tie three different grants together to complete the entire project.

12. Agriculture Cost Share Program District Financial Assistance Allocation: Chairman Langdon recognized Mr. John Beck to present. A copy of the report is included as an official part of the minutes.

12A. ACSP Non-Recurring Allocation: Mr. Beck stated the Cost Share Program received an additional \$3.5M which came from the State Fiscal Recovery Revenue. The Division held 15% in reserves so there is \$856,884 available for reallocation from returns and cancellations which totals \$3,831,884.00. The Division received requests from 60 districts. Forty-nine of the 60 districts received their requested allocation. Mr. Beck stated that there is a voluntary return if the district could not use the allocation, the districts have another opportunity to request additional funds in the spring.

12B. Upper French Broad Allocation: Mr. Beck stated \$2M was allocated to four districts, i.e., Burke, Henderson, Madison, and Transylvania. In the first-round request, each district will receive what they requested. There is \$1.25M remaining to reallocate and will make this money available for a Just-In-Time allocation for projects.

13. Update on Conditional Supervisor Reappointments from November 2022 Meeting: 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 there were four supervisor reappointments, but the supervisors did not attend two-thirds of the district’s regularly scheduled board meetings during the previous term. These reappointments were made with the condition that the Commission monitor their attendance for the next 12 months and the Division provide a report in November 2023. Below is an update on the progress:

District	Supervisor	Meetings Scheduled	Meetings Attended	Percentage
Clay	Salvador Moreno	8	6	75%
Gates	Stuart Askew	6	5	83%
Moore	John “Billy” Carter, III	5	4	80%
Polk	David Slater	<i>Retired from Polk SWCD</i>		

There was discussion about when the supervisors should be held accountable for attending two-thirds of the district’s regularly scheduled district board meetings.

Chairman Langdon stated Counsel Reynolds stated the Commission should work with the Division to find a workable solution between now and Christmas.

14. District Special Requests:

14A. Johnston – ACSP on Government-Owned Property: *This item was moved up on the agenda to Item 8A.*

IV. Public Comments: Chairman Langdon asked for public comments.

Commissioner Hughes stated parking on the street in the morning is an issue and advised everyone to leave early and carpool.

V. Adjournment: Meeting adjourned at 9 p.m.

David B. Williams, 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 7, 2024.