



AGRICULTURE COST SHARE PROGRAM

Technical Review Committee

October 23, 2024 - 1:30 PM

Meeting Minutes



Attendees

TRC Members: John Beck, Erin Rivers, Dianne Farrer, Anne Coan, Rick McSwain, Benjy Strope, Rodney Wright, Rachel Smith, Dewitt Hardee, Brandon King

Guests: Michael Shepherd, Julie Henshaw, Lisa Fine, Shelby Kaplan, Lorien Deaton, Allie Dinwiddie

AGENDA

1. Welcome and Introductions
 - Call to Order at 1:33 PM
 - August Meeting Minutes
 - i. Anne Coan motions to approve and Rick McSwain seconds.
 - ii. Motion is approved, no objections or abstentions
2. Commission Meeting Updates
3. Waste Management Workgroup Updates (ACTION ITEMS)
 - A. Waste Application System
 - There was a lot of discussion on the equipment associated with this practice and which standard they must meet (590). This led to a discussion on updating Waste Management Plans (WMPs) based on the equipment used. It was determined that when new equipment requires modification to the current waste plan, then a new WMP shall be developed.
 - Dewitt Hardee motions to approve the changes, Benjy Strope seconds.
 - i. Motion approved, no abstentions or objections.
 - B. Constructed Wetlands
 - Most of the discussion was about nutrient concentration and whether this impacts land application for 590 standard and updating the WMP with this practice (since it impacts the nutrient concentration leaving the lagoon). The suggestion made was to update the WMP if there is any nutrient concentration difference. This is because if the nutrient concentration is lower, one may be applying more than they would otherwise.
 - Benjy Strope motions to approve the changes, Dewitt Hardee seconds.
 - Motion approved, no abstentions or objections.

4. Discussion on Sharing District BMPs

- Districts have requested to use an already-approved District BMP. It was determined that each District is required to follow the District BMP process. The District would need to go through the formal process and propose their need and request to the TRC. There was consideration to review these approved District BMPs as 'temporary' or like a 'trial' to ensure these are benefitting water quality and proposed treatments are met, showing this as a useful practice in all the District requested. If another District requests the same BMP in the same fiscal year, it could be an opportunity to compare data sets from both areas. This would be a compelling argument for making this BMP more permanent.
- There was also a suggestion to collect more data from Districts requesting a new BMP in order to determine if the impacts are real and beneficial. Currently, most data are anecdotal from District BMPs. It would be a good idea to collect information on maintenance, installation, materials required, etc.

5. Discussion on Adding Flash Grazing to Livestock Exclusion Fencing BMP

- Most of the discussion was on setbacks and definitions for this practice. Current setback minimums are dependent on site-specific activities. Previously implemented projects may not be eligible. Additional consideration is needed regarding setback descriptions and requirements, as well as investigating retroactive approval for flash grazing.
- In addition, streambank practices were discussed. Stream projects have different setbacks, and riparian buffers would need to be strong enough for grazing. Consideration should be given to special funds. UFB funds are aimed at reducing E. coli, which can be increased significantly with flash grazing (especially during summer months). Another hesitation is around incorrectly implementing flash grazing. If done incorrectly or planned poorly, the buffer areas and vegetation could be destroyed.
- Timing of access, environmental conditions and maintenance (mowing) in the excluded zone were discussed. It was suggested that instances and dates for flash grazing would need to be set to prevent issues with soil stability.
- Staff requested input on these items and will prepare updated recommendations for the December meeting.

6. Member Items

- None

Meeting adjourned at 3:41 PM

ACSP Technical Review Committee

October 23, 2024



Technical Review Committee Meeting Agenda

1. Welcome and Introductions
2. Commission Meeting Updates
3. Waste Management BMP Workgroup Updates
4. Workgroup Outlook for FY25
5. Member Items



TRC Membership

John Beck, Chair	Division of Soil and Water Conservation
Erin Rivers	Cooperative Extension Service/ NC State University
Niroj Aryal	School of Agriculture, NC A & T State University
Dianne Farrer	N. C. Department of Agriculture and Consumer Services
Starla Harwood	Farm Service Agency
Anne Coan	N. C. Farm Bureau Federation
Dewitt Hardee	N. C. State Grange
Brandon King	State Resource Conservationist, NRCS
Jim Kjelgaard	State Conservation Engineer, NRCS
Rachel Smith	Division of Soil and Water Conservation
Rick McSwain	Division of Soil and Water Conservation
Anne Deaton	Division of Marine Fisheries
Benjy Strobe	Wildlife Resources Commission
Rodney Wright	Rockingham Soil and Water Conservation District Employee
David Harris	Durham Soil and Water Conservation District Supervisor



2. Commission Meeting Update

- All recommended Waste Management BMPs were approved
 - Retrofit of On-going Animal Operations BMP
 - Manure/Litter Transportation Incentive BMP
 - Dry Stack BMPs
- The Commission requested the Division develop a proposal to adopt flash grazing in ACSP
- A Program Update Webinar for District staff was held and recorded



3. Waste Management BMP Workgroup

Goals

- Update the NC ACSP BMP policies that address livestock waste management
- Review in groups of 3-4 through FY2024-2025
- Have all the BMPs updated by FY2026 to align with the next Average Cost List Update



3. Waste Management BMP Workgroup

Membership

Brandi Talton – Wayne SWCD	James Lamb – SWCC, Sampson Supervisor
Adam Hilton – Davidson SWCD	Dianne Farrer – NCDA
James Vincent – Pitt SWCD	Rick McSwain – DSWC
Henry Faison – Sampson SWCD	Michael Shepherd – DSWC
Jessica Perrin – Orange SWCD	Sam Edwards – DSWC
Lee Holcomb – NRCS	Mark Seibert – DSWC
Stephanie Kulesza – NCSU	Chris Love – DSWC
Christine Lawson – DWR	John Beck – DSWC



Waste Management BMPs

- **Waste Impoundment Closure**
- Concentrated Nutrient Source Management System
- **Constructed Wetlands**
- **Dry Stack**
- Feeding/Waste Storage Structure
- Heavy Use Area Protection
- Insect Control Practice
- **Lagoon Biosolid Removal Practice**
- Livestock Mortality Management System
- Manure Composting Facility
- **Manure/Litter Transportation Incentive**
- Odor Control Management System
- **Retrofit of On-going Animal Operations**
- Solids Separation from Tank/Raceway-based Aquaculture Production
- Storm Water Management System
- **Waste Application Systems**
- Waste Treatment Lagoon/Storage Pond



3.A. Waste Application System

- Increased the practice cap to \$50,000 (from \$35,000) – approved with average cost list
- Updated spreader guidelines to add manure spreaders
- Updated waste planning and application policies
 - Added references to 360 Waste Facility Closure and 590 Nutrient Management standards



3.A. Waste Application System

- Revised cap explanation for clarity
 - “Cost share payments **for this practice** are limited to a \$50,000 lifetime cap **per operation**”.



Waste Application Systems

Definition/Purpose

A **Waste Application System** means an environmentally safe system (such as mobile irrigation equipment, solid set, dry hydrant, ~~mobile irrigation equipment~~, etc.) for the conveyance and distribution of animal wastes from waste treatment and storage structures to agricultural fields as part of an irrigation and waste ~~utilization-management~~ plan. (DIP)

Mobile Application System means a portable conveyance system for the application of liquid animal waste from a waste storage pond or lagoon or a manurespreader for the application of dry waste or compost.

Solid Set System means an in-ground sprinkler system which allows the conveyance of liquid waste from a waste storage pond or lagoon to allow land application of liquid wastes.

Underground Main and Hydrant System means an in-ground system of pipes ending in hydrants which allows the conveyance of liquid waste from a waste storage pond or lagoon to facilitate the land application of animal wastes.

Policies

1. Items for reimbursement under the maximum are all equipment, materials, construction, installation, vegetation, pumps, etc. from the waste structure to and including the delivery system. **The type of system must be specified on contracts** (i.e. center pivot, traveling gun, solid set, etc.) Reimbursable items must be supported by receipts, including any previous payments to the cooperator for pipe, hydrants or other elements of a waste application system. ~~For all operations, cost share payments for this practice are limited to a \$35,000~~**\$50,000 lifetime cap per operation.** Cost share will not pay for any motorized vehicles used in transporting/applying waste or for replacing worn out equipment that was previously cost shared on.
2. By signing the Cost Share Agreement (NC-ACSP-2), the cooperator and/or landowner acknowledges and agrees that they are responsible for the maintenance or replacement of all equipment cost shared as a component of waste management measure(s) at their expense and that any cost shared component will not be sold or used as collateral for the life of the practice must be included in the contract.
3. Above-ground mobile irrigation pipe may be used as a component of a waste application system for cost share with the following stipulations:
 - a. All pipe from the lagoon or waste storage pond to the field must be buried according to NRCS standards;
 - b. The waste application system must include a safety valve that will close in case pressure is lost; and
 - c. The use of above ground pipe must be approved by an engineer.

Commented [JB1]: Revised to clarify payment limits are for the practice, lifetime per operation.

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4. The following guidelines apply for poultry litter and manure spreaders:
 - a. Before a cooperator can receive Cost Share assistance for a ~~poultry litter or manure~~ spreader, he/she must have a method for mortality disposal approved by the State Veterinarian and must have adequate litter storage. For purposes of the cost share program, storing covered or uncovered litter on the ground is not considered acceptable storage, nor is pit disposal acceptable for mortalities.
 - b. For poultry litter, ~~Only~~ a commercially sold fan spinner, rotary type spreader with an adjustable door for calibration may be cost shared.
 - c. Cost share will be based on actual cost with receipts required not to exceed the amount on the average cost list for ACSP.
 - d. Non-producers are not eligible for litter or manure spreaders.
 - e. If a producer has a litter spreader, they are **NOT** eligible for cost share assistance irrespective of whether it was cost shared.

5. ~~Fencing~~ was ruled to be a production practice by the ACSP Technical Review Committee and **is not** an acceptable element of this BMP.

6. ~~A waste utilization management plan shall be developed to address all waste handled on the facility including waste handled with Cost Shared equipment according to NC NRCS Conservation Practice Standard No. 590 "Nutrient Management", April 2024 or any subsequent amendment.~~

7. This practice shall not be used to apply waste at a rate exceeding the following maximums:

- a. For sites with a phosphorus loss potential (per PLAT) of low or medium, waste shall be applied in accordance with a nitrogen-based waste application plan.
- b. For sites with a phosphorus loss potential (per PLAT) of HIGH, waste shall be ~~applied~~ applied in accordance to the phosphorus removal rate of the receiving crop.
- c. No application of waste is allowed for sites with a phosphorus loss potential (per PLAT) of VERY HIGH.
- d. Planning shall project the impact of the waste application to heavy metal critical levels based on soil index. Alternative application sites should be selected if projections indicate that metals may approach excessive levels.
- e. In addition, the application shall not exceed the rate specified per acre in the plan nor the total nitrogen requirement of the receiving crop specified in the plan. If additional nitrogen is needed, consideration must be given to limit additional phosphorus application.

~~5-8.~~ When 15A NCAC 02T .1300 and Cost Share converge:

- a. When Cost Share is used for a waste application system that meets the 15A NCAC 02T .1300 certification requirements, and a new water quality problem associated

(May 2019, July 18, 2012)

Commented [BJE2]: Direct reference to the 590 standard were added.

PLAT levels below were taken from the 590 standard:
[Conservation Practice Standard Nutrient Management \(Code 590\)](#)
([usda.gov](#))

Agriculture Cost Share Program

with the waste application system is created through the actions of the farmer, Cost Share funds shall not be used to solve the new problem. The Soil and Water Conservation Commission compliance policies shall be followed if the waste application system was cost shared.

- b. When a waste management system is certified with equipment that is not cost shared, the farmer will be eligible to upgrade the system with Cost Share assistance if greater water quality benefits can be shown. **All such contracts must be considered by ~~a the TRC subcommittee~~ Subcommittee for Waste Management Measures of the Technical Review Committee.**
- c. Cost Share funds can be used to pay the difference between the current replacement value of a previously Cost Shared waste application system (e.g., a honey wagon) and a new system (e.g., solid set) if the new system is shown to provide greater water quality improvements. **All such contracts must be considered by the TRC Subcommittee for Waste Management Measures ~~a subcommittee of the Technical Review Committee.~~**
- d. If a third-party applicator arrangement for an animal operation fails, the producer would be eligible for cost share assistance to implement a waste application system.
- e. Cost Share would be available to extend irrigation pipe when an existing Waste Management Plan (WMP) is updated and the operation will need to expand the waste application systems to take phosphorus or other nutrients into consideration or to base the application rates on more current realistic yield estimates. The operation would still be limited to the amount listed on the average cost list.

WASTE APPLICATION SYSTEMS	
Maintenance Period	10 years
BMP Units	EACH
Required Effects	ANIMAL TYPE ANIMAL UNIT ACRES_AFFECTED N and P WASTE MANAGED
JAA/NRCS standards unless otherwise noted	<u>NRCS - ENG - 442 - Irrigation System, Sprinkler</u> <u>NRCS - ENG - 430 - Irrigation Pipeline</u> <u>NRCS - ENG - 449 - Irrigation, Water Management</u> <u>NRCS - ECS - 590 - Nutrient Management</u> <u>NRCS - ENG - 634 - Waste Transfer</u> <u>NRCS - ENG - 533 - Pumping Plant</u> DSWC - 590 - NM - Nutrient Management

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<p><u>NRCS Standards</u></p>	<p>CPS – 442 – Irrigation System, Sprinkler CPS – 430 – Irrigation Pipeline CPS – 449 – Irrigation, Water Management CPS – 590 – Nutrient Management CPS – 634 – Waste Transfer CPS – 533 – Pumping Plant</p>
<p>CS2 Reference Materials</p>	<p>NC-ACSP-11 Signature Page Map with BMP location, fields, and roads. NC-ACSP-WMP Form Waste Management Plan</p>
<p>Additional Spot-check Requirements</p>	<p>All waste management systems for operations not permitted by the Division of Water Resources must be spot-checked annually for five years following implementation.</p>

3.A. Waste Application System

- Action: *Approve the Waste Application System BMP revisions*



3.B. Constructed Wetlands

- Due to modifications to the waste treatment system, requirements were added for:
 - Prior DWR approval
 - Updates to the Waste Management Plan
- Updated JAA information and standard references



Constructed Wetlands

Definition/Purpose

A Constructed Wetlands for land application practice means an artificial wetland area into which liquid animal waste from a waste storage pond or lagoon is dispersed over time to lower the nutrient content of the liquid animal waste. (DIP)

Policies

1. Cooperator is responsible for appropriate local, state and federal permits.
2. Any ~~C~~ changes to an existing waste treatment system will require prior approval from the Division of Water Resources.
- 4.3. The Waste Utilization Management Plan shall be updated to address the change in waste collection/treatment as well as any nutrient concentrations as a result of the constructed wetland.

CONSTRUCTED WETLANDS	
Maintenance Period	10 years
BMP Units	EACH
Required Effects	ACRES_AFFECTED ANIMAL TYPE ANIMAL UNITS N and P Waste Managed
JAA/NRCS standards unless otherwise noted	Contact the Division of Soil and Water Conservation Technical Engineering Services or your NRCS Area Office. Professional Engineer <u>OR</u> <u>NC NRCS CPS – 656 Constructed Wetland</u>
<u>NRCS Standards and Reference Materials</u>	<u>NC NRCS CPS – 656 Constructed Wetland</u> <u>NC NRCS CPS – 629 Waste Treatment</u>
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads. NC-ACSP-WMP Form <u>Waste Utilization Plan</u>

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Additional Spot-check Requirements	All waste management systems for operations not permitted by the Division of Water Resources must be spot-checked annually for five years following implementation.
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3.B. Constructed Wetlands

- Action: *Approve the Constructed Wetlands BMP revisions*



4. Sharing District BMPs

- District BMPs are requested by and assigned to a specific District
 - Have not been shared previously
 - "District BMP" means a BMP requested by a district and approved by the Division for evaluation purposes." (02 NCAC 59D)
- We have had districts inquire about using other District's BMPs
- The requests may be for recently approved BMPs that have not been installed or evaluated
- Can a District formally request to use another District's BMP?



5. Flash Grazing with Livestock Exclusion Fencing

- Allowance of flash grazing was added to the existing Livestock Exclusion BMP.
- General updates were applied to the BMP and the Stream Protection Management Measures General Policy
 - Included requirements from the general policy in the BMP
 - Revised setback descriptions and requirement
 - Created standardized forms to streamline documentation requirements
 - Fencing approval, installation and cooperator acknowledgement forms
 - Added and emergency exception process



5. Flash Grazing with Livestock Exclusion Fencing

Flash grazing is referenced in two NRCS standards

Access Control

- When flash grazing is allowed in riparian areas, it must be performed during low-risk times when soil moisture levels are low, plant cover is abundant, and plants are not emerging or setting seed.
- Flash grazing must only be allowed for a short period of time, which must not exceed a forty-eight-hour period.
- The height of forage residues following grazing should be based on environmental conditions and plant species. The forage residue stubble height must not be less than four inches.

Fence

- It is recommended that fences be located 20 feet or more from streams with a maintenance gate to allow for one-day “flash grazing” (when permanent livestock exclusion is not a resource or management objective) when soil is dry enough to minimize trampling damage.
- Temporary fencing may be used to protect streambanks while using forage adjacent to the stream.



5. Flash Grazing with Livestock Exclusion Fencing

- Proposing to add flash grazing to the ACSP Livestock Exclusion Fencing BMP → revision drafted using the NRCS 382 Fence standard
 - one day/24-hour flash grazing permitted
 - environmental & management recommendations are similar between the standards
- Fence Implementation Requirement Form
 - when preparing the form for stream exclusion purposes a window pops up with a check box asking if flash grazing is allowed.
 - check yes and it automatically prints a one day limit on the IR: “To control vegetation within stream exclusions, animals may be allowed to "flash" graze the excluded area for one day when soil is dry and stable.”



5. Flash Grazing with Livestock Exclusion Fencing

Summary of Proposed Flash Grazing Policies

- Left use to the discretion of the District board and conservation planner. Provides authority for districts to determine applicability locally
- 20 ft. set back from the top of the streambank required
- Permitted for one 24-hour period when soil is dry enough to minimize trampling damage, plant cover is abundant, and plants are not emerging or setting seed.
- Use the Access Control IR to document permitted activities
- Flash grazing of restored streams and streambanks is not permitted until vegetation is fully established
- Temporary fencing is recommended to protect streambanks while using forage adjacent to the stream.



5. Flash Grazing with Livestock Exclusion Fencing

New Forms

1. Cooperator Acknowledgement Forms
 - One with flash grazing, one without
 - Includes set back requirements and O&M
2. Fence Approval: required when fence is planned but not contracted
3. Fence Statement: required when less fencing is installed than was planned on the contract



STREAM PROTECTION MANAGEMENT MEASURES

A Stream Protection System means a planned system for ~~protecting~~improving water quality in streams and protecting stream banks ~~which eliminates by eliminating~~ the need for livestock to be in streams by providing an alternative watering source, ~~for livestock to improve water quality~~. Benefits may include reduced soil erosion, sedimentation, pathogen contamination, and pollution from dissolved, particulate, and sediment-attached substances.

Policies

1. If new permanent fencing is a requirement for a BMP, then it may be cost-shared (see Livestock Exclusion).
2. Structural geotextiles shall meet the requirements of "Construction Specification 217 - Geotextiles" and "Interim Material Specification 592 - Geotextiles". Drainage geotextiles shall meet the requirements of N.C. Technical guide, Section IV Conservation Practice Standard 606, ~~as shown in paragraph 606-8-5~~.
3. Technical staff shall have the responsibility for determining appropriate ~~set-back~~setbacks for cost shared fencing in accordance with Agriculture Cost Share Program policy and NRCS standards as follows:
 - ~~a.~~ Cost shared fencing must be set back a minimum of ~~five (5)~~ten (10) feet from the top of the stream bank in accordance with NRCS standards, ~~Some portions of streams in Critical Water Supply Watersheds require a minimum ten (10) foot set back distance.~~
 - a.
 - b. If livestock are concentrated in the vicinity of the stream or if runoff from areas of livestock concentration could reach the stream, then the cost shared fence shall be set back a minimum of twenty (20) feet from the top of the stream bank (i.e. heavy use area protection measures, loafing lots, barns, feeding stations, watering facilities, stock trails). The only allowable exception to the 20-foot set back requirement for cost shared fencing is that if the tank, heavy use area, etc. is located a minimum of one hundred (100) feet from the top of the stream bank, the ~~set-back~~setback for cost shared fencing shall be ten (10) feet.
 - c. If stream riparian areas have been damaged or destroyed, then fencing should be set back far enough to permit establishment of woody vegetation on the stream banks.
 - d. If the stream bank or channel erosion is such that there exists the potential for the fence posts to be undermined by the stream during the life of the fence, then ~~set-back~~setbacks should be increased significantly (field determination).
 - ~~e.~~ ~~For all cost shared BMPs which require fencing, a statement indicating the set back distance from the stream bank must be included in the CPO. Also, the fencing set back distance should be indicated on the sketch included with the CPO. The sketch should also indicate the distance from the top of the bank to the tank, heavy use area, etc., if applicable. (Note: "Meets set back~~

Commented [JB1]: Stream Bank Protection/Access Control for permanent livestock exclusion
Permanent fencing will be placed at least 10 feet from the top of the stream bank and should allow for more area in meanders to minimize corner bracing and in areas with bank erosion.
[Practice Specification for CPS Fence \(Code 382\)](#)
([usda.gov](https://www.usda.gov))

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~~requirements" is not acceptable. Actual set back distances must be indicated.)~~

4. All fencing installed at the applicant's expense must either meet NC Technical Guide Standards or be deemed adequate by District staff with appropriate JAA.
5. If significantly less fencing than planned in the CPO-contract is cancelled, expires or is not installed, a statement signed by the technician must be submitted to the Division explaining why the fencing was not installed, why significantly less fencing was installed, or indicating that fencing was installed at the cooperator's expense. The statement should indicate that a site visit was performed, along with the date of the site visit to establish the status of the required fencing. Failure to install required ~~—~~fencing constitutes non-compliance and procedure relative to non-compliance must be followed.
6. For other components required as an integral part of a BMP, use cost values for the appropriate component provided ~~elsewhere~~ in the average cost list.
7. Flash grazing in riparian areas is permitted at the discretion of the District board and conservation planner.
 - a. Fencing must be located a minimum of 20 feet from the top of the streambank.
 - b. Flash grazing is permitted for one 24-hour period when soil is dry enough to minimize trampling damage, plant cover is abundant, and plants are not emerging or setting seed.
 - c. Plans must include specifications for livestock type, livestock number, access timing, forage amounts, grazing duration, forage composition, and allowable grazing heights to prevent resource concerns. The height of forage residues following grazing should be based on environmental conditions and plant species. The forage residue stubble height must not be less than four inches.
 - d. Flash grazing of recently restored streams and streambanks is not permitted until vegetation is fully established.
 - 6-e. Temporary fencing is recommended to protect streambanks while using forage adjacent to the stream.
- 7-8. If an applicant already has all livestock excluded from a stream, he/she may still be eligible for cost share assistance to install other components of a stream protection system that would enhance the water quality protection of the current system. Examples of this include installing a new water supply or enhancing an existing water supply if the existing supply is inadequate, installing additional heavy use area protection, or providing incentive for prescribed grazing.

[Type here]

[Type here]

March 2019, July 2012

Livestock Exclusion Fencing

Definition/Purpose

A Livestock Exclusion Fencing means a system of permanent fencing (board, barbed, high tensile or electric wire) installed to exclude livestock from streams and critical areas not intended for grazing to improve water quality. Benefits may include reduced soil erosion, sedimentation, pathogen contamination and pollution from dissolved, particulate, and sediment-attached substances. (DIP)

Policies

1. Livestock exclusion requires permanent fence and the average cost includes cost of all materials, gates, and labor for installation of fencing.
2. A ~~landowner-cooperator~~ may, as part of a stream protection system, **provide fencing at his/her/their own cost**. All fencing installed at the applicant's expense must meet NRCS Standards or technical staff with appropriate JAA [can](#) documents the fencing does not meet standard but will serve the intended purpose for the duration of the contract. A statement confirming fence installation must accompany the RFP. The location of non-cost shared fencing must be indicated on the conservation plan map.
3. Technical staff shall have the responsibility for determining appropriate setbacks for cost shared fencing in accordance with Agriculture Cost Share Program policy (see Stream Protection Management Measures General Policy for setback requirements and documentation) and NRCS standards as follows:
 - a. Cost shared fencing must be set back a minimum of ten (10) feet from the top of the stream bank unless other provisions apply. Maintenance flexibility may require additional setbacks.
 - b. Livestock exclusion in conjunction with heavy use area protection measures (i.e. loafing lots, barns, feeding stations, watering facilities, stock trails), or if# livestock are concentrated in the vicinity of the stream, or if runoff from areas of livestock concentration could reach the stream, then the cost shared fence ~~shall~~ is required to have ~~be set back~~ a minimum setback of twenty (20) feet from the top of the stream bank (i.e. heavy use area protection measures, loafing lots, barns, feeding stations, watering facilities, stock trails). The only allowable exception to the 20 foot set back requirement for cost shared fencing is ~~that~~ if the tank, heavy use area, etc. is located a minimum of one hundred (100) feet from the top of the stream bank, the setback for cost shared fencing shall be ten (10) feet.
 - c. If stream riparian areas have been damaged or destroyed, then fencing should be set back far enough to permit the establishment of woody vegetation on the stream banks.
 - d. If the stream bank or channel erosion is such that there exists the potential for the fence posts to be undermined by the stream during the life of the fence, then setbacks should be increased significantly (field determination).

Commented [JB1]: Form created

(October 2024, July 2019, July 2012)

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~~e. For all cost shared BMPs which require fencing, a statement indicating the setback distance from all existing or planned practices or structures to the stream bank must be included in the conservation plan, and distances must be indicated on the plan map (tank, heavy use area, barn etc.). (Note: "Meets set back requirements" is not acceptable. Actual set back distances must be indicated.)~~

Commented [JB2]: New cooperator acknowledgement form with O&M for setback distance and/or flash grazing now covers this requirement

~~4. Livestock exclusion in conjunction with heavy use area protection measures (floating lots, barns, feeding stations, watering facilities, stock trails, etc.) will be required to have a minimum set back of 20 feet from the top of the stream bank. (see Stream Protection Measures General Policy for setback requirements and documentation).~~

Commented [JB3]: Included in 3.b.

~~5.4. Heavy use areas which are components of 15A NCAC 02T.1300 certified animal waste management plans must meet additional buffer requirements as included in SB 1217 interagency guidance documents.~~

~~5. Flash grazing in riparian areas is permitted at the discretion of the District board and conservation planner. Field offices unwilling to assist operators in achieving success and monitor flash grazing activities should not offer this practice to cooperators in their district.~~

- ~~a. Fencing must be located a minimum of 20 feet from the top of the streambank.~~
- ~~b. Flash grazing is permitted for one 24-hour period when soil is dry enough to minimize trampling damage, plant cover is abundant, and plants are not emerging or setting seed.~~
- ~~c. Plans must include specifications for livestock type, livestock number, access timing, forage amounts, grazing duration, forage composition, and allowable grazing heights to prevent resource concerns. The height of forage residues following grazing should be based on environmental conditions and plant species. The forage residue stubble height must not be less than four inches. —Flash grazing of restored streams and streambanks is not permitted until vegetation is fully established.~~
- ~~d. Temporary fencing is recommended to protect streambanks while using forage adjacent to the stream.~~

~~6. Allowing Unapproved allowance of livestock re-entry to streams or stream banks at any time during the 10-year life-of-a-practice for stream bank protection systems is a violation of the maintenance agreement. **Using livestock to mow stream banks is never allowed!**~~

~~6-7. In cases of emergency, cooperators may contact their district and request a temporary exception to fencing policies. Duration of exception will be determined by the district and supporting notes will be included in the contract file. Emergencies may be defined as power outages, pump failures, extreme periods of drought and/or depletion or contamination of the existing water source.~~

(~~October 2024,~~ July 2019, July 2012)

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7-8. If cost share is received for cropland conversion to permanent vegetation the cooperators cannot receive cost share for livestock exclusion, watering facilities, etc., on the same field for the life of the contract.

8-9. If significantly less fencing than planned in the contract is installed, a statement signed by the technician must be submitted to the Division explaining why the fencing was canceled from the contract- ([see Stream Protection Management Measures General Policy](#)) e.g. ~~fencing was installed at applicant's expense~~. **Failure to install required fencing constitutes non-compliance for all BMPs in the stream protection system.**

Commented [JB4]: New form created

9-10. ACSP funds shall not be used to cost share for fencing using used materials.

LIVESTOCK EXCLUSION FENCING	
Maintenance Period	10 years
BMP Units	LIN FT
Required Effects	ACRES_AFFECTED ANIMAL TYPE ANIMAL UNITS
JAA/NRCS Standard unless otherwise noted	SWCC - Livestock Exclusion Fence NRCS - ECS - 382 - Fencing NRCS - ECS - 472 - Access Control
Supporting Practices NRCS Standards and Reference Materials	NRCS - ECS - 382 - Fence NRCS - ECS - 472 - Access Control
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads- Livestock Exclusion Fencing Cooperator Acknowledgement Form NC-ACSP-Fence (if applicable) NC-ACSP-3A Fencing Statement (if applicable)

([October 2024](#), July 2019, July 2012)



Agriculture Cost Share Program COOPERATOR ACKNOWLEDGEMENT



Livestock Exclusion Fencing

Cooperator Name: _____ Date: _____

Contract Number: _____ County: _____

The following items provide important information regarding ACSP policies pertaining to Livestock Exclusion Fencing projects. The cooperator should read through each of the items and initial on the line to acknowledge that they have read and understand the information.

This form should be filled out with the assistance of local Soil and Water Conservation District staff so that they may provide further explanation and answer any questions that arise.

- _____ Permanent fencing is required for livestock exclusion. The average cost for fencing includes all materials, gates, and labor for installation of fencing. Used fencing materials are not permitted.
- _____ Exclusion fencing must be set back a minimum of _____ feet from the top of the stream bank.
- _____ Fencing may be installed at the landowner's cost but must meet NRCS Standards or technical staff with appropriate JAA provide a statement in writing (NC-ACSP-Fence) that the fencing does not meet standard but will serve the intended purpose for the duration of the contract.
- _____ Regular inspection of fences should be part of an ongoing maintenance program. Inspection of fences after storms and other disturbance events is necessary to ensure the continued proper function of the fence. Maintenance and repairs will be performed in a timely manner as needed, including tree/limb removal and water gap replacement. Remove and properly discard all broken fencing material and hardware. All necessary precautions should be taken to ensure the safety of construction and maintenance crews.
- _____ Flash grazing is permitted for one 24-hour period when soil is dry enough to minimize trampling damage, plant cover is abundant, and plants are not emerging or setting seed, following the guidelines described in the Access Control Implementation Requirement (attached).
- _____ Flash grazing of recently restored streams and streambanks is not permitted until vegetation is fully established. Established watershed buffer rules must be followed. Temporary fencing is recommended to protect streambanks while using forage adjacent to the stream.
- _____ Unapproved allowance of livestock re-entry to streams or stream banks at any time during the 10-year life-of-a-practice for stream bank protection systems is a violation of the maintenance agreement.
- _____ Failure to install required fencing constitutes non-compliance for all BMPs in the stream protection system.

_____ In cases of emergency, cooperators may contact their district and request a temporary exception to fencing policies. Duration of exception will be determined by the district and supporting notes will be included in the contract file. Emergencies may be defined as power outages, pump failures, extreme periods of drought and/or depletion or contamination of the existing water source.

I acknowledge by my signature below that I have read and understand the policies listed above.

PRINT NAME: _____

SIGNATURE: _____ DATE: _____

District Technical Representative

I acknowledge I have reviewed the Livestock Exclusion Fencing plan and associated policies with the cooperator listed above.

PRINT NAME: _____

SIGNATURE: _____ DATE: _____



Agriculture Cost Share Program COOPERATOR ACKNOWLEDGEMENT



Livestock Exclusion Fencing

Cooperator Name: _____ Date: _____

Contract Number: _____ County: _____

The following items provide important information regarding ACSP policies pertaining to Livestock Exclusion Fencing projects. The cooperator should read through each of the items and initial on the line to acknowledge that they have read and understand the information.

This form should be filled out with the assistance of local Soil and Water Conservation District staff so that they may provide further explanation and answer any questions that arise.

- _____ Permanent fencing is required for livestock exclusion. The average cost for fencing includes all materials, gates, and labor for installation of fencing. Used fencing materials are not permitted.
- _____ Exclusion fencing must be set back a minimum of _____ feet from the top of the stream bank.
- _____ Fencing may be installed at the landowner's cost but must meet NRCS Standards or technical staff with appropriate JAA provide a statement in writing (NC-ACSP-Fence) that the fencing does not meet standard but will serve the intended purpose for the duration of the contract.
- _____ Regular inspection of fences should be part of an ongoing maintenance program. Inspection of fences after storms and other disturbance events is necessary to ensure the continued proper function of the fence. Maintenance and repairs will be performed in a timely manner as needed, including tree/limb removal and water gap replacement. Remove and properly discard all broken fencing material and hardware. All necessary precautions should be taken to ensure the safety of construction and maintenance crews.
- _____ Unapproved allowance of livestock re-entry to streams or stream banks at any time during the 10-year life-of-a-practice for stream bank protection systems is a violation of the maintenance agreement.
- _____ Failure to install required fencing constitutes non-compliance for all BMPs in the stream protection system.
- _____ In cases of emergency, cooperators may contact their district and request a temporary exception to fencing policies. Duration of exception will be determined by the district and supporting notes will be included in the contract file. Emergencies may be defined as power outages, pump failures, extreme periods of drought and/or depletion or contamination of the existing water source.

I acknowledge by my signature below that I have read and understand the policies listed above.

PRINT NAME: _____

SIGNATURE: _____ DATE: _____

District Technical Representative

I acknowledge I have reviewed the Livestock Exclusion Fencing plan and associated policies with the cooperator listed above.

PRINT NAME: _____

SIGNATURE: _____ DATE: _____

**Livestock Exclusion Fencing Approval
ADDENDUM TO NC-ACSP-3**

The cooperator associated with Agriculture Cost Share Program Contract # _____ has elected to provide fencing at their own cost. As technical staff with Livestock Exclusion Fencing JAA, I certify that all fencing installed at the applicant's expense:

- meets NRCS Standards

- does not meet standard but will serve the intended purpose for the duration of the contract.

Signature

Date

Print Name

**Livestock Exclusion Fencing Statement
ADDENDUM TO NC-ACSP-3**

The cooperator associated with Agriculture Cost Share Program Contract # _____ has installed less fencing than planned in the contract. As required by ACSP policy, the statement below explains why the fence was cancelled from the contract.

Signature

Date

Print Name

6. Member Items

Open Discussion



TRC Meeting Schedule

- **December 18, 2024**
 - February 26, 2025
 - April 23, 2025
 - May 28, 2025
 - June 25, 2025
- 4th Wednesday of the month (except December)
 - 1:30 – 3:30 PM

