

**NORTH CAROLINA  
SOIL & WATER CONSERVATION  
WORK SESSION COMMISSION MEETING MINUTES  
July 23<sup>rd</sup>, 2024**

Department of Agriculture & Consumer Services  
Division of Soil & Water Conservation  
N.C. State Fairgrounds  
Gov. James G. Martin Building  
Trinity Road – Gate 9  
Raleigh, NC 27607

<b>Commission Members</b>	<b>Guests</b>	<b>Guests Online</b>
John Langdon, Chair	Shelby Kaplan	Anne Coan
Billy Kilpatrick	Jennifer Roach	Heather Reichert
James Lamb	Lisa Fine	Paula Day
Brian Parker	Michael Shepherd	Levi Preston
George Teague	Elise McLaughlin	Adam Lockey
Barbara Bleiweis	Chris Love	Jonathan Wallin
Patrick Baker	Ken Parks	Charlie Sanders
<b>Commission Counsel</b>	Allie Dinwiddie	Nancy McCormick
Phillip Reynolds	Brandy Myers	Gary Cox
<b>Guests</b>	Lorien Deaton	Billy Ivey
David Williams	Dianne Farrer	
Julie Henshaw	Ralston James	
Matt Safford	Rachel Smith	
Kristina Fischer	Rob Baldwin	
Rick McSwain	Helen Wiklund	
Josh Vetter	John Beck	
Bryan Evans		
Tom Hill		

**I. CALL TO ORDER:** Chairman John Langdon called the meeting to order at 4:04 p.m.

**II. PRELIMINARY:** Chairman Langdon charged Commission members 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 Patrick Baker stated that tomorrow he will need to recuse himself from consideration and voting on item 14B on the agenda. Pamlico Soil and Water Conservation District (SWCD or District) is making the request.
- Chairman Langdon stated that tomorrow he will need to pass the gavel to Vice Chairman James Lamb and recuse himself from consideration and voting on item 14C on the agenda. Johnston District is making the request. Vice Chairman Lamb will oversee the discussion and vote on item 14C tomorrow.

- Commissioners James Lamb and Brian Parker stated that tomorrow they will have a conflict of interest on item 15B on the agenda. Respectively, Sampson and Wilkes District are requesting contract extensions.
- Commissioner George Teague stated that tomorrow he will have a conflict of interest on item 15C on the agenda. Guilford District is requesting contract extensions.
- Counsel Phillip Reynolds stated that contracts which pose potential conflicts of interest for Commission members will be separated out within respective agenda items tomorrow. Staff will ask for separate discussion and votes to be conducted so Commissioners who need to recuse themselves from consideration and voting on certain items can do so while still participating in the majority of the discussion and decision-making for agenda items under 14 and 15.

### III. BUSINESS:

1. **Approval of Agenda:** Chairman Langdon asked if Commissioners had any concerns or comments on the agenda as presented. No concerns were stated. Chairman Langdon then asked all Commissioners, staff, and meeting guests to silence cell phones.
2. **Approval of Minutes:** Chairman Langdon asked for comments on the minutes for the previous meetings (May and June). No comments were posed.

At 4:09 pm the meeting was temporarily paused to fix a technical issue to enable the online audience to hear the meeting. The meeting resumed at 4:13 pm.

### INFORMATION ITEMS

3. **Division Report:** A copy of the prepared presentation is included as an official part of the minutes. Chairman Langdon recognized Director David Williams to present. Mr. Williams stated most of his report will be presented at the business meeting tomorrow, but tonight he will cover the StRAP update included, which starts on slide three. Mr. Williams shared the following:
  - Almost all 2022 StRAP funding grantees have submitted at least one Request for Payment (RFP). Forty-two contracts have been completed to date.
  - 2024 StRAP funding was allocated at the special-called meeting in June and DSWC staff are currently working with award recipients. All award recipients accepted their funding awards. Awardees are required to send in a revised scope of work to the DSWC by mid-August and the DSWC anticipates holding conferences with each awardee on draft contracts prior to full contract execution.
  - A pie chart was included to answer Commissioner questions in the previous meeting about funding award splits between applicant types. Most applicants that received 2024 StRAP funding awards were Districts (46%) or Counties for which Districts will serve as project managers (10%). The next highest applicant groupings were Cities and Towns (24%) and Drainage Districts (8%). In addition to these applicants, StRAP funding was also awarded to Resource Conservation and Development Councils (RC&Ds), other Non-governmental Organizations (NGOs), and Counties in which Districts are not serving as project managers.
  - The NC Farm Act, signed by the Governor in early July, adds the French Broad River Basin to a list of Department of Environmental Quality (DEQ) priority river basins and gave DEQ the authority to fund stream debris removal projects

through StRAP. The barrier to working with DEQ on stream debris removal projects is now removed and the DSWC is currently working on a cross-agency Memorandum of Understanding (MOU). Approximately 18 stream debris removal projects, worth over \$4.1 million, will be run through the StRAP program. Some of these funds will replace money the DSWC has previously allocated to projects. The DSWC anticipates that \$2 million in StRAP funding will be brought to the Commission for re-allocation decisions in September.

Chairman Langdon asked Commissioners for questions. No questions were posed, and Chairman Langdon thanked Mr. Williams for his report.

4. **Association Report:** A copy of the written report is included as an official part of the minutes. Chairman Langdon recognized President Kilpatrick to present. President Kilpatrick stated the report will be presented at the business meeting tomorrow.

Chairman Langdon thanked President Kilpatrick for hosting the May Commission meeting in Duplin County. President Kilpatrick expressed Duplin County was glad the Commission was able to visit and would be pleased to host again.

5. **Executive Director's Report:** A copy of the written report is included as an official part of the minutes. Chairman Langdon recognized Mr. Bryan Evans to present. Mr. Evans stated the report will be presented at the business meeting tomorrow.
6. **NRCS Report:** A copy of the written report is an official part of the minutes. Chairman Langdon asked if a representative from the Natural Resources Conservation Service (NRCS) was in attendance to present the report to the Commission. Director David Williams shared that State Conservationist Tim Beard, who typically presents, is currently in Washington DC, but a representative from NRCS would attend the meeting tomorrow and present.

## ACTION ITEMS

7. **Consent Agenda:** Copies of delivered presentations and reports are included as an official part of the minutes.
  - A. **Supervisor Appointments:** Chairman Langdon recognized Ms. Kristina Fischer to present. Ms. Fischer shared that she is presenting one request for appointment for Mr. William Lee Dalton, Jr. with the Surry District. Mr. Dalton is seeking to fill the 2020 – 2024 elected board member seat for the unexpired term of Mr. Glenn Pruitt. Mr. Glenn Pruitt moved from his elected seat to an appointed seat on the Surry District Board. Mr. Dalton is a young farmer who comes from a section of Surry County not currently represented on the board and has filed for the election this November. Chairman Langdon asked Ms. Fischer if the DSWC recommends approval of this request and Ms. Fischer answered affirmatively. Chairman Langdon thanked Ms. Fischer for the report.
  - B. **Supervisor Contracts:** Chairman Langdon recognized Mr. John Beck to present. Mr. Beck summarized the eight contracts included in the table below for the Commission's consideration. Mr. Beck shared that the multiple Lee County contracts for Mr. Tony Ragan is one project for sod-based rotation. It is all one farm, but there are different landowners, so staff split up the contracts by landowners. Chairman Langdon asked Mr. Beck if the DSWC recommends approval of these contracts. Mr. Beck answered affirmatively.

Chairman Langdon asked whether or not livestock could be involved in the sod-based rotation-17-month practice. Mr. Beck shared that sod-based rotation is typically implemented with a high tillage row crop operation. Grass is established for a long period after tobacco, sweet potatoes or similar high tillage row crops. According to practice policy, grass can be hayed or grazed after establishment. Chairman Langdon shared that he attended a training in Florida years previously where no-till cotton, peanuts and Bahama grass were planted in rotation and cattle were used to graze the planted grass. The trainer relayed that cattle use on the land provided a better return for the cropping system than mowing. Mr. Beck confirmed grass could be grazed after establishment for the sod-based rotation practice, but that mowing is also allowed since setting up fencing for livestock access on cropland can be prohibitive for some cooperators, especially for shorter term tiers of the practice. Chairman Langdon stated that sod-based rotation is an excellent practice and more of it is needed in North Carolina.

Chairman Langdon asked for any comments or questions for Mr. Beck. No further comments or questions were posed, and Mr. Langdon thanked Mr. Beck for his report.

District	Contract No.	Supervisor Name	Practice(s)	Contract Amount
Beaufort	07-2024-020	Archie Griffin	Cover Crop	\$6,562
Harnett	43-2024-018	Kent Revels	Cover Crop	\$17,320
Lee	53-2024-005	Tony Ragan	Sod-Based Rotation - 17 month	\$1,500
Lee	53-2024-006	Tony Ragan	Sod-Based Rotation - 17 month	\$765
Lee	53-2024-007	Tony Ragan	Sod-Based Rotation - 17 month	\$1,640
Lee	53-2024-802	John Dalrymple	Conservation Irrigation Conversion	\$35,000
Martin	58-2024-009	Richard Cannon	Grassed Waterway	\$13,959
Mecklenburg	60-2024-004	Daniel Austin	Water Well & Pump	\$10,973
<b>Total</b>				<b>\$87,719</b>

**8. Job Approval Authority (JAA):** Chairman Langdon recognized Mr. Josh Vetter to present. A copy of the written report is included as an official part of the minutes. Mr. Vetter stated eight applications for JAA were submitted to the DSWC. The table in his written report describes the JAA requested and the applicants. Mr. Vetter shared that all eight applicants were requesting new JAA. Designs and certifications were included in application packets. Mr. Vetter shared that practice designs and staff competencies were reviewed and verified, and that the Division staff and the JAA Committee recommend granting JAA as outlined in his report to the eight applicants. Chairman Langdon asked for any comments or questions. No comments or questions were posed, and Chairman Langdon thanked Mr. Vetter for his report.

9. **Agriculture Cost Share Program (ACSP):** Chairman Langdon recognized Mr. John Beck to present. Mr. Beck stated there are four items he will be seeking Commission approval actions on tomorrow.

A. **Consideration of ACSP Policy Revisions for Strip Cropping, Lagoon Biosolids Removal, and Waste Impoundment Closure):** Mr. Beck presented proposed policy revisions for three ACSP practices. A copy of the full presentation Mr. Beck delivered and associated materials are included as an official part of the minutes. Main items from Mr. Beck's presentation and Commission discussion for each practice revision are summarized as follows.

- **Strip Cropping Modifications:** Modifications are minor and came out of a DSWC led training last Fall. Districts asked for clarity on maintenance requirements for the practice. A statement was added to the Best Management Practice (BMP) policy that clarifies strips must be maintained for five years. Practice reference names included in the policy were also updated.
- **Lagoon Biosolids Removal:** Modifications came out of the Waste Management BMP workgroup, which includes representatives from NC State, Division of Water Resources, the Commission, and other conservation partners. The Waste Management BMP workgroup is reviewing all ACSP Waste Management practices to update in the next year. Revisions to the lagoon biosolids removal practice include:
  - a. Adding Division waste plan approval requirements, preconstruction conference requirements, reminder to send removal plan to DWR regional and state offices.
  - b. Updating nomenclature, expansion of approved accompanying practices (closure and manure transport), and removal of annual spot check requirements.
  - c. Increasing practice lifetime cap from \$25,000 to \$50,000 and clarified cap is per operation.

Chairman Langdon asked whether the lifetime cap per operation is the same for all operations regardless of how many lagoons are present. Mr. Beck answered affirmatively. For lagoon biosolids removal, an operator can request up to \$50,000 in funding support cumulatively in their lifetime for removal of lagoon biosolids.

Commissioner Baker asked for clarification on the definition of the term "operation" and Commissioner Kilpatrick asked if the definition is based on permit numbers. Commissioner Lamb suggested, if the definition is not clear, that applying the cap by permit numbers may make the process clearer as there can be multiple lagoons included on the same permit. However, there are situations, usually based on liability concerns, where operators will choose to have individual permits for each lagoon. Mr. Beck answered that the term "Applicant" which serves as a substitute term for "operation" is already defined in administrative code (02 NCAC 59D .0102). In administrative code, applicant is defined as all entities with which the applicant is associated, including those in other counties. Director David Williams shared that there has been significant dialogue on this topic and the

term “Applicant” was defined in cost share program rules to prevent use of partnerships to manipulate the system and circumvent set program caps. Chairman Langdon asked if there were any other questions or comments on this item. No additional statements or questions were posed.

- **Waste Impoundment Closure:** Modifications came out of the Waste Management BMP workgroup and resulted from lessons learned from the Swine and Dairy Assistance Program (SDAP). Practice is only for those farms closing operations. Revisions include:
  - a. Adding policies for conversion to freshwater pond from SDAP, reminder to send closure plan to DWR regional and state offices, reference to the retrofit BMP for closures on farms that will remain active.
  - b. Updating nomenclature, contract upload requirements, waste planning and application policies, JAA formatting, and maintenance period requirements. Maintenance period requirements will be based on closure method (breach, backfill, or pond conversion). Breach and backfill closures will now only have a one-year site maintenance period. Pond conversion closures will continue to have a ten-year maintenance period.

Chairman Langdon asked Commissioners if any additional clarification was needed. No comments or questions were posed. Chairman Langdon asked Commissioner Lamb if he had any concerns. Commissioner Lamb stated that he is serving on the Waste Management BMP workgroup, contributed to the revisions presented today, is thoroughly acquainted with material, and is satisfied with the revisions as presented. Discussion was held as to whether these three policy revisions should be voted on separately or together. Counsel Reynolds instructed that one vote on all policy revisions would be appropriate.

- B. **Detailed Implementation Plan (DIP):** Mr. Beck presented the ACSP DIP. A copy of the DIP is included as an official part of the minutes. Mr. Beck shared the DIP was thoroughly reviewed and updated last year so no major changes are suggested for Fiscal Year (FY) 2025. Revisions this year include minor grammatical and formatting changes. The Division is seeking continuation of the policy included in the DIP last year that all stream restoration practices will require designs be completed by third party engineers. This is due to ongoing Division engineer staffing difficulties and labor shortages. Chairman Langdon asked if there were any questions or comments. No questions or comments were posed.
- C. **Average Cost List:** Mr. Beck presented the Average Cost List. Mr. Beck shared that some component names were changed, and practice caps were increased to correspond with BMP policy updates. Average costs were also increased for several pump components. Districts requested increases and Ms. Lorien Deaton completed significant research on pump costs to identify suggested increases for pump components by region. Recommended pump component increases were brought to the AgWRAP Review Committee and the ACSP Technical Review Committee, which both approved the recommended increases. Mr. Beck shared that the triennial review and update of the ACSP average cost list is due this fiscal year. Work will begin in August and continue all

year. Mr. Beck is seeking a Commission member volunteer to serve on the workgroup that will be completing the triennial review and updating the ACSP average cost list.

Commissioner Baker pointed out a typo in the presentation for the regional cost increases suggested for component, "STREAM PROTECTION WELL-construction/head protection." Mr. Beck clarified regional costs and indicated this typo would be corrected in tomorrow's presentation. Chairman Langdon asked for comments or questions. No questions or comments were posed.

- D. **District Financial Assistance Allocation:** Mr. Beck presented the DSWC's recommended allocation amounts as shown in attachments 9D1 and 9D2, which have been included as an official part of the minutes. All 100 counties requested regular cost share funds (code CS or SFR) and 41 counties requested impaired and impacted funds (code II). Additionally, five counties (now including Haywood County) requested allocations of the non-recurring legislative appropriation of cost share funds for use in the Upper French Broad watershed (code UFB). The Division reserved 5% of annually appropriated and rollover funds for contingencies and \$65,000 for Conservation Reserve Enhancement Program (CREP) funding requests for the upcoming state fiscal year. Approximately \$495,000 of UFB funds will remain available for just-in-time allocations in FY2025. Recommended allocation values based on the allocation formula specified in 02 NCAC 59D .0103 are listed along with the District funding requests for regular cost share funds (code CS or SFR), impaired and impacted funds (code II), and Upper French Broad funds (UFB). Data used in the allocation formula is routinely updated as new information is published. Mr. Beck shared that new data was included in the allocation formula calculations this year and technical process improvements to reduce subjectivity in generating allocation values were completed as well.

Chairman Langdon asked why Mr. Beck did not split out CS and SFR fund allocations by county. Mr. Beck answered that SFR and CS funds are regular cost share funds and thus are treated the same by Districts. Unlike II or UFB funds, there are not location requirements as to where CS and SFR funds should be spent. The DSWC only codes these funds differently for internal tracking so reporting can be appropriately completed. Regular cost share funds coded as CS come from annual appropriations and regular cost share funds coded as SFR come from the one-time non-recurring appropriation the DSWC received last fall.

Chairman Langdon asked if Commissioners had any comments or questions. Discussion occurred as to the separate actions needed for items 9A through 9D tomorrow. Mr. Beck stated that he will need the Commission to take one action each for 9A, 9B, 9C, and 9D. Separate actions on items under 9A and under 9D are not needed. Chairman Langdon thanked Mr. Beck for his report.

- 10. Technical Assistance (TA) Allocation:** Chairman Langdon recognized Deputy Director Julie Henshaw to present. A copy of the written report is included as an official part of the minutes. Ms. Henshaw stated there are no proposed changes to the TA allocation amounts from the previous fiscal year and 99 out of 100 counties are recommended to receive an allocation. Ms. Henshaw shared that the performance parameter included in the TA allocation formula is due to be run this year, which may change TA allocation amounts to Districts next fiscal year. To provide sufficient advance notice to Districts about TA funding allocation changes next fiscal

year for budget planning, recommended TA funding allocation amounts for FY2026 will be brought to Commission in September. Chairman Langdon asked for any questions and comments. No questions or comments were posed. Chairman Langdon thanked Ms. Henshaw for her report.

**11. Agricultural Water Resources Assistance Program:** Chairman Langdon recognized Ms. Lorien Deaton to present. A copy of the presentation and associated materials are included as an official part of the minutes. Ms. Deaton stated she is seeking the Commission's approval on four items.

- A. **Consideration of AgWRAP Policy Revisions for Agricultural Water Storage and/or Collection System and Livestock Water Storage:** Ms. Deaton stated similar revisions are proposed for both AgWRAP BMPs. The policy updates recommended would allow an individual with appropriate JAA to certify a water storage reservoir/tank or pumping plant as an addition to an existing system.
- B. **Detailed Implementation Plan:** Ms. Deaton presented the DIP. The DIP did not have any significant revisions except for a proposed change to the District supplemental allocation process. Currently, the supplemental allocation process does not differently prioritize funding supplemental, repair or new contracts. Ms. Deaton recommends sorting supplemental allocation requests to prioritize funding supplemental and repair contracts first and then new contracts.

Commissioner Baker asked if Districts could use allocated AgWRAP funds to provide supplemental funding to existing contracts. Ms. Deaton answered affirmatively.

- C. **Average Cost List:** Ms. Deaton presented the AgWRAP Average Cost List. Ms. Deaton shared that some component names were changed and average costs were increased for a few pump components, same as for the ACSP Average Cost List. Districts requested increases and Ms. Lorien Deaton completed significant research on pump costs to identify suggested increases for pump components by region. Recommended pump component increases were brought to the AgWRAP Review Committee and the ACSP Technical Review Committee, which both approved the recommended increases.
- D. **District Financial Assistance Allocation:** Ms. Deaton presented the DSWC's recommended AgWRAP allocation amounts. In total, 92 counties requested over five million in AgWRAP funds. Little over one million was available to allocate. The DSWC recommends allocating 90% of available AgWRAP funds to District allocations and retaining the remaining 10% for regional funding allocations. Attachment 11D lists the recommended District allocation values and the funding total retained for regional funding allocations. The minimum allocation amount is \$10,500 unless a District requested less.

Chairman Langdon asked if Commissioners had any questions for Ms. Deaton. Discussion occurred as to the separate actions needed for items 11A through 11D tomorrow. Ms. Deaton stated that she will need the Commission to take one action each for 11A, 11B, 11C, and 11D. Separate actions on BMP policy revisions under 11A are not needed. Chairman Langdon thanked Ms. Deaton for her report.



**12. Community Conservation Program:** 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.

- A. **Detailed Implementation Plan:** Mr. Hill presented the FY2025 DIP. Revisions include modifications to change dates, increase clarity, and improve formatting. A statement acknowledging the one-time non-recurring funding allocation of \$500,000 was added. The cap for funding allocated to repair contracts was also increased from \$15,000 to \$25,000. Language was added to clarify the pet waste receptacles practice. Mr. Hill thanked the CCAP Advisory Committee, and Ms. Betsy Gerwig with the Henderson District, for their work in reviewing the CCAP DIP for FY2025. Mr. Hill reminded the Commission of details surrounding the CCAP regional application and allocation process and that the application period closes September 6<sup>th</sup>.

Chairman Langdon asked if Commissioners had any questions or comments. Chairman Langdon asked if the Commission would need to take action on items 12A and 12B separately tomorrow. Mr. Hill answered affirmatively. Chairman Langdon noted that there are a significant number of actions required at tomorrow's meeting and encouraged fellow Commissioners to be ready and prepared to make motions and seconds to move the meeting along at a steady pace.

- B. **Average Cost List:** Mr. Hill presented the Average Cost List. Component costs associated with the install of backyard raingardens, cisterns, marsh sills/living shorelines, permeable pavers, and pet waste receptacles were reviewed. Rate adjustments were only determined to be needed for the marsh sills/living shorelines practice. Mr. Hill thanked Todd Kelly from Carteret District, Kent Vaughan with Coastal Management, and Charlie Sanders with Dare District for their work in providing marsh sill/living shorelines cost data to the DSWC. Mr. Hill also shared that he and Ms. Lorien Deaton recently developed a CCAP storymap which provides a compelling educational resource about the program and work to date.

Chairman Langdon asked for any questions or comments. Chairman Langdon thanked Mr. Hill and Ms. Deaton for their work in developing the CCAP storymap and thanked Mr. Hill for his report.

**13. Consideration of Policy Revisions for Mileage, Subsistence, and Per Diem Reimbursement from State-Appropriated District Supervisor Travel Funds:** Chairman Langdon recognized Ms. Kristina Fischer to present. A marked copy of the policy outlining proposed revisions is included as an official part of the minutes. Ms. Fischer stated the following substantive revisions are proposed:

- Reimbursement eligibility for Supervisor attendance at Advanced Supervisor Training, the inaugural training of which will be held in Raleigh at the Troxler Agricultural Sciences Center on August 13<sup>th</sup>. Reimbursement will be prioritized first to those Supervisors who have not yet obtained required Supervisor Training Credits in their current term with next priority to those Supervisors who have not had the training within the past five years.
- Flexibility to pay for travel related expenses for Supervisor participation in spot check field reviews and Local Work Groups.

- Flexibility for the Division Director to annually set the approved reimbursement rate for Area Meeting registration costs. Previously rate was set at \$30, but rising costs make it difficult for Districts to find venues and caterers to meet that price.
- Allow lodging expense reimbursement for Supervisors who must appear before the Commission, if, due to distance, the Supervisor must depart before 6am to attend the scheduled Commission meeting.
- Only allows lodging reimbursement for Annual Meeting attendance for actual overnight stays, except in cases of emergency approved by the Division Director.

In addition to the substantive changes described, Ms. Fischer stated that minor revisions and updates were made to the policy to update grammar and website links.

Ms. Fischer also explained tables included at the end of her report. The tables display analysis of actual Supervisor attendance and reimbursement requests, projects funding needs based on annual averages, and shows the budget shortfall (over \$120,000) based on currently appropriated funds (\$320,000). Ms. Fischer welcomed Director David Williams to share a few comments.

Mr. Williams shared that in the last couple years, the Division has been able to make up shortfalls in Supervisor reimbursement requests due to lapsed salaries from position vacancies. He anticipates with the Division's current staffing challenges, that the expected shortfall in FY2025 can be covered as well. However, the shortfall will not be able to be covered every year and the Commission needs to be aware that while the policy now allows for reimbursement for all the aforementioned activities, annual expenditures are already exceeding the actual amount budgeted for Supervisor Travel. Mr. Williams also apologized for the Department's delay in sending out reimbursements last year for Supervisor travel.

Commissioner Parker asked Mr. Williams to confirm the mileage reimbursement rate for Supervisors is \$0.25/miles and the per diem rate is \$15/day. Mr. Williams answered affirmatively. Commissioner Parker asked who needs to be contacted in the legislature to make a change. Commissioner Parker expressed he finds it difficult to ask Supervisors to be more involved and attend different activities if their minimal expenses cannot be paid and they are expending personal funds to participate. Mr. Williams stated the mileage reimbursement has not changed in at least twenty-six years. He shared the Association for Soil and Water Conservation District Supervisors passed a resolution a couple years ago and advocated for rate increases. There have been bills proposed to increase rates, but all stalled in part due to optics. Mr. Williams shared he agrees that a rate increase is overdue, but until the law changes there is not anything the Division can do.

Chairman Langdon thanked Mr. Williams and staff for recognizing the situation and addressing the service compensation gap as possible given the limitations. Chairman Langdon asked for confirmation from Ms. Fisher that one action would be needed on item 13 tomorrow. Ms. Fischer answered affirmatively. The policy changes for travel reimbursement marked in red need to be approved.

Chairman Langdon asked about the definition of Advanced Supervisor Training. Ms. Fischer stated that Advanced Supervisor Training is new, 2024 is the first year it is being offered, and the

training came about because many Supervisors have already attended Basic Training for Supervisors multiple times. The Advanced Supervisor Training course is meant to be the next level of professional development for Supervisors after Basic Training and is being designed to provide more in-depth material on a variety of governance and managerial topics. Mr. Bryan Evans shared that a significant portion of Basic Training covers the history of Soil and Water Conservation Districts and is delivered by conservation partnership staff. Advanced Supervisor Training will feature outside speakers covering a variety of other relevant management topics for Supervisors that cannot be covered during Basic Training. Ms. Fischer clarified that Advanced Supervisor Training is not a required course, but six credit hours will be awarded to Supervisors who participate and the cost of attendance is \$60. Chairman Langdon thanked Ms. Fischer for her report and Mr. Williams and Mr. Evans for their comments.

**14. Special Requests:** Chairman Langdon recognized Mr. John Beck to introduce presenters. Mr. Beck called on Ms. Jennifer Roach to present the first item.

- A. **Post-Approval for Conservation Reserve Enhancement Program (CREP) Contract 84-2024-201:** Ms. Roach presented background on the post-approval request for contract 84-2024-201. The contract was for cropland conversion to trees. The cooperator worked with Stanly County FSA staff to enroll in the CREP and with the Division CREP staff to enter a thirty-year easement. The Division failed to inform the Stanly District of the project. At this time, site preparation, tree planting, and at least one maintenance activity to ensure success of short leaf pine trees has been completed. The conservation plan was followed and work completed meets standards. This issue resulted entirely due to CREP staff oversight; no fault can be attributed to Stanly District. This oversight was found during a detailed review of pending conservation easements and steps have been taken to improve CREP processes to avoid this issue in the future. Commissioner Langdon asked for questions and comments. Chairman Langdon asked for confirmation that action would need to be taken on 14A tomorrow. Ms. Roach answered affirmatively.
- B. **Post-Approval for Contract 69-2023-006:** Mr. Beck repeated, as shared at the start of the meeting, that Commissioner Baker will need to be recused from consideration and voting on this item 14B tomorrow. Mr. Beck provided background about the project. Contract 69-2023-006 was a grassed waterway repair and new District staff were in place at the time. Division engineers provided the design, there was a failure, and a repair was needed. A new design was provided, but repair work was completed prior to Division approval of the repair contract. The work was completed appropriately and the District would like to see the cooperator compensated for work completed. Chairman Langdon asked if there were any comments or questions. No comments or questions were posed.
- C. **Government Property Contract 51-2024-021, Central Crops Research Station:** Chairman Langdon recused himself and passed the gavel to Vice Chairman Lamb. Mr. Beck explained this contract is on government property for the Central Crops Research Station in Clayton for a rooftop runoff management system, a grassed waterway and two rock lined outlets. The Johnston District has worked with Central Crops Research Station before and are continuing the relationship. The District will have a representative available as well as the Research Station management team to answer questions tomorrow. Vice Chairman Lamb asked for any questions or comments. No questions or comments were posed. Vice Chairman Lamb passed the gavel back to Chairman Langdon.

At 5:55pm the meeting was temporarily paused to break for dinner and a public hearing on a separate issue. The meeting resumed at 7:37pm.

**15. Consideration of Contract Extensions:** Chairman Langdon recognized Ms. Lisa Fine to present. A copy of Ms. Fine's presentation and associated materials are included as an official part of the minutes. Ms. Fine shared an update that five Requests for Payment were submitted since the mail-date of the Commission packet, which negates the need for five contract extensions. As of now, a total of 32 districts are requesting extensions for 51 contracts. The DSWC has seen decreases in contract extension requests in the last six fiscal years. Ms. Fine shared that process improvements including increased reminders and online cancellation, and extension forms have helped to lower the number of contract extensions coming before the Commission. Ms. Fine relayed the Cost Share Committee will be meeting to discuss additional policy revisions to further improve the contract extension process.

- A. **Extension requests for contracts that received a design less than 12 months ago or are in pended status:** Ms. Fine stated there are 18 districts requesting extensions for 25 contracts in this category. The Division recommends extending all of these contracts. Ms. Fine reminded the Commission that it had previously waived the requirement for a Supervisor to appear in person or online for Districts requesting an extension for contracts falling in this category. No Supervisors from Districts with extension requests falling solely within this category will be online or in attendance tomorrow. Commissioner Langdon asked Ms. Fine to confirm if the Division recommended approval of these contracts. Ms. Fine answered affirmatively.
- B. **FY2022 Contracts (No extensions to date and not in pended status):** Ms. Fine stated that Districts were required to submit an extension request for each contract falling into this category. Uncompleted FY2022 contracts expired June 30<sup>th</sup>, 2024. Ms. Fine reminded the Commission that its policy is for a Supervisor to attend the July meeting virtually to be available to answer Commissioner questions. In total, 18 Districts are requesting extensions for 21 contracts in this category, which includes Districts of two Commission Members (Wilkes and Sampson). Ms. Fine stated that tomorrow three actions will need to be taken under item 15B. All non-Commission member district contract extensions will need to be approved. Then contract extensions for Wilkes and Sampson will need to be approved separately after Commissioners Parker and Lamb have respectively recused themselves from consideration and voting. Ms. Fine stated the Division recommends approval of all extensions under item 15B.
- C. **FY2021 and Older Contracts (Previously extended and not in pended status):** Ms. Fine stated that Districts were required to submit an extension request for each contract falling into this category. In this category there are three districts requesting another extension for five contracts. Ms. Fine reminded the Commission that its policy is for a Supervisor to attend the July meeting virtually to be available to answer Commissioner questions. Ms. Fine stated that tomorrow two actions will need to be taken under item 15C. All non-Commission member district contract extensions will need to be approved, and then a separate action to approve contract extensions for the Commission member District (Guilford) is needed. Ms. Fine reminded the Commission that Commissioner Teague will need to be recused from consideration and voting on the contract extensions request for Guilford District tomorrow. Ms. Fine shared that these contracts are mostly extended because of trouble with well practices (drilling services and county inspection).

Commissioner Teague thanked Ms. Fine for the report and commented that it appears that Districts and the Division are headed in the right direction for reducing contract extension requests annually. Chairman Langdon asked Ms. Fine to confirm the actions to be taken. Ms. Fine restated that one action is required for item 15A, three separate actions are needed for item 15B, and two separate actions are needed for item 15C. Commissioner Langdon asked when the Cost Share Committee would next be meeting. Deputy Director Henshaw and Commissioner Langdon briefly discussed and set a tentative plan to schedule a Cost Share Committee meeting either in September or October.

**IV. PUBLIC COMMENTS:** Chairman Langdon asked for any public comments. No public comments from Commissioners, staff, or other attendees were given. Chairman Langdon shared he had public comments that he wished to relay. Chairman Langdon asked Counsel Phillip Reynolds to investigate the feasibility, practicality, and legality of the Cherokee Nation becoming a Soil and Water Conservation District. Chairman Langdon is looking for Counsel Reynolds to complete due diligence on the topic and draft a report that outlines the advantages and disadvantages of the potential undertaking and the steps that would need to be taken for fruition. Counsel Reynolds accepted the charge and stated he would investigate the matter thoroughly. Chairman Langdon asked again for public comments. Hearing none, Chairman Langdon sought to recognize Ms. Helen Wiklund in the audience for the service and hard work ethic she brought to assisting the Commission in the many years prior to her June promotion to the Marketing Division. Ms. Wiklund expressed her thanks and shared her pleasure in seeing good friends and colleagues again. Commissioner Langdon commended Division staff for covering the duties previously executed by Ms. Wiklund and for ensuring the meeting ran smoothly. Thanks, and appreciation for other Commissioners' and Counsel's service was also shared.

With no further public comments brought forward, Commissioner Barbara Bleiweis made a motion to adjourn the meeting. Commissioner Parker seconded. The motion was unanimously approved.

**V. ADJURNMENT:** The meeting adjourned at 7:58pm.

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David B. Williams, Director  
Division of Soil & Water Conservation, Raleigh, N.C.

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Allie Dinwiddie, Recording Secretary

***These minutes were approved by the North Carolina Soil & Water Conservation Commission on September 16, 2024.***

**SOIL AND WATER CONSERVATION COMMISSION  
Public Hearing: Inquiry Committee Referral  
Minutes**

**N.C. State Fairgrounds  
Gov. James G. Martin Building  
Trinity Road – Gate 9  
Raleigh, NC 27607  
July 23<sup>rd</sup>, 2024**

NC Department of Agriculture & Consumer Services  
Division of Soil & Water Conservation

<b>Commission Members</b>	<b>Guests</b>	<b>Guests Participating Remotely</b>
John Langdon, Chair	Shelby Kaplan	Anne Coan
Billy Kilpatrick	Jennifer Roach	Heather Reichert
James Lamb	Lisa Fine	Paula Day
Brian Parker	Michael Shepherd	Levi Preston
George Teague	Elise McLaughlin	Adam Lockey
Barbara Bleiweis	Chris Love	Jonathan Wallin
Patrick Baker	Ken Parks	Charlie Sanders
<b>Commission Counsel</b>	Allie Dinwiddie	Nancy McCormick
Phillip Reynolds	Brandy Myers	Gary Cox
<b>Guests</b>	Lorien Deaton	Billy Ivey
David Williams	Dianne Farrer	
Julie Henshaw	Ralston James	
Matt Safford	Rachel Smith	
Kristina Fischer	Rob Baldwin	
Rick McSwain	Helen Wiklund	
Josh Vetter	John Beck	
Bryan Evans		
Tom Hill		

Chairman Langdon called the hearing to order at 7:06 p.m.

Counsel Phillip Reynolds stated the matter before the Commission this evening was referred by their Inquiry Committee. The Commission most frequently oversees policy and rulemaking activities, which are quasi-legislative or quasi-executive duties. The matter before the Commission at this hearing requires discharge of quasi-judicial duties. Counsel Reynolds stated that in discharging quasi-judicial duties, members of this Commission have a special obligation to make decisions based solely on the record before them this evening and not on any information outside of the record. Counsel Reynolds stated Commissioners should limit their consideration accordingly and enter discussion and decision

making this evening with no legally impermissible bias or outcome pre-determination. Commissioners must hear the information to be presented and must have their minds open to debate. Only after hearing all the information and having debated the matter thoroughly, may the Commission then proceed to a vote. If any member has already reached a decision, that member must recuse themselves from this matter. If any member has any additional or special information outside of the record in front of the Commission today, that member must recuse themselves from this matter. After delivering this guidance, Counsel Reynolds asked Commissioners if they have any conflicts or inabilities that would keep them from fulfilling, without bias, the quasi-judicial duties required of them during this hearing. No conflicts or inabilities were stated by Commissioners.

Counsel Reynolds directed Commissioners to review the background materials on this matter included in their packets. The packet goes through the circumstances that have brought the issue today before the Commission and provides clarity and details on the Commission's Rules. The Commission's Inquiry Committee met in May 2024 and referred two Supervisors from Carteret and Washington Districts to the Commission for a public hearing. Prior to the hearing one of the Supervisors from Washington resigned from the District board. The hearing this evening is held to receive comments on neglect of duty with regards to non-attendance at local board meetings for Supervisor Adam Locky with Carteret District. Grounds for removal of District Supervisors are set forth in G.S. 139-7; any Supervisor may be removed by the Commission upon notice and hearing for neglect of duty. Under 02 NCAC 59A .0301 (a), evidence of neglect of duty shall include, but is not limited to, the failure to attend three consecutive regularly scheduled District meetings, except when prevented by illness. Evidence of neglect of duty also includes the failure of sitting Supervisors to meet training requirements set forth in 02 NCAC 59A Section .0200. The Commission's Inquiry Committee, established under 02 NCAC 591 .0302, determines if sufficient cause exists for the Commission to hold a hearing on Supervisor neglect of duty.

Counsel Reynolds stated the packet includes a response from Mr. Locky to the Inquiry Committee. The information in front of Commissioners also provides an update on Mr. Locky's attendance record at Carteret board meetings until June of this year. Ms. Kristina Fischer will provide the Commission a brief report covering these materials. Mr. Adam Locky is on the phone and will also have a chance to provide information to the Commission.

Counsel Reynolds asked Commissioners if any additional clarity is needed on the information that they will be reviewing and hearing this evening or what the Commission's Rules require. Commissioner Lamb asked if he can still participate in discussion and vote on this issue if he serves on the Commission's Inquiry Committee. Counsel Reynolds answered affirmatively. Chairman Langdon, Vice Chairman Lamb, and Commissioner Teague all serve on the Inquiry Committee and may participate in discussion and vote on the issue before the Commission this evening. The Inquiry Committee met, found a neglect of duty had occurred, and referred the matter to the full Commission for further proceedings.

Counsel Reynolds clarified the Commission's Rules require Commissioners to take into consideration any issues related to health, financial hardship, or other situations that are beyond the Supervisor's control. These factors do not have to persuade any Commission member one way or another, but the information must be considered. This evening the Commission will need to decide if there was a neglect of duty and if so, the remedy. The remedy can be removal from office but does not have to be.

Chairman Langdon thanked Counsel Reynolds for explaining the task at hand. Chairman Langdon commented that he understands Mr. Locky's situation, but it is a fact that District board meeting non-

attendance is an issue that must be considered and addressed by the Commission. Strong, effective leadership is required to maintain order. Chairman Langdon expressed the Commission wants to work with Mr. Lockey and is anxious to hear his position and perspective on the issue at hand, but will first allow Ms. Fischer to offer her report before opening up the floor to Mr. Lockey for comment.

Ms. Fischer referred Commissioners to their packets. Under 02 NCAC 59A .0301 (c), District boards are required to notify the Commission in writing of any board member who fails to attend three consecutive regularly scheduled board meetings except when prevented by illness. The notification must include an explanation for nonattendance and the actions the board has taken to address the nonattendance. The first item in the packet is the report from Carteret District. Mr. Lockey attended 2 of 8 meetings between December 2022 and November 2023, five consecutive board meetings were missed beginning in February 2023. The explanation provided was staffing difficulties at the farming operation where Mr. Lockey works. Commission packets also include correspondence sent to Mr. Lockey explaining this matter was referred to the Commission's Inquiry Committee and Mr. Lockey's response to the Inquiry Committee. The last piece of information is the letter that invited Mr. Lockey to attend this hearing. Ms. Fischer shared additional information from Carteret District on Mr. Lockey's attendance record from January to June 2024. Chairman Langdon asked if there were any comments or questions for Ms. Fischer. No comments or questions were posed.

Chairman Langdon asked if there were any comments or questions for Counsel Reynolds. No comments or questions were posed.

Chairman Langdon addressed Mr. Adam Lockey, participating by phone, and thanked him for attending this evening's hearing. Chairman Langdon invited Mr. Adam Lockey to come off mute and indicated the Commission would now receive his comments.

Mr. Adam Lockey shared the biggest problem he has is the distance between where he works and Carteret District's meetings, which is a 60-mile trip. Once Mr. Lockey was aware of the nonattendance issue, he approached his supervisor, Mr. Temple. Mr. Temple is supportive of Mr. Lockey's involvement on the Carteret board and as such is now willing to let him leave work earlier on meeting days so he has enough time to travel to Carteret's meetings.

Chairman Langdon asked Mr. Lockey what time of day Carteret District meetings are generally scheduled. Mr. Lockey shared the board meets at 6:30pm on the last Wednesday of the month. Chairman Langdon asked if Carteret District adjusting their meeting time would better accommodate Mr. Lockey's schedule. Mr. Lockey stated that a 7pm board meeting time could possibly better accommodate his schedule, but the 6:30pm meeting time has not been an issue for him since he spoke with his supervisor and was able to get permission to leave work early on meeting days. Chairman Langdon asked if that arrangement is working for Mr. Lockey and his supervisor and if continued adherence to the current arrangement is anticipated to become an issue. Mr. Lockey answered affirmatively that the new arrangement was working and negated that the new arrangement would become an issue if continued. Chairman Langdon asked Mr. Lockey when he came to this new arrangement with his supervisor. Mr. Lockey answered in fall 2023. Chairman Langdon asked if anything else could be done to improve Mr. Lockey's situation such that he would be able to more easily attend Carteret board meetings. Mr. Lockey shared that no, the additional time for travel that his supervisor's flexibility has provided is sufficient. Chairman Langdon asked Mr. Lockey why he wants to be a Supervisor. Mr. Lockey shared his interest is based in his love of farming, agriculture, and a general



desire to serve his community. Mr. Lockey shared he feels that the role of a Soil and Water Supervisor should be filled by someone with agriculture knowledge of soil and water and believes the farming background he brings is of value to the position and Carteret board. Chairman Langdon asked Mr. Lockey if he thinks that this issue has been resolved going forward. Mr. Lockey answered affirmatively and indicated he signed up for re-election. Chairman Langdon stated it appears Mr. Lockey has worked through this issue with his employer. Chairman Langdon encouraged Mr. Lockey to stay in contact and be honest in communication with the Carteret board to request adjustments to meeting times as needed in the future. Chairman Langdon asked other Commissioners if they had any comments or questions for Mr. Lockey. Commissioner Lamb asked Mr. Lockey if the Carteret board had considered changing the location of meetings to be more centrally located to better accommodate the distance Mr. Lockey must travel to attend. Mr. Lockey shared that Carteret District used to have meetings in Morehead, but four older members on the board are from Cape Carteret so it is easier on them to hold meetings in Cape Carteret. Commissioner Brian Parker asked where the Carteret District office is located. Mr. Lockey shared it is situated in Morehead City. Commissioner Patrick Baker stated he has heard tonight that Mr. Lockey has worked with his employer, they have reached an arrangement that seems to be working, and his recent attendance record is showing that this situation has worked itself out. Chairman Langdon thanked Mr. Lockey for his time, willingness and patience for working through this with his employer, Carteret District, and the Commission and asked Counsel Reynolds for guidance on next steps.

Counsel Reynolds stated that Chairman Langdon may entertain motions that acknowledge and resolve the issue, bearing in mind that this situation can be considered again if there are future lapses in Mr. Lockey's Supervisor duties. Mr. Lockey has already met training requirements and is already required by Rule to continue attending meetings. The Commission may decide if these circumstances as presented tonight warrant removal or if the matter can be closed without further action at this time. Chairman Langdon indicated from what he has heard and reviewed tonight that he does not believe it would be prudent to the Commission, Association, Carteret District, or Mr. Lockey to move forward with termination at this time.

Chairman Langdon asked for a motion. Commissioner Baker moved for the Commission to consider this issue solved and to take no further action at this time. Commissioner George Teague seconded the motion. Chairman Langdon asked for any discussion. Commissioner Barbara Bleiweis stated she understands the tenor of the situation discussed this evening, but asked Mr. Lockey as to what assurance does he or the Commission have that his employer will not reconsider the current arrangement. Commissioner Bleiweis believes every intention of good faith has been shared this evening, but Mr. Lockey has important commitments to his employer which have previously superseded the importance of his attendance and participation at Carteret board meetings. Commissioner Bleiweis expressed a concern that there may be circumstances that arise again such that Mr. Lockey will have an attendance issue based on reasons outside of his control. Commissioner Bleiweis asked fellow Commissioners and Counsel to explain what bringing the matter to closure now means if the issue comes up again in the future. Chairman Langdon stated that Commissioner Bleiweis' comments not only apply to Mr. Lockey but to all supervisors. Counsel Reynolds stated that the Commission in resolving this matter now, would in effect be resolving this singular issue instance. Resolution of this matter now would not provide carte blanche approval to future situations of neglect of duty and attending meetings is an ongoing Supervisor obligation. The case that has been considered tonight and its associated outcome can be brought before the Commission again as evidence, if nonattendance issues arise once more for Mr. Lockey. Chairman Langdon asked Mr. Lockey if he had any final comments before a vote was called.

Mr. Lockey shared that his supervisor, Mr. Temple, previously was not fully aware of his involvement with the Carteret board. Mr. Temple is now fully up to speed and supportive, in part because his son served with Carteret District before passing away.

Chairman Langdon called for a vote. The motion passed unanimously. Chairman Langdon thanked Mr. Lockey for participating this evening, expressed his sympathy for Mr. Lockey's situation that resulted in this convening, stated his appreciation for Mr. Lockey's desire to serve on the Carteret District board and encouraged Mr. Lockey to attend the annual meeting in January and connect with himself and other Commissioners in person at that time. Mr. Lockey thanked Chairman Langdon and the Commission.

**Adjournment:** Hearing adjourned at 7:37 p.m.

**NORTH CAROLINA  
 SOIL & WATER CONSERVATION  
 BUSINESS SESSION COMMISSION MEETING MINUTES  
 July 24<sup>th</sup>, 2024**

Department of Agriculture & Consumer Services  
 Division of Soil & Water Conservation  
 N.C. State Fairgrounds  
 Gov. James G. Martin Building  
 Trinity Road – Gate 9  
 Raleigh, NC 27607

<b>Commission Members</b>	<b>Guests</b>	<b>Guests Online</b>
John Langdon, Chair	Brandy Myers	Greg Hoyt
Billy Kilpatrick	Lorien Deaton	Greg Walker
James Lamb	Eddie Culberson	Nancy McCormick
Brian Parker	John Beck	Billy Ivey
George Teague	Vivien Zhong	Lindsey Edwards
Barbara Bleiweis	Dustin Brewer	Kayla McCoy
Patrick Baker	Ralston James	Steve Killian
<b>Commission Counsel</b>	Dianne Farrer	Blaire King
Phillip Reynolds	Rachel Smith	Beth Hughes
<b>Guests</b>	Ken Parks	Brody Brown
Darren Layton	<b>Guests Online</b>	Blake Henley
Jack Brown	Paula Day	Chelsea Ricks
Allie Dinwiddie	Brian Lannon	Frankie Singleton
Cayle Aldridge	Jessica Davis	Brandi Talton
David Williams	Chris Love	Cameron Knudsen
Julie Henshaw	Levi Preston	Henry Faison
Matt Safford	Heather Reichert	Bradsher Wilkins
Kristina Fischer	Jonathan Wallin	Eric Hamilton
Rick McSwain	Mikey Woodie	Gary Cox
Josh Vetter	Charlie Sanders	Keith Davis Starke
Bryan Evans	Mark Byrd	Charles Bass III
Tom Hill	Alana Harrison	Bruce Whitfield
Kim Poteat	Annette Adams	Michael Thaggard
Derek Potter	Tyler Hodge	Chris Hughes
Dewitt Hardee	Charlie Sink	Thomas Roach
Rob Baldwin	Betsy Gerwig	Morgan Hayes
Brad Moore	Guy Demico	Melanie Harris
Shelby Kaplan	JD Jordenson	Zeb Winslow
Jennifer Roach	Jamie Bridges	Gail Hughes
Lisa Fine	Jane Humphrey	William Daniel McClellan
Michael Shepherd	Brandon Rogers	Alvin Dixon
Elise McLaughlin	Lea Ann Branch	Taylor Fair

Guests Online		
Madison Bridges	Ronald Parks	Rick Karriker
William Morrow	Thomas Murphrey	Jacob Peele
Evan Crawley	Henry Moore	
Duane Vanhook	Shirley Ann Coleman	
Neil McKenzie	Ray Briggs	
Kyle Koonce	Keith Starke	
Gregory Harris	James Warner	

**I. CALL TO ORDER:** Chairman Langdon called the meeting to order at 8:35 a.m.

**II. PRELIMINARY:** Chairman Langdon charged Commission members 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 Patrick Baker stated he will need to recuse himself from consideration and voting on item 14B on the agenda. Pamlico Soil and Water Conservation District (SWCD or District) is making the request.
- Chairman Langdon stated that tomorrow he will need to pass the gavel to Vice Chairman James Lamb and recuse himself from consideration and voting on item 14C on the agenda. Johnston District is making the request.
- Commissioners James Lamb and Brian Parker stated that they will have a conflict of interest on item 15B on the agenda. Respectively, Sampson and Wilkes District are requesting contract extensions.
- Commissioner George Teague stated that he will have a conflict of interest on item 15C on the agenda. Guilford District is requesting contract extensions.

Chairman Langdon asked all of the Commission members and in-person meeting attendees to silence their cell phones.

### III. BUSINESS:

- 1. Approval of Agenda:** Chairman Langdon asked for approval of the agenda. Commissioner Barbara Bleiweis moved to approve the agenda and Commissioner Teague seconded. Motion carried unanimously.
- 2. Approval of Minutes:** Chairman Langdon asked for approval of the minutes. Commissioner Parker moved to approve the minutes and Commissioner Lamb seconded. Motion carried unanimously.

### INFORMATION ITEMS

- 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. Mr Williams presentation included the following:
  - The Division of Soil and Water Conservation (DSWC or Division) has three new internal hires and 11 vacancies. Lee Cannady, the longest tenured CREP specialist, is moving to

the Division of Coastal Management. The DSWC has recommended a candidate to fill Maegan Trimnal's former position.

- Almost all 2022 StRAP funding grantees have submitted at least one Request for Payment (RFP). Forty-two contracts have been completed to date.
- 2024 StRAP funding was allocated at the special-called meeting in June and DSWC staff are currently working with award recipients. All award recipients accepted their funding awards. Awardees are required to send in a revised scope of work to the DSWC by mid-August and the DSWC anticipates holding conferences with each awardee on draft contracts prior to full contract execution.
- A pie chart was included to display 2024 StRAP funding award splits between applicant types. Most applicants that received awards were Districts (46%) or Counties for which Districts will serve as project managers (10%).
- The NC Farm Act adds the French Broad River Basin to a list of Department of Environmental Quality (DEQ) priority river basins and gave DEQ the authority to fund stream debris removal projects through StRAP. The DSWC is currently working on a cross-agency Memorandum of Understanding (MOU) with DEQ. Approximately 18 stream debris removal projects, worth over \$4.1 million will be run through the StRAP program. Some of these funds will replace money the DSWC has previously allocated to projects. The DSWC anticipates that \$2 million in StRAP funding will be brought to the Commission for re-allocation decisions in September.
- The DSWC is pursuing a technical assistance agreement with NRCS for \$1.8 million over three years. This agreement would provide compensation to SWCDs for new or existing staff completing technical assistance on climate-smart conservation practices (Inflation Reduction Act (IRA) funded practices). Compensatory funding would be distributed to Districts through Master Agreements. Currently, there are 10 Districts where there are no applications for IRA funding. Another 10 or 15 counties only have one or two IRA funded contracts.
- The DSWC is pursuing the fourth phase of funding to support ATAC positions across NC to accelerate technical assistance for partnership activities. The latest phase of funding will cover positions for approximately six months, with more funding anticipated to be provided to extend position support. Current funding is supporting twelve positions across the state.
- The DEQ is proposing rule revisions for the Jordan Lake Nutrient Management Strategy. New reduction targets are proposed and baseline is expected to move from the early 2000s to the mid-2000s (2014 – 2016). Several Technical Advisory Groups are meeting as part of this process. The DEQ anticipates presenting draft rules to the Environmental Management Commission in 2025 and for formal rulemaking to occur between 2026 and 2027. The Jordan Lake One Water Coalition, a nonprofit organization composed of watershed stakeholders, is currently proposing alternative rule concepts to increase collaboration between sectors.
- The DSWC continues to deliver trainings to Supervisors and District staff and several trainings are scheduled in late summer and early fall.

During delivery and at the conclusion of Mr. Williams report, a couple questions and comments were delivered. In reference to the Jordan Lake update, Chairman Langdon stated that it seems nutrient reduction needs accelerate as more humans concentrate on the landscape. Mr. Williams agreed, stating that as more humans concentrate in particular areas, the more wastewater and stormwater is generated, the more pressure is placed on natural resources, and

the more expensive it becomes to implement pollution management and treatment systems. Chairman Langdon stated, for these reasons, it is important for Supervisors to be engaged in local, state, and federal governance levels. In later discussion Chairman Langdon went on to add that it takes time to make action happen and encouraged Supervisors to get engaged on tough complex problems, even if such problems seem insurmountable. The work the conservation partnership has been able to accomplish in recent years, particularly in regards to StRAP establishment, is due to Supervisors and staff seeking to make improvements on challenging issues North Carolina communities were encountering in the wake of Hurricane Matthew and other storms. Additional discussion on geospatial software tools also occurred after the DSWC training update. After these discussions, Chairman Langdon asked for final comments and questions. None were posed.

**4. Association Report:** Chairman Langdon recognized President Kilpatrick to present. A copy of the report is included as an official part of the minutes. President Kilpatrick's presentation included the following:

- The 2024 Southeast (SE) National Association of Conservation Districts (NACD) Meeting was held in Gainesville, FL and NC was well represented at the meeting. Florida was a great host.
- North Carolina is now slated to host the 2026 SE NACD meeting. Mississippi is in the rotation to host in 2026, but requested NC host the 2026 meeting since MS is slated to host the International Envirothon competition in 2026.
- The NC Association of Soil and Water Conservation Districts (NCASWCD or Association) is delivering an Advanced Supervisor Training this year at the request of Supervisors. Registration is currently open.
- Attendance at the Resource Conservation Workshop increased this year, but attendance has yet to recover to pre-pandemic numbers. Division Regional Coordinator Elise McLaughlin will be a future co-coordinator of this annual event.
- The Association continues to offer the Grow More Outreach training program across the state. Trainings are scheduled in October, December, and April this fiscal year in Raleigh, Greenville, and Greensboro respectively.
- State Conservation Farm Family judging occurred last week. This year, the Association had two great applicants. Commissioner Kilpatrick is working to increase the number of coastal plain applicants for this recognition.

Chairman Langdon commended Commissioner Kilpatrick on hosting the Commission in Duplin County in May. Commissioner Kilpatrick stated that Duplin County was glad to host and expressed thanks to all those in attendance for visiting. Chairman Langdon asked for any other comments or questions for Commissioner Kilpatrick. None were posed.

**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's presentation included the following:

- The Association is pushing for recurring, additional TA funding. The legislature is not providing many recurring funding increase commitments, so the Association's request for additional TA funding will need to be delivered on an annual basis. The General Assembly may not pass any annual updates to the budget this year; 2024 is not the biennial year. The Governor's recommended budget update includes \$1 million for AgWRAP and \$20 million for StRAP. The House's recommended budget updates does

not includes these items and the Senate has not released a recommended budget update.

- The Association’s legislative chair, Supervisor Craig Frazier, is completing treatment in Florida and is projected to be back in Randolph County in August.
- A presentation on topics to be discussed at the Basic Training for Supervisors this year will be delivered in September.
- With committed support from Districts, the Association is partly funding an education coordinator position to be based out of Randolph County. The employee, Ms. Jessica Davis, has created this year’s Association education contest manual and is working on developing curriculum specific content for District educators. Supervisors are encouraged to nominate staff and partners for recognition in supporting Association education contests.

Chairman Langdon asked for any comments or questions on Mr. Evans’s report. None were posed. Chairman Langdon thanked Mr. Evans for his report.

**6. NRCS Report:** Chairman Langdon recognized Ms. Kim Poteat to present. A copy of the report is included as an official part of the minutes. Ms. Poteat’s presentation included the following:

- The NRCS has closed 51 easements in NC between 2019 and 2023.
- Agency staff vacancies are continuing to pose challenges statewide. The Area 1 Assistant State Conservationist for Field Operations recently retired. As of this report there are 31 positions across NRCS’s state and field offices that are currently advertised.
- The USDA will invest up to \$50 million in FY2024 through the Wetland Reserve Enhancement Partnership (WREP). NRCS is accepting proposals until mid-August. Proposals that focus on producers who conserve wetlands or that are anticipated to benefit disadvantaged communities will receive priority. Applicants are required to contribute a financial or technical assistance match.
- The next State Technical Advisory Committee is scheduled to meet in August. The last meeting was held in March.
- Six urban agriculture and innovative production projects are funded in NC. The newest project is the Inter-Faith Food Shuttle in Raleigh, which received funding support for community garden planning, development, and maintenance and innovative agricultural education.

Chairman Langdon asked for any comments or questions on Ms. Poteat’s report. None were posed. Chairman Langdon thanked Ms. Poteat for her report.

At 9:27am Chairman Langdon called a meeting recess. The meeting resumed at 9:44am. Chairman Langdon asked in-person attendees to introduce themselves and reminded everyone to sign in.

## ACTION ITEMS

- 7. Consent Agenda:** Information on items included in the consent agenda are summarized below. Additional detail can be found in the reports included as an official part of the minutes. Chairman Langdon asked for a motion concerning the consent agenda. Commissioner Teague moved to approve the consent agenda, and Commissioner Bleiweis seconded. Motion carried unanimously.

**A. Supervisor Appointments:**

- William Lee Dalton, Jr., Surry SWCD, filling the unexpired elected term of Glenn Pruitt for 2020 through 2024. Glenn Pruitt moved to an appointed seat.

**B. Supervisor Contracts:**

District	Contract No.	Supervisor Name	Practice(s)	Contract Amount
Beaufort	07-2024-020	Archie Griffin	Cover Crop	\$6,562
Harnett	43-2024-018	Kent Revels	Cover Crop	\$17,320
Lee	53-2024-005	Tony Ragan	Sod-Based Rotation - 17 month	\$1,500
Lee	53-2024-006	Tony Ragan	Sod-Based Rotation - 17 month	\$765
Lee	53-2024-007	Tony Ragan	Sod-Based Rotation - 17 month	\$1,640
Lee	53-2024-802	John Dalrymple	Conservation Irrigation Conversion	\$35,000
Martin	58-2024-009	Richard Cannon	Grassed Waterway	\$13,959
Mecklenburg	60-2024-004	Daniel Austin	Water Well & Pump	\$10,973
<b>Total</b>				<b>\$87,719</b>

- 8. Job Approval Authority:** 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 eight applications for JAA were submitted to the DSWC. The table included in his written report describes the applicants and the JAA requested. Applicant packets, including practice designs and certifications, were reviewed and verified by Division staff and members of the JAA Committee. The Division and JAA Committee recommend granting JAA as outlined in the written report to the eight applicants.

Chairman Langdon asked for any comments or questions. None were posed. Chairman Langdon asked for a motion. Commissioner Parker moved to approve the applications and grant requested JAA and Commissioner Baker seconded. Motion carried unanimously.

- 9. Agriculture Cost Share Program (ACSP):** Chairman Langdon recognized Mr. John Beck to present. A copy of Mr. Beck's full presentation and associated materials are included as an official part of the minutes. Mr. Beck stated there are four items for which he is seeking Commission approval.
- **Consideration of ACSP Policy Revisions for Strip Cropping, Lagoon Biosolids Removal, and Waste Impoundment Closure):** Mr. Beck presented proposed policy revisions for four ACSP practices. Main items from Mr. Beck's presentation and Commission discussion for each practice revision are summarized as follows.
    - **Strip Cropping Modifications** – A statement was added to the Best Management Practice (BMP) policy that clarifies strips must be maintained for five years. Practice reference names included in the policy were also updated.



- **Lagoon Biosolids Removal:** Modifications came out of the Waste Management BMP workgroup, which includes representatives from NC State, Division of Water Resources, the Commission, and other conservation partners. The Waste Management BMP workgroup is reviewing all ACSP Waste Management practices to update in the next year. Revisions to the lagoon biosolids removal practice include:
  - a) Adding Division waste plan approval requirements, preconstruction conference requirements, reminder to send removal plan to DWR regional and state offices.
  - b) Updating nomenclature, expansion of approved accompanying practices (closure and manure transport), and removal of annual spot check requirements.
  - c) Increasing practice lifetime cap from \$25,000 to \$50,000 and clarified cap is per operation for this one waste management practice.
- **Waste Impoundment Closure:** Modifications came out of the Waste Management BMP workgroup. Practice is only for those farms closing operations. Revisions include:
  - a) Adding policies for conversion to freshwater pond, reminder to send closure plan to DWR regional and state offices, reference to the retrofit BMP for closures on farms that will remain active.
  - b) Updating nomenclature, contract upload requirements, waste planning and application policies, JAA formatting, and maintenance period requirements. Maintenance period requirements will be based on closure method (breach, backfill, or pond conversion). Breach and backfill closures will now only have a one-year site maintenance period. Pond conversion closures will continue to have a ten-year maintenance period.

Chairman Langdon asked for any comments or questions. Commissioner Bleiweis stated that she had found a reference to the term 'sludge' in one policy that everywhere else was referenced as the term 'biosolids'. She recommended to update the policy with the same terminology throughout. Mr. Beck stated corrections will be made to use the same terminology throughout the policy for consistency. Commissioner Baker asked why the phrase 'the application of waste on land' in the policy was changed to 'utilization.' Mr. Beck explained the phrasing was changed to accommodate drying or other treatments to waste that would allow waste to be utilized in a manner other than land application.

Chairman Langdon asked for a motion. Commissioner Bleiweis moved to approve the policy revisions and Commissioner Kilpatrick seconded. Motion carried unanimously.

- B. **Detailed Implementation Plan (DIP):** Mr. Beck presented the ACSP DIP. A copy of the DIP is included as an official part of the minutes. Mr. Beck shared the DIP was thoroughly reviewed and updated last year so no major changes are suggested for Fiscal Year (FY) 2025. Revisions this year include minor grammatical and formatting changes. The Division is seeking continuation of the policy included in the DIP last year that all stream restoration practices will require designs be completed by third party engineers.

This is due to ongoing Division engineer staffing difficulties and labor shortages. Chairman Langdon asked if there were any questions or comments. No questions or comments were posed. Chairman Langdon asked for a motion. Commissioner Bleiweis moved to approve the FY2025 ACSP DIP as presented and Commissioner Kilpatrick seconded. Motion carried unanimously.

Chairman Langdon asked Mr. Beck to provide the Commission the definition of waste at a future meeting. The term sludge has been changed to biosolids. The term waste has a negative connotation of a burdensome, non-valuable item. Byproducts from swine, poultry, and dairy are fundamentally nutrients which are recycled and reused to great benefit. Since the term sludge has been updated, it may be an appropriate time to examine if an alternate term for waste be used in policies to reflect the reuse benefits of swine, poultry, and dairy byproducts. Commissioner Lamb stated that the term nutrient is now used in industry nomenclature in reference to a biosolid or waste. Commissioner Kilpatrick stated that updating terminology may improve public understanding and perception surrounding the beneficial reuse of animal byproducts.

- C. **Average Cost List:** Mr. Beck presented the Average Cost List. Mr. Beck shared that some component names were changed, and practice caps were increased to correspond with BMP policy updates. Average costs were also increased for several pump components. Districts requested increases and Ms. Lorien Deaton completed significant research on pump costs to identify suggested rate increases for pump components by region. Recommended pump component increases were brought to the AgWRAP Review Committee and the ACSP Technical Review Committee, which both approved the recommended increases. Mr. Beck shared that the triennial review and update of the ACSP average cost list is due this fiscal year. Work will begin in August and continue all year. Mr. Beck is seeking a Commission member volunteer to serve on the workgroup that will be completing the triennial review and updating the ACSP average cost list.

Chairman Langdon asked for a motion. Commissioner Teague moved to approve the ACSP average cost list as presented and Commissioner Parker seconded. Motion carried unanimously.

- D. **District Financial Assistance Allocation:** Mr. Beck presented the DSWC's recommended allocation amounts. Attachments 9D1 and 9D2 lists the recommended allocations based on the allocation formula specified in 02 NCAC 59D .0103. The DSWC received requests from all Districts for CS (regular), II (impaired/impacted) and SFR (state fiscal year nonrecurring) funds or a combination therein. A total of \$16.5 million in funding was requested with \$5.4 million of CS, II, and SFR funds combined was available to allocate. The DSWC received requests from five Districts for Upper French Broad River funds (UFB). A total of \$995,000 was requested with nearly \$1.5 million available to allocate. There remains \$494,933 of UFB funds available for just-in-time allocations. Data used in the allocation formula specified in 02 NCAC 59D .0103 is routinely updated as new information is published. Mr. Beck shared that new data was included in the allocation formula calculations this year and technical process improvements to reduce subjectivity in generating allocation values were completed as well.

Chairman Langdon asked for any comments or questions. None were posed.

Chairman Langdon asked for a motion. Commissioner Bleiweis moved to approve the ACSP district financial assistance allocations as presented and Commissioner Kilpatrick seconded. Motion carried unanimously.

- 10. Technical Assistance Allocation:** Chairman Langdon recognized Deputy Director Julie Henshaw to present. A copy of the report is included as an official part of the minutes. Ms. Henshaw stated there are no proposed changes to the allocation amounts from the previous fiscal year and 99 out of 100 counties are recommended to receive an allocation. The DSWC will bring TA calculations for FY2026 to the September SWCC meeting so that Districts can inform and prepare county budget offices for changes in TA funding next fiscal year.

Chairman Langdon asked for a motion. Commissioner Lamb moved to approve the technical assistance allocation as presented and Commissioner Baker seconded. Motion carried unanimously.

- 11. Agricultural Water Resources Assistance Program:** Chairman Langdon recognized Ms. Lorien Deaton to present. A copy of the presentation and associated materials are included as an official part of the minutes. Ms. Deaton stated she is seeking the Commission's approval on four items.

- A. **Consideration of AgWRAP Policy Revisions for Agricultural Water Storage and/or Collection System and Livestock Water Storage:** Ms. Deaton presented similar revisions for both AgWRAP BMPs. Policy updates recommended allow an individual with appropriate JAA to certify a water storage reservoir, tank, or pumping plant as an addition to an existing system.

Chairman Langdon asked for comments or questions. None were posed. Chairman Langdon asked for a motion. Commissioner Baker moved to approve the AgWRAP policy revisions as presented and Commissioner Bleiweis seconded. Motion carried unanimously.

- B. **Detailed Implementation Plan:** Ms. Deaton presented the DIP. No significant revisions are recommended this year. A minor proposed change to the District supplemental allocation process is recommended. The change would prioritize funding supplement and repair contracts over new contracts for requests submitted through the mid-year supplemental allocation process.

Chairman Langdon asked for comments or questions. None were posed. Chairman Langdon asked for a motion. Commissioner Teague moved to approve the FY2025 AgWRAP DIP as presented and Commissioner Parker seconded. Motion carried unanimously.

- C. **Average Cost List:** Ms. Deaton presented the Average Cost List. A few component names were changed and a couple average cost rate increases are proposed for pump components. The ACSP Technical Review Committee and AgWRAP Review Committee approved suggested rate increases.

Chairman Langdon asked for comments or questions. None were posed. Chairman Langdon asked for a motion. Commissioner Parker moved to approve the AgWRAP average cost list as presented and Commissioner Kilpatrick seconded. Discussion was called and Commissioner Baker asked if the well components for which rate increases are recommended will be included in the full average cost list review and update to be completed this fiscal year. Mr. John Beck and Ms. Lorien Deaton answered affirmatively, rates for all components in the average cost list will be evaluated. Any new data on these pump components will be considered in the average cost list updates to be completed in the next year. Ms. Lorien Deaton stated that the recommended rate increase is currently based on data from 2022, 2023, and 2024.

Chairman Langdon asked for any more discussion. No discussion items were brought forward. Motion carried unanimously.

- D. **District Financial Assistance Allocation:** Ms. Deaton presented the DSWC's recommended allocation amounts. In total, 92 counties requested over five million in AgWRAP funds. Little over one million was available to allocate. The DSWC recommends allocating 90% of available AgWRAP funds to District allocations and retaining the remaining 10% for regional funding allocations. Attachment 11D lists the recommended District allocation values and the funding total retained for regional funding allocations.

Chairman Langdon asked for any comments or questions. None were posed. Chairman Langdon asked for a motion. Commissioner Bleiweis moved to approve the AgWRAP district financial assistance allocation as presented and Commissioner Lamb seconded. Motion carried unanimously.

12. **Community Conservation Program:** 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.

- A. **Detailed Implementation Plan:** Mr. Hill presented the DIP. Revisions include modifications to change dates, increase clarity, and improve formatting. A statement acknowledging the one-time non-recurring funding allocation of \$500,000 was added. The cap for funding allocated to repair contracts was also increased from \$15,000 to \$25,000. Language was added to clarify the pet waste receptacles practice. Mr. Hill thanked the CCAP Advisory Committee, and Ms. Betsy Gerwig with the Henderson District, for their work in reviewing the CCAP DIP for FY2025. Mr. Hill reminded the Commission of details surrounding the CCAP regional application and allocation process and that the application period closes September 6th.

Chairman Langdon asked for any comments or questions. None were posed. Chairman Langdon asked for a motion. Commissioner Teague moved to approve the FY2025 CCAP DIP as presented and Commissioner Bleiweis seconded. Motion carried unanimously.

- B. **Average Cost List:** Mr. Hill presented the Average Cost List. Component costs required for install of backyard raingardens, cisterns, marsh sills/living shorelines, permeable pavers, and pet waste receptacles were reviewed. Rate adjustments are only

recommended for the marsh sills/living shorelines practice. Mr. Hill thanked Todd Kelly from Carteret District, Kent Vaughan with Coastal Management, and Charlie Sanders with Dare District for their work in providing marsh sill/living shorelines cost data to the DSWC.

Chairman Langdon asked for any comments or questions. None were posed. Chairman Langdon asked for a motion. Commissioner Baker moved to approve the CCAP average cost list as presented and Commissioner Parker seconded. Motion carried unanimously.

Mr. Hill shared that he had two final information items for the Commission. He and Ms. Lorien Deaton recently developed a CCAP storymap which provides a compelling educational resource about the program and work to date. Mr. Hill encouraged Commission members to view and engage with the newly created resource. Mr. Hill reminded the Commission that the Association presented the Jim Stephenson Award for Outstanding Accomplishments in Community Conservation to Adam Simon with the Dare District posthumously at the 2024 Annual Meeting. Mr. Hill asked Commission members to consider and encourage candidate nominations for the 2025 award presentation.

Chairman Langdon asked for any comments or questions. Commissioner Bleiweis thanked Mr. Evans and Mr. Hill for their work in nominating Mr. Simon for the award. The response from Mr. Simon's family was heartwarming and showed the importance of recognizing people and their contributions within the partnership. Commissioner Bleiweis suggested that it may be beneficial to continue building community relationships through these awards and recognition processes to strengthen their overall message and recommended that Mr. Simon's family be included in the selection process for the Jim Stephenson Award this year.

**13. Consideration of Policy Revisions for Mileage, Subsistence, and Per Diem Reimbursement from State-Appropriated District Supervisor Travel Funds:**

Chairman Langdon recognized Ms. Kristina Fischer to present. A marked copy of the policy outlining proposed revisions is included as an official part of the minutes. Ms. Fischer stated the following substantive revisions are proposed:

- Reimbursement eligibility for Supervisor attendance at Advanced Supervisor Training. Reimbursement will be prioritized first to those Supervisors who have not yet obtained required Supervisor Training Credits in their current term with next priority to those Supervisors who have not had the training within the past five years.
- Language added to encourage all Supervisors to attend the Annual Meeting and Area Meetings.
- Updated percentages of how budgeted funds would be spent on training activities, which is more reflective of how funds are currently being expended.
- Only allows lodging reimbursement for Annual Meeting attendance for actual overnight stays, except in cases of emergency approved by the Division Director.
- Flexibility to pay for travel related expenses for Supervisor participation in spot check field reviews and Local Work Groups.

- Flexibility for the Division Director to annually set the approved reimbursement rate for Area Meeting registration costs. Previously rate was set at \$30, but rising costs make it difficult for Districts to find venues and caterers to meet that price.
- Allow lodging expense reimbursement for Supervisors who must appear before the Commission, if, due to distance, the Supervisor must depart before 6am to attend the scheduled Commission meeting.

Chairman Langdon asked for any comments or questions. None were posed. Chairman Langdon asked for a motion. Commissioner Teague moved to approve the policy revisions to mileage, subsistence and per-diem reimbursement from state-appropriated District Supervisor travel funds as presented and Commissioner Kilpatrick seconded. Motion carried unanimously.

#### 14. Special Requests:

- A. **Post-Approval for Conservation Reserve Enhancement Program (CREP) Contract 84-2024-201:** Chairman Langdon recognized Ms. Jennifer Roach to present item 14A. Ms. Roach presented background on the post-approval request for contract 84-2024-201. The contract was for cropland conversion to trees. The cooperators worked with Stanly County FSA staff to enroll in the CREP and with the Division CREP staff to enter a thirty-year easement. The Division failed to inform the Stanly District of the project. At this time, site preparation, tree planting, and at least one maintenance activity has been completed. Work completed to date meets standards. This issue resulted entirely due to CREP staff oversight; no fault can be attributed to Stanly District. The CREP team have taken steps to improve work flow processes to avoid this issue in the future.

Commissioner Langdon asked for questions and comments. None were posed. Chairman Langdon asked for a motion. Commissioner Parker moved to approve the post-approval request for contract 84-2024-201 and Commissioner Lamb seconded. Motion carried unanimously.

- B. **Post-Approval for Contract 69-2023-006:** Commissioner Baker recused himself from this item. Mr. John Beck stated that the contract under consideration for a post-approval was for a grassed waterway in Pamlico County. Mr. Beck introduced Pamlico District Chair Mr. Derek Potter to present the post-approval request for Pamlico District.

Mr. Potter thanked the Commission for an opportunity to present Pamlico District's request. The contracted project included installation of a grassed waterway and a field border. The cooperators attempted to install the contracted practices after local and state approvals, but unfortunately the installation was unsuccessful and the practices washed out. The cooperators repaired the failure according to approved designs, but the practices washed out again and as a result reimbursement payment for installation was not able to be approved. With the Division's assistance, technical engineering assistance was provided to re-engineer the grassed waterway to prevent additional failure. Unfortunately, the cooperators repaired the grassed waterway according to the new design before another repair contract was approved by the Division. This was due to an oversight with Pamlico District and was of no fault of the producer. Mr. Potter apologized for the oversight and committed to taking steps locally to avoid situations like this again.

Chairman Langdon asked Mr. Potter who is on the Pamlico District board and if they were aware of the process error related to this project. Mr. Potter named the other four Supervisors serving on the board and answered affirmatively that the Pamlico board was fully aware of the issue. Mr. Potter shared for additional context that there was staff turnover between the original contract and the repair contract, but continued to take responsibility on behalf of the Pamlico District board for the oversight.

Chairman Langdon thanked Mr. Potter for his comments and asked for a motion. Commissioner Teague moved to approve the post-approval request for contract 69-2023-006 and Commissioner Kilpatrick seconded. Motion carried unanimously.

**C. Government Property Contract 51-2024-021: Central Crops Research Station:**

Chairman Langdon recused himself from consideration and voting on this item. The gavel was passed to Vice Chairman Lamb. Vice Chairman Lamb recognized Mr. John Beck to introduce the contract and representatives from Johnston District and the Central Crops Research Station. Mr. Beck stated this request is for a contract on government owned property. Johnston District Supervisor Dewitt Hardee is present in person and staff from Johnston District and Keith Stark, the Central Crops Research Station Superintendent, are attending online. Mr. Beck introduced Mr. Hardee to present Johnston District's request. Mr. Hardee shared this project is supported by the Johnston District and is for work improving resource concerns on the Central Crops Research Station in Clayton. The practices to be installed include a grassed waterway and a rooftop runoff management system. Letters from the Johnston District and the Central Crops Research Station Superintendent in support of the project were submitted to the Commission and Mr. Hardee requested the Commission's approval of this project.

Commissioner Lamb asked if there was anyone else from Johnston District who would like an opportunity to speak. Mr. Greg Walker, the Director of Johnston District, added that the District considers the research farm as just another farm in Johnston County and Keith is just like any other farmer with which the Johnston District works. Mr. Keith Stark thanked the Commission for the opportunity to be on the agenda and the Johnston District's willingness to work with them on land and water flow issues on the farm. Mr. Stark stated that his team is doing their best to manage this farm as a research station, and the opportunities for practice and management interventions to be funded by the ACSP would otherwise not be possible for the farm based on budget limitations. Mr. Hardee stated that farmers visiting the research station witness practices and changed management in action, so funding the proposed work will not only address resource concerns, but will also serve as a valuable teaching tool for Johnston County farmers.

Vice Chairman Lamb acknowledged Johnston District's request and asked for a motion. Commissioner Bleiweis moved to approve the request for contract 51-2024-021 on government property and Commissioner Teague seconded. Motion carried unanimously.

Mr. Hardee thanked the Commission and Vice Chairman Lamb passed the gavel back to Chairman Langdon for item 15.

**15. Consideration of Contract Extensions:** Chairman Langdon recognized Ms. Lisa Fine to present. A copy of Ms. Fine's presentation and associated materials are included as an official part of the minutes. Ms. Fine shared an update that five Requests for Payment were submitted since the mail-date of the Commission packet, which negates the need for five contract extensions. As of her presentation, a total of 32 districts are requesting extensions for 51 contracts. The DSWC has seen decreases in contract extension requests in the last six fiscal years. Ms. Fine shared that process improvements including increased reminders and online cancellation, and extension forms have helped to lower the number of contract extensions coming before the Commission. Ms. Fine relayed the Cost Share Committee will be meeting to discuss additional policy revisions to further improve the contract extension process.

- A. **Contracts that received a design less than 12 months ago or are in pended status:** Ms. Fine stated there are 18 districts requesting extensions for 25 contracts in this category. The Division recommends extending all of these contracts. Ms. Fine reminded the Commission that it had previously waived the requirement for a Supervisor to appear in person or online for Districts requesting an extension for contracts falling in this category.

Commissioner Bleiweis asked why more movement has not occurred in five years for project 12-2019-005. Ms. Rachel Smith shared that this project is a repair contract. Significant investigation was needed to determine why the original design failed. There was also turnover with local technical staff at the Burke District, which delayed receipt of the floodplain development permit and contributed to a communication drop off with the landowner. The 90% plan for this project was completed as of December 2023, but the Burke District is waiting for the landowner to get quotes back to make sure they can afford to move forward. After that, plans will have to be finalized and a floodplain permit will need to be obtained.

Commissioner Bleiweis asked at what point does the Division terminate a project. Ms. Smith answered that the decision to terminate a project must come from the landowner or the local District or the Commission. There has been intermittent progress for 12-2019-005 and the landowner is still interested in pursuing the project if they can afford to implement what is needed. Commissioner Bleiweis asked Ms. Smith at what point does the Burke District or the Commission make the decision to terminate a project and contract. One argument being that staff capacity and resources are limited, and these older projects are taking away from staff attention to new incoming requests. Ms. Smith shared that while there were intermittent issues from each partner that contributed to the delay of this project, she believes that the Division bears the majority of the responsibility for this project's delay. Commissioner Bleiweis appreciated these comments, but asked whether there was anything built into the Division's project workflow that would automatically terminate a project after a certain amount of delay or inactivity. Commissioner Bleiweis stated that a termination mechanism for longstanding contracts appears to be a necessary step to incorporate into the Division's and the Commission's workflow. Chairman Langdon shared that the Commission is this step. Ms. Smith stated that the Division, with the Commission's concurrence, has in the last couple fiscal years had to decline providing technical assistance service to stream restoration projects like 12-2019-005 because of limited labor capacity. The Division has attempted in doing so to draw this line. Commissioner Parker asked why it has taken the



landowner six months since the 90% design was provided to get quotes. Ms. Smith stated that it is difficult for the landowner to find a qualified contractor to complete the work. The project is not big enough to be of interest to larger contractors, but involves in-stream work and implementation of an in-stream structure which limits the number of smaller contractors qualified to complete the project.

Commissioner Bleiweis also brought up Guilford and Rowan contracts that are older contracts. Ms. Smith stated that the Guilford project has been approved. The design was for a high hazard dam and was provided by an outside engineer. Rowan has received the final design and is waiting on permits. The permit process for the Rowan project was delayed due to a Division staff turnover issue; a previously employed engineer left and permits needed to be reapplied for to move the project to construction.

Ms. Fine asked the Commission for approval of all contract extension requests under item 15A.

Chairman Langdon asked for a motion. Commissioner Baker moved to approve the extensions for contracts that received a design less than 12 months ago or are in pended status and Commissioner Kilpatrick seconded. Motion carried unanimously.

- B. FY2022 Contracts (No extensions to date):** Ms. Fine stated that Districts were required to submit an extension request for each contract falling into this category. Uncompleted FY2022 contracts expired June 30<sup>th</sup>, 2024. Ms. Fine reminded the Commission that its policy is for a Supervisor to attend the July meeting virtually to be available to answer Commissioner questions. In total, 18 Districts are requesting extensions for 21 contracts in this category, which includes Districts of two Commission Members (Wilkes and Sampson).

Commissioner Lamb recused himself from consideration of the extension requested by Sampson District for contract 82-2022-011. Ms. Fine stated Mr. Henry Faison, Conservationist with the Sampson District, and Sampson District Chair, Mr. Henry Moore, were online and available to answer questions. Chairman Langdon asked for any questions or comments about the contract. None were posed. Chairman Langdon asked for a motion. Commissioner Kilpatrick moved to approve a contract extension for 82-2022-011, and Commissioner Teague seconded. Motion carried unanimously.

Commissioner Lamb returned. Commissioner Parker recused himself from consideration of the extensions requested by Wilkes District for contracts 97-2022-002 and 97-2022-005. Ms. Fine stated Ms. Kayla McCoy, Conservationist with the Wilkes District, and Wilkes District Chair, Mr. Charlie Sink, were online and available to answer questions. Chairman Langdon asked for any questions or comments about the contracts. None were posed. Chairman Langdon asked for a motion. Commissioner Teague moved to approve contract extensions for 97-2022-002 and 97-2022-005, and Commissioner Kilpatrick seconded. Motion carried unanimously.

Commissioner Parker returned. Ms. Fine stated that there are 18 contracts for 16 Districts remaining in this category that are seeking extensions. Ms. Fine named the contracts, the 16 Districts, and the staff and Supervisors participating online that were

available to answer questions. Chairman Langdon asked for any questions or comments about the contracts. None were posed. Chairman Langdon asked for a motion. Commissioner Baker moved to approve remaining FY2022 contract extensions and Commissioner Parker seconded. Motion carried unanimously.

- C. **FY2021 and Older Contracts (Previously extended):** Ms. Fine stated that Districts were required to submit an extension request for each contract falling into this category. In this category there are three districts requesting another extension for five contracts. Ms. Fine reminded the Commission that its policy is for a Supervisor to attend the July meeting virtually to be available to answer Commissioner questions.

Commissioner Teague recused himself from consideration and voting on the extension requests submitted by Guilford for contracts 41-2021-002 and 41-2021-010. Ms. Fine stated Mr. Gary Cox, Conservation Technician with the Guilford District, and Guilford District Supervisor Ray Briggs were online and available to answer questions. Chairman Langdon asked for any questions or comments about the contracts. None were posed. Chairman Langdon asked for a motion. Commissioner Kilpatrick moved to extend the Guilford contracts under consideration and Commissioner Bleiweis seconded. Motion carried unanimously.

Commissioner Teague returned. Ms. Fine stated the remaining contract extension requests were submitted by Avery and Watauga Districts. Avery District staff member Ms. Beth Hughes and Avery Supervisor Ms. Ann Coleman as well as Watauga District staff member Ms. Mikey Woodie and Watauga Supervisor Mr. Chris Hughes were online and available to answer questions. Chairman Langdon asked for any questions or comments about the contracts. None were posed. Chairman Langdon asked for a motion. Commissioner Teague moved to extend the Avery and Watauga contracts and consideration and Commissioner Bleiweis seconded. Motion carried unanimously.

Commissioner Langdon asked how cooperators can be informed and reminded about contract deadlines and processes. Ms. Fine stated that the Division relies on District staff to be the information exchange conduits, which includes check ups and reminders. The Division's online contracting system, CS<sup>2</sup>, lists contract deadlines. The Division encourages Districts to track contract progress through CS<sup>2</sup> and other internal means. Ms. Fine intends to complete follow ups with Districts throughout the year to limit lingering contracts. Chairman Langdon encouraged District Supervisors ask staff to supply them with a copy of contract deadlines from CS<sup>2</sup> or internal tracking sheets every quarter so boards can be more informed. Chairman Langdon asked Commission members about their familiarity with the Division's online contracting system, CS<sup>2</sup>. Commission members shared their familiarity with the system. Chairman Langdon encouraged Commissioners with limited knowledge to educate themselves about the program and the useful information it can track for staff and the board. Chairman Langdon invited Division Regional Coordinator Ken Parks to share comments. Mr. Parks shared that he agreed with Chairman Langdon that it would be useful for District boards to be educated about the CS<sup>2</sup> contracting system, but that regular progress reports on contracts, in particular, would be very helpful for all parties. Commissioner Teague asked why additional accountability is not assigned to cooperators. Commissioner Teague recommended that district boards ask cooperators to appear before the Commission or local boards when they are requesting contract extensions so there is more accountability placed on the cooperator. It is easy for

District staff and boards to get promises from cooperators, but many times these commitments are not followed through on the cooperator's end. Commissioner Parker agreed with Commissioner Teague. Commissioner Baker shared that CS<sup>2</sup> is fine, but imperfect system. Success with limiting lingering contracts comes down to District staff and Supervisors taking a conscious effort and making contract follow up a priority. Chairman Langdon invited Mr. Williams to share a few comments. Mr. Williams stated that Commissioner Teague raised an important point regarding the role of the farmer in contract completion. Mr. Williams shared that the farmer's role in a contract's incompleteness should be discussed thoroughly at a local board meeting. The District board makes the decision of whether to send extension requests for contracts to the Commission and inviting the farmer to a District board meeting to explain why they were unable to complete the contract on time is good practice. Mr. Williams encouraged District Supervisors to create that expectation of farmers locally; contract extensions are not a rubber stamp at the local or state level. Chairman Langdon thanked Mr. Williams for his comments and reiterated that it is important for Supervisors to seek information on the progress of contracts locally. Supervisors cannot be good stewards of the State's cost share programs if they remain uninformed. Chairman Langdon invited Johnston Supervisor Dewitt Hardee to share comments. Mr. Hardee shared that Supervisors are in leadership positions and as such have a responsibility to use the tools available to them. It is important to build a relationship with staff to create expectation and provide good, effective leadership. Chairman Langdon thanked Mr. Hardee and shared his concurrence. Chairman Langdon thanked Ms. Fine for her report.

**IV. PUBLIC COMMENTS:** Chairman Langdon shared public comments. Chairman Langdon asked Counsel Phillip Reynolds to investigate the feasibility, practicality, and legality of the Cherokee Nation becoming a Soil and Water Conservation District. Chairman Langdon is looking for Counsel Reynolds to complete due diligence on the topic and draft a report that outlines the advantages and disadvantages of the potential undertaking and the steps that would need to be taken for fruition. Counsel Reynolds accepted the charge. Chairman Langdon asked for any public comments. Chairman Langdon recognized Johnston Supervisor Dewitt Hardee for comments. Mr. Hardee shared that he had two items he wished to share on behalf of Amanda Sands with the Foundation for Soil and Water Conservation. First, there are two fertilizer program webinars that the Foundation is hosting in July (7/25 and 7/30) covering a \$4 million program to convert sludge from waste lagoons into other beneficial uses using drying methods and other techniques. Secondly, the General Assembly provided funding to the North Carolina Grange to represent and promote agriculture in the state for the inaugural NC Farmer Appreciation Day in November (11/14/24). Leading up to that date, farmers in every county across the state are intended to be recognized and awards such as Farmer of the Year and Young Farmer of the Year are to be provided. Nominations for recognition must go through a local agricultural county office including Cooperative Extension, Soil and Water Conservation, and the NC Forest Service. Farmers that win the top awards will receive cash prizes as well as local offices that submitted the nominations. Mr. Hardee encourages Districts to participate in and support this effort and to submit nominations recognizing outstanding conservation farmers. Chairman Langdon asked for any more public comments. Chairman Langdon recognized staff with health issues and commended various staff and Supervisors in attendance for their work and support.

With no further public comments brought forward, Commissioner Teague made a motion to adjourn the meeting. Commissioner Bleiweis seconded. The motion was unanimously approved.

**V. ADJURNMENT:** The meeting adjourned at 11:47am.

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David B. Williams, Director  
Division of Soil & Water Conservation, Raleigh, N.C.

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Allie Dinwiddie, Recording Secretary

***These minutes were approved by the North Carolina Soil & Water Conservation Commission on September 16 , 2024.***