

Monongahela Conservation District
Monthly Meeting Minutes
February 5, 2015

I. Call to order

Chairman Jean Conley called to order the regular meeting of the **Monongahela Conservation District** at **9:35 a.m.** on **February 5, 2015** at the Steve Lebnick Agricultural Center in Morgantown, WV. **Jim McDonald** led in the pledge of allegiance.

II. Roll call

Chairman Jean Conley introduced those present and passed around a sign-in sheet. The following persons were present: Supervisors: Mary Lebnick, Jean Conley, Art Mouser, Jim McDonald, Paul Nesselroad, Mark Myers, and Ed Utterback. Others present were: Amy Cosco (DM), Jeremy Salyer (WVCA), Ray Carr (NRCS), Hayward Helmick (Mon SWA) **Excused:**

III. Approval of minutes from last meeting

Paul Nesselroad moved to approve the January 15, 2015 board meeting minutes as amended. Seconded by Ed Utterback. Motion carried.

Approval of financial statements

a) *Ed Utterback moved to approve and pay the credit card receipts. Seconded by Paul Nesselroad. Motion carried.*

b) *General/CDO financial statements. Paul Nesselroad moved to approve the January 2015 General/CDO financial statements. Seconded by Art Mouser. Motion carried.*

c) *Co-admin funds statement. Art Mouser moved to approve the January 2015 Co-admin funds statement. Seconded by Paul Nesselroad. Motion carried.*

IV. Visitors Comments

V. Cooperating Agencies

Watershed Division-

Allegheny Power Project- Cobun Creek Contracting – the tree removal does not have to be done during the winter months. They will bring it back to the board as one project. A schedule for the annual inspections will be provided soon.

SPRP Projects-none

Upper Buffalo Watershed-annual inspections coming soon

Upper Deckers Watershed- annual inspections coming soon

WVCA Conservation Specialist- report provided

Ag Enhancement Program – report provided

Mark Myers made the motion to approve the new program sign-ups and applications for AgEP. Seconded by Art Mouser. Motion Carried.

WVU Extension

-Bill Shockey- report provided

-H.R. Scott-report provided

-John Murray- no report

NRCS – they are still going through 40 applications. They have to complete ranking by February 13, 2015. After that they'll get pre-approvals and they'll finish the conservation plans and contracts. They are still taking sign-ups.

Upper Deckers Creek 1- there have been some changes to the proposal for the spillway. The new proposal would be less impact and more cost-effective. It will not have to go back out for public review. They do have to coordinate with the ACOE and will meet with them in the spring. It will take about 2 years to get the design for the RCC spillway (not covered). There will be about 10 feet of volume added to the lake.

FSA- report provided

SWA

Mon County- Hayward Helmick said there are a lot of things that are going to happen. The main reason that the Mon County SWA went under is because they lost their volume. There is a short term and a long term solution. The short term is in the works now and the long term will take at least 3-5 years. 40% to 60% of what is put into single stream recycling goes into the landfill.

Marion County- Jim said they had their regular meeting. They went to the County Commission office and presented to Kyle Hamilton who owns the Ford dealership in Fairmont with an award due to all of this help with the recycling. They signed an MOU with Mon County SWA for the three sites in the western end of Mon County. Monday he is meeting with Sandy Rogers about 20 bins. He talked to County Commission and they would like for Marion Co SWA to put bids in on some of the equipment from the Mon County SWA. The meeting with EQT has been postponed.

Preston County- no report

District Manager Report- report provided

WVCA Area Director- report provided

VI. Invoices/Payments

Mark Matheny for February \$303.10 – Mark Myers made the motion to pay Mark Matheny for services rendered during the month of January. Seconded by Paul Nesselroad. Motion Carried.

Southern Air - \$2,122.42 repairs to restroom

\$444.71 repairs to women's restroom

Mark Myers made the motion to pay the invoices for \$2,567.13 Seconded by Art Mouser. Motion Carried.

XI. Old Business

-Camp Dawson- Brad provided report

-Stantec Invoice \$1,545.00

-Stantec Invoice \$2,210.91

Mark Myers made the motion to pay the invoices for Stantec \$3,755.91. Seconded by Ed Utterback. Motion Carried.

-Monongalia County Farm Preservation Committee- no report

-Preston County Farm Preservation Committee- they had a short meeting on judgment of a piece of land. It looks like it will qualify. They will proceed with paperwork.

-Southern Air Quote #42691 for \$3,261.00

-Southern Air Quote #42493 for \$2,192.00

Mark Myers made the motion to approve Southern Air quotes for \$5,453.00. Seconded by Ed Utterback. Motion Carried.

-Abandoned Mine- DEP- tabled for March meeting

XII. New Business

LOR- FY14 Audit- Mark Myers made a motion to approve the audit submitted by Suttle and Stalnaker. Seconded by Paul Nesselroad. Motion Carried.

Mark Myers made the motion to send the LOR for the reimbursement for the FY14 audit. Seconded by Paul Nesselroad. Motion Carried.

LOR- CDFY15 Operating Grant -\$6,152.00

Paul Nesselroad made the motion to send the LOR for \$6,152.00 for the CD FY15 Operating Grant. Seconded by Mark Myers. Motion Carried.

Policy Manual- Paul has read the policy manual and he feels that it is a good manual. One thing that he would like to see changed is that the board meets on the first Thursday and if they can't it's moved to the second Thursday. He would also like to see the change the language for the equipment changes so that the rates are obtained from the district office. The Legislation and Policy Committee will set a meeting date.

WVACD Auxiliary- \$25 donation- no action

VII. Building and Grounds

-Fire Extinguishers - \$55.95- Paul Nesselroad made the motion to purchase the two fire extinguishers needed for the building. Seconded by Mark Myers. Motion Carried.

-Cintas – 2 rugs for hallway – Paul Nesselroad made the motion to contact Cintas for two rugs in the hallway. Seconded by Mark Myers. Motion Carried.

-Department of Defense Contracting Division- Ed Utterback reported that the DOD Contracting contacted him and Ed explained to him the price that the MCD agreed upon last meeting.

-NRCS Key- NRCS requested permission to make extra keys. The District is ok with the NRCS making the extra keys for the office doors. A list will be provided to the District Manager of those who have keys and if any person happens to leave the NRCS or their office location the key is to be turned into the District Manager.

Committee Reports:

Finance- Chairman: Paul Nesselroad- no report

Education- Chairman: Paul Nesselroad- no report

Legislation/Policy- Chairman: Mark Myers- he attended Ag Day at the Capitol. It was successful.

Grasslands- Chairman: Don Headley- no report

Safety/Buildings and Grounds- Chairman: Ed Utterback- no report

Ag Enhancement- Chairman: Art Mouser- no report

Correspondence

Correspondences received were reviewed by Amy Cosco.

I. Supervisor Reports

- **Paul Nesselroad** – he'll be leaving for Florida on Saturday and will be gone until the 21st. He'll be 91 years old on the 19th of February.
- **Mark Myers** – he and Jean went to Ag Day at the Capitol. It was very successful for them both. Been a very busy month.
- **Ed Utterback** – they have 6 calves so far. They also have 40-45 lambs so far. He's feeding the birds but fighting the deer to keep them out.
- **Art Mouser** – he missed Ag Day, the first time since he's been a supervisor. He's feeling much better. He has 9 cows that were AI bred that are overdue. He's got 2 calves so far.
- **Jim McDonald** – no report. He doesn't start calving until March.
- **Jean Conley** – she attended Ag Day at the Capitol. She agreed that it was very successful. She went to the winter dinner meeting in Core. They had a state technical committee meeting this month. She's got one calf on the ground. She's been making a new quilt. She thinks they need another associate supervisor or two for Mon County.
- **Mary Lebnick** – she's been feeding the birds!! She's ready to garden and be outside.
- **Don Headley** – no report

VIII. Adjournment

Paul Nesselroad moved to adjourn the meeting at 12:50 pm.

The next scheduled meeting is March 5, 2015 at the Steve Lebnick Agricultural Center in Morgantown, WV.

Minutes submitted by: Amy Cosco, ASA3/District Manager

Minutes approved by:

Jean Conley
Jean Conley, Chairman

March 5, 2015
Date

January 2015 Monthly Report
Bradley Durst, Conservation Specialist
WV Conservation Agency

Conservation Assistance Activities

- Attended the Tri-State Hay and Pasture Conference, Sponsored by University of Maryland Extension at Garrett College, McHenry MD
- Discussing development permitting and planning with Mike Argabrite, member of a planning team working to develop a new city park near the new hospital in Kingwood
- Reviewing soil samples results with – Pat Bishop
- Reviewing and commenting on proposed new WVCA policies
- Met with Dr. Shockey, WVU Extension and Jenny Uphold of the Mountaineer Challenge Academy regarding vegetable production and high tunnels at MCA
- Phyllis Summers – Nutrient recommendations and soil sample results, unwanted plant controls
- Submitted Employee goals and objectives and self-evaluation
- Trying to update a nutrient management plan

Ag Enhancement

District Committee Meeting on Jan. 13th to discuss and make recommendations for the District Board to consider for the program operation, winter/spring 2015.

1. Open a new sign-up, all BMPs, Feb. 2 – March 31, the same completion date as the 2014 sign up, May 31, 2015.
2. Continue the same specifications and rates as the summer/fall sign-up.
 - Revisions to the enrollment forms for a new sign up period.
 - The Committee will be meeting and plan the FY 2015 – 2016 program, suggestions for consideration to improve the program are welcome.
 - Attended a workshop on conservation planning.
 - Weather and schedule conflicts continue to hamper visits and on farm work for both planning and installation of practices. Visits planned – R Shaffer (Water, Fence, Lime), C Bachtel (Water), T Jenkins (Water and pasture planning), G Street (Fence, Lime), A Wolfe (Lime), M Hoffman (Water), J Feather (Water)

The state Ag EP committee is still working on more details for program operation – accountability, record keeping, job details, ranking, contracts, and future direction

Camp Dawson Act of Nature Project

- Received and forwarded a Stantec Invoice for services \$1545.00 to WVANG for approval and received a response to make the payment.
- Continue efforts to resolve payment to Bilco and those issues.

- Met with WVANG and Stantec's Project manager Thursday Jan. 22 at Camp Dawson to plan the next set of projects. Corrective action options and contract plans discussed on the Ammo Supply slip and fence wash out as well as the Riverbank Project.
 1. Offer the 2 sites as one project since they are close to each other
 2. Goal to do a job showing by April
 3. Work to discover any scheduling problems for the work since the sites are off limits when the firing ranges are in operation so the contractors can be notified of this at the job showings
- Plan to meet on Feb. 12, 10:00 am building 402 to work on the project plan and the Bilco Situation. Contract staff at Guthrie have been invited, MCD representatives welcome.

Monongahela Conservation District Agricultural Enhancement Program Application Form

Sign up period: February 1, 2015 – March 31, 2015
Practice Completion Date, May 31, 2015

Name _____ Farm Name _____
Address _____ Farm Number _____
_____ Tract # _____
Day Time Phone # _____ Email _____

Invasive Plant Species Conservation Practice

| Conservation Best Management Practice | Limits | Cost-Share Rate (Maximum Reimbursement) | Control applied for |
|--|--|--|--|
| Invasive Species Management (USDA NRCS 314 Brush Management) | For control of plant pests in permanent pasture and in fence lines (Plant list C, #7 below) If a fence that is a property boundary where chemicals are to be used, a written statement agreeing to herbicide control from the neighboring landowner must be presented to the district | Incentive payment: 50% for herbicide and application materials costs 50% for labor and equipment for mechanical control Maximum incentive payment of \$1000 per fiscal year | _____ Chemical _____ Mechanical _____ Combination _____ Cost estimate total |

Have you ever participated in any USDA cost-share programs? If so, which program? _____

Applicants Signature: _____ **Date:** _____

A. Definition

1. Management of invasive species in pasture fields and fence rows using chemical controls and/or mechanical practices.

B. Purpose

1. Provide incentive for the control of invasive species on pasture and fence rows preventing the spread of undesirable plants and reducing negative environmental and economic impacts caused by these species.

C. Policies for this practice are:

1. Where applicable, NRCS and/or WVU Extension Service standards and recommendations must be followed.
2. Cost share is available to owner or lessee.
3. Care must be given to protect water quality during and after application, follow all label directions.
4. The applicant may use the herbicide of their choice as long as the pest plant to be controlled is listed on the label or has been recommended by WVU Extension or other state of WV approved authority.

income annually.

6. Farm animals must be on the property for there to be a resource concern that justifies this practice.
7. Plants approved – Multi-flora Rose (*Rosa multiflora*), Autumn Olive (*Elaeagnus umbellata*), Tartarian Honeysuckle (*Lonicera tatarica*) and Japanese Knotweed (*Fallopia japonica*). Other plant pests will be considered for control through the program on an individual basis by the conservation district.

D. Payment rates & limits:

1. Approval will be based on availability of funds.
2. The cost-share for this practice shall be 50% of the cost of herbicides and (when chemical control is used) or 50% of the assigned value of labor and equipment use (Mechanical controls) up to \$1,000 for each applicant.
3. The payment will be made after receipt of the complete invoice by the cooperator to the District and a verification visit is made.
4. Once the practice has been completed the AEP committee will do a site visit to verify that practice was performed to specifications.
5. Control measures must be completed by May 31, 2015.

E. Required Items for Participant Application

1. Must be a District Cooperator
2. Landowner/Operator form
3. Practice Application form
4. Farm map designating location of practice, individual fields identified with acres in those fields
5. IRS W-9 form (Per calendar year)

Please include directions to the farm from the nearest town or significant landmark.

Note: The Monongahela Conservation District reserves the right to change policies and/or cost share rates during the fiscal year without notice. Any changes will not affect or change any agreements retroactively with the landowners from the time the Conservation District approved their contract.

| OFFICE USE ONLY: | |
|------------------|--|
| Date Received: | |
| Time Received: | |
| SCORE: | |

**Monongahela Conservation District
Agricultural Enhancement Program Application Form**

Practices MUST be completed by: May 31, 2015

Sign up period – continuous

Name _____

Farm Name _____

Address _____

Farm Number _____

Tract # _____

Good Day Time Phone # _____

Field # _____

Email address _____

Lime Conservation Practice

| Conservation Best Management Practice | Limits | Cost-Share Rate (Maximum Reimbursement) | Amount applied for |
|---------------------------------------|---|--|---|
| Lime – Pasture | 100 acres maximum per application per fiscal year (FY) | 50% cost-share, up to \$30 per ton, for the lime and delivery to the farm (\$15 per delivered ton total incentive payment maximum) | _____ acres |
| Lime - Cropland | 5 acres minimum, 100 acres maximum per application per FY | Spreading is reimbursable at a rate of \$5.00/Acre | _____ acres A limit of 100 acres total per fiscal year |

Have you ever participated in any USDA cost-share programs? If so, which ones? _____

Applicants Signature: _____ **Date:** _____

A. Definition

1. Managing soil pH through the addition of liming materials resulting in an improved environment for plant growth and soil and water conservation.

B. Purpose

1. Provide incentive to buffer low pH pasture, encourage better maintenance and management of pasture.
2. Provide soil and watershed protection by increasing nutrient uptake and retention, resulting in better plant vigor and vitality, aiding in the reduction of erosion on grassland and protecting water resources.

C. Policies for this practice are:

1. Cost-sharing is authorized for applying the necessary amount of lime for the maintenance of pasture and/or meadows that are utilized for pasture during a portion of each year according to sample test recommendations.
3. The current soil test must come from an approved laboratory, the WVU laboratory is preferred.
4. A soil test is considered current if it is less than (3) three years from the date the practice is requested.
5. Soil samples may be taken by any qualified or approved person, including the farmer.
6. Agricultural liming materials, purchased in bulk and registered as agricultural lime with the West Virginia Department of Agriculture are to be used in order to be eligible for reimbursement.
7. There is a maximum of 100 total acres per applicant eligible per fiscal year, pasture or cropland or a combination.
8. After three years, previously approved acres can be program eligible for additional lime if new sample test results indicate a need.

9. Care must be given to protect water quality during and after application.
10. Property/land eligible for practices must meet the West Virginia definition of a farm, producing \$1000 of gross income annually.
11. Farm animals must be on the property for there to be a resource concern that justifies this practice for permanent pastures.

D. Maximum cost-share:

1. Approvals will be made based on the availability of funds.
2. The maximum cost-share for this practice shall be 50%, actual cost of the lime and 50% of the delivery fee, up to \$30.00 per ton actual cost to cooperator (\$15.00/ton incentive payment maximum) and a maximum cap of \$5000 per fiscal year.
3. Spreading will be cost shared at a \$5.00 per acre rate on approved acres.
4. The payment will be made after receipt of the complete invoice by the cooperator to the MCD. The deliverables to the District for payment are: 1. Invoice for delivery cost per ton; 2. Invoice for lime cost per ton; 3. Quarry weight slips showing the material's origin, tonnage and lime quality information.
5. After the lime has been applied, the AgEP committee or a representative may perform a site visit to verify that the application was done according to the agreement and possibly take soil samples to determine effectiveness of the practice.
6. The total amount of lime approved for incentive payment will be based on the soil sample result, laboratory recommendations

E. Required Items for Participant Application

1. Must be a District Cooperator
2. Landowner/Operator form
3. Practice Application form
4. Farm map with individual fields identified and individual field acres
5. Soil sample results (no more than 3 years old) for individual fields, showing acres per field, that provide a recommended amount of lime per acre
6. IRS W-9 form (Per calendar year)

Note: The Monongahela Conservation District reserves the right and option to have soils sampled by a qualified agent on the farm or farms of any applicant to determine sample result accuracy before approval as a quality control and/or assurance measure.

Please include directions to the farm from the nearest town or significant landmark.

Note: The Monongahela Conservation District reserves the right to change policies and/or cost share rates during the fiscal year without notice. Any changes will not affect or change any agreements retroactively with the landowners from the time the Conservation District approved their contract.

| OFFICE USE ONLY: | |
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| Date Received: | |
| Time Received: | |
| SCORE: | |

**Monongahela Conservation District
Agricultural Enhancement Program Application Form**

**Sign up period: February 1, 2015 – March 31, 2015
Practices MUST be completed by: May 31, 2015**

Name _____

Farm Name _____

Address _____

Good Day Time Phone # _____

Email address _____

Fence Conservation Practice

| Conservation Best Management Practice | Limits | Cost-Share Rate (Maximum Reimbursement) | Amount applied for |
|--|---|--|---------------------------|
| Division Fence | Min. of two strands of high tensile, electric fence for division fence or exclusion fence. Min. of four strand barbed wire fence for exclusion or division fence. | \$1.60 per foot with a maximum of 2500 feet | _____ Feet |
| Livestock Exclusion Fencing | | | _____ Feet |
| Electric Fence Charger (One per participant) | Sufficient to power the length/type of fence approved | 50% cost share, maximum payment of \$150 | _____ |

Have you ever participated in any USDA cost-share programs? If so, which ones? _____

Applicants Signature: _____ **Date:** _____

A. Definition

1. A constructed barrier to animals or people.

B. Purpose

1. Reduce erosion and improve water quality by controlling livestock access to woodlands, streams, springs, wetlands, and ponds.
2. To divide fields to accomplish better pasture grazing management.

C. Policies for this practice are:

1. Cost-sharing is authorized for construction of livestock exclusion fence to prohibit access to woodlands, streams, springs, wetlands, and ponds.
2. Cost-sharing is authorized for division of paddocks within pasture fields.
3. Care must be given to protect water quality during and after application.
4. Height, size, spacing, and type of posts will be used that best provides the needs for the style of fence required.
5. Fencing materials, type, and design of fence installed shall be of a high quality and durability.
6. The minimum on the division fence is two (2) strands of high tensile wire, both electrified, or four (4) strands of barbed wire fence. The minimum on the woodland exclusion or the stream exclusion is two (2) strands of high tensile wire also electrified. All fences must be of a permanent kind.
7. The maximum for reimbursement is \$1.60 per foot with a cap of 2500 feet per applicant per fiscal year. This practice is limited to 2500 feet of fence per fiscal year unless a variance is granted by the Monongahela Conservation District.

8. Landowner agrees to maintain this practice for a period of at least 5 years after the date of completion.
9. Fence construction should follow the recommendation of the USDA NRCS and/or the manufacture's recommendations.
10. Property/land eligible for practices must meet the West Virginia definition of a farm, producing \$1000 of gross income annually.
11. Farm animals must be on the property for there to be a resource concern that justifies this practice.
12. This practice has a 5 year life span and the landowner/operator is responsible for maintenance during that time period.
13. The district will provide an incentive payment for an electric fence charger when it is decided by the district it is appropriate for the proper function of the additional fence. The charger to be purchased must be pre-approved by the district by submitting the specifications for consideration and acceptance.

D. Maximum cost-share:

1. Approvals will be made based on the availability of funds.
2. The maximum cost-share for this practice shall be \$1.60 per foot with a cap of 2500 feet for each applicant.
3. The payment will be made after receipt of the complete invoice by the cooperator to the MCD.
4. Once BMP's are installed the AgEP committee will do a site visit to verify that installation was done to specifications.

E. Required Items for Participant Application

1. Must be a District Cooperator
2. Landowner/Operator form
3. Practice Application form
4. Farm map designating location of practice, individual fields identified with field acres
5. IRS W-9 form (Per calendar year)
6. Fence Charger specifications for approval before purchase when applicable

Please include directions to the farm from the nearest town or significant landmark.

Note: The Monongahela Conservation District reserves the right to change policies and/or cost share rates during the fiscal year without notice. Any changes will not affect or change any agreements retroactively with the cooperator from the time the Conservation District approved their contract.

| OFFICE USE ONLY: | |
|-------------------------|--|
| Date Received: | |
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| SCORE: | |

Monongahela Conservation District
Agricultural Enhancement Program Application Form
Sign up period: February 1, 2015 – March 31, 2015
Practices MUST be completed by: May 31, 2015

Name _____

Farm Name _____

Address _____

Farm Number _____

Tract # _____

Good Day Time Phone # _____

Field # _____

Email address _____

Water Development Conservation Practice

| Conservation Best Management Practice | Limits | Cost-Share Rate (Maximum Reimbursement) | Amount applied for |
|---|--|---|---|
| Water Development (approved trough or fountain, well drilling, well development, water harvesting catchment, pipeline) for farm animal system | O & M by landowner 5yr Agreement *Well site will have to be checked with state geologist to be approved for well. *Local Health Department Permit is required for well | Tire, fountains, durable plastic or concrete trough-\$1200 (Includes spring or other water source development, i.e. pipe, fittings, etc.) | _____ watering troughs or fountain (with a gravel pad) and/or development |
| | | Well-\$10 per foot (up to 150 ft) | _____ well drilling |
| | | Well development-\$1500 (for development) | _____ well development |
| | | Water harvest catchment – 50/50 cost share on materials \$1000 limit | _____ catchment |

Have you ever participated in any USDA cost-share programs? If so, which ones? _____

Applicants Signature: _____ **Date:** _____

A. Definition

To provide an adequate quantity and quality of drinking water for farm animals as an alternative to drinking from surface water sources.

B. Purpose

1. Maintain or improve the quantity and quality of natural resources.
2. Minimize negative environmental impacts, liability and animal health concerns.

C. Policies for this practice are:

1. The AEP committee will visit the site and then sites will be ranked by priority for funding.
2. Cost-sharing is authorized for purchase of watering systems for livestock and only the least cost option that suffices the needs of the participant's operation will be considered.
3. Wells will be approved only when all other sources of water are judged to be inadequate for the needs.
4. Trough types will be considered on an individual basis.
5. Property/land eligible for practices must meet the West Virginia definition of a farm, producing \$1000 of gross income annually.

This practice is limited to one project per fiscal year unless a variance is granted by the Monongahela Conservation District.

7. Farm animals must be on the property for there to be a resource concern that justifies this practice.
8. The participant will be responsible for any permits that are pertinent to the practice installation.

D. Maximum cost-share:

1. Approval will be based on availability of funds.
2. The maximum cost-share for this practice shall be \$1200 toward a trough or fountain, \$10 per foot up to 150 ft for a well; \$1500 for well development with a cap of \$3000 per applicant; \$1000 for a water harvesting catchment.
3. The payment will be made after receipt of the complete invoice by the cooperator to the MCD.
4. Once BMP's are installed the AgEP committee will do a site visit to verify that installation was done to specifications.

E. Required Items for Participant Application

1. Must be a District Cooperator
2. Landowner/Operator form
3. Practice Application form
4. Farm map designating location of practice, individual fields identified with field acres
5. IRS W-9 form (Per calendar year)

Please include directions to the farm from the nearest town or significant landmark.

Note: The Monongahela Conservation District reserves the right to change policies and/or cost share rates during the fiscal year without notice. Any changes will not affect or change any agreements retroactively with the landowners from the time the Conservation District approved their contract.

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|-------------------------|--|
| Date Received: | |
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| SCORE: | |

Monongahela Conservation District
Agricultural Enhancement Program Application Form
Sign up period: February 1, 2015 – March 31, 2015
Practices MUST be completed by: May 31, 2015

Name _____ Farm Name _____

Address _____ Farm Number _____

_____ Tract # _____

Good Day Time Phone # _____ Email _____

Heavy Use Area Protection Conservation Practice

| Conservation Best Management Practice | Limits | Cost-Share Rate (Maximum Reimbursement) | Amount Applied for |
|---------------------------------------|--|---|--------------------|
| Heavy Use Area Protection | O & M by landowner 5yr Agreement *Plan must be submitted and approved: materials, size of area and estimated cost. | \$1.35/square foot Reimbursable limit of 2,500 sq. ft. per applicant per fiscal year | _____ Square Feet |

Have you ever participated in any USDA cost-share programs? If so, which ones? _____

Applicants Signature: _____ **Date:** _____

A. Definition

To stabilize areas frequently and intensively used by people, animals, and/or farm equipment.

B. Purpose

1. Reduce soil erosion, improve and protect water quality and improve livestock health

C. Policies for this practice are:

1. The AEP committee will visit the site and applications will be ranked by priority for funding.
2. Cost-sharing is authorized to stabilize areas of heavy use with an approved plan of work.
3. Fabric and stone will be the acceptable practice method following USDA NRCS standard #561
4. Property/land eligible for practices must meet the West Virginia definition of a farm, producing \$1000 of gross income annually.
5. Stream crossings may qualify as heavy use area protection projects.

*This practice is limited to one payment per fiscal year unless a variance is granted by the Monongahela Conservation District.

D. Maximum cost-share:

1. Approval will be based on availability of funds.
2. The maximum cost-share for this practice shall be \$3375 (2,500 sq. ft.) for an approved plan.
3. The payment will be made after receipt of the complete invoice by the cooperator to the Monongahela Conservation District.
4. Once the practice is installed the AgEP committee will do a site visit to verify that installation was done to specifications.

E. Required Items for Participant Application

1. Must be a District Cooperator
2. Landowner/Operator form
3. Practice Application form
4. Farm map designating location of practice, individual fields identified with field acres
5. IRS W-9 form (Per calendar year)

Please include directions to the farm from the nearest town or significant landmark.

Note: The Monongahela Conservation District reserves the right to change policies and/or cost share rates during the fiscal year without notice. Any changes will not affect or change any agreements retroactively with the landowners from the time the Conservation District approved their contract.

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Monongahela Conservation District

February 5, 2015

Monongalia County Office Extension Service Report

During January we attended the WV Cattlemen's Association and Beef Cattle Short Course. A group of producers went to the Tri-State Hay and Pasture Conference in McHenry, MD. A new conference for beginning and small farmers was held at Frostburg State University entitled; Appalachia Grows—Beginning/Small Farm Conference. This was a collaborative effort with UMD Extension, Penn State Extension and WVU Extension. The first winter educational was held at Core and a meeting for beef cattle producers on EPD's at the Monongalia County Office. State Shooting Sports Competition for Air Rifle was conducted for 4-H members to select the team to represent WV at the National Competition in 2015.

Upcoming activities and events

-  PASA Conference—Feb.4-7
-  Winter Educational Meeting in Marion County—Feb. 10
-  FSA Meeting—Feb. 12
-  Monongalia County ESC Meeting—Feb. 12
-  Teen Leader Weekend—Feb. 14
-  Friendly Handling Facilities—Feb 24
-  WV Small Farm Conference—Feb. 25-28



WVU Extension Service – Marion County Report, February 2015

John Murray

Agriculture and Natural Resources

Master Gardener Training Program

The Marion County Master Gardener Training Program will be held starting February 25 at the Pleasant Valley Municipal Building. The classes will continue on Wednesday evenings until May 6 with the exception of March 17 and April 21 when the class will meet on Tuesday evening as part of the regular monthly meeting. The classes will begin at 6:00 and run approximately 3 hours each. Participants also provide 30 hours of volunteer service to the program to become certified as a WV Master Gardener. Cost of the class is \$90 which covers the cost of the book, certification badge, and class handouts and refreshments. A limited number of scholarships are available for those who cannot afford the full cost of the class. Contact the Marion County Extension Office for full details and registration information.

Marion County Farm Bureau

The Marion County Farm Bureau will meet on Thursday, February 12 at 7:00. The meeting will be held at the Grace Lutheran Church on Third Street. Jim McDonald will be the guest speaker presenting on honeybees.

Marion County Beekeepers Association

The February meeting will be held at the Pleasant Valley Municipal Building in Kingmont on February 26 from 7 to 9. The guest speaker will be Joyce Frey speaking on Transforming a Weak Overwintered Hive.

Beekeeping School

A basic beekeeping short course will be held by the Marion County Beekeepers Association. The classes will be held at Pleasant Valley Municipal Building from 7:00 to 9:00. The first class will be held Tuesday February 3 and will be held every Tuesday and Thursday through February 19. A field day will also be held in April for hands-on experience. Cost is \$45 per family or \$30 if you already paid your 2015 MCBA membership dues. Cost includes a textbook, printed material, some basic hive material and membership dues in MCBA and WVBA. Call Nancy Postlethwait at (304)366-9938 or call or text Amy Kaiser at (304) 669-4836 for more information.



West Virginia University

Extension Service

3 February, 2015

Subject: Preston County Report to Monongahela Conservation District

From: Bill Shockey, Preston County Extension Agent

Bill

January Report:

Attended 2 excellent programs arranged by Willie Lantz, Garrett County, MD Extension Educator. Tri-State Hay and Pasture Conference at Garrett Community College and the Grow Appalachia: Beginning / Small Farm Conference. The Hay and Pasture Conference covered topics related to forage management practices and the Beginning / Small Farmer Conference provided generous amounts of information ranging from risk management to economics of sheep management.

February:

Every Friday at 2 pm: Livestock Auction at Preston Farmers Market, Terra Alta.

February 10: Educational Winter Dinner Meeting, Baleage Management, Dr. Ed Rayburn, Winfield Community Center, Fairmont, 6 pm.

February 13: WVU Extension Service Day at the Legislature, all day, contact local extension office for details.

February 17: Enhancing Reproductive Strategies, Laurel Highlands Animal Health Veterinary Clinic in Somerset. Two sessions 1) Fire Hall, 304 W Union St, Somerset at noon; 2) Myers Catering 444 E Main St, Uniontown, PA, 6:30 pm. Lunch and dinner provided, respectively. Information 814-445-8971

February 19: Preston County Beekeepers Association, Preston County Extension Office, Kingwood, 7 pm.

February 24: Designing Cattle Handling Facility, Monongalia County Extension Office, Westover, 7 pm.

February 26 - 28: WVU Small Farm Conference, Charleston Civic Center, Charleston.

Preston County Extension Office

115 West Court Street
Kingwood WV 26537-1192

*Cooperative
Extension Service*

The West Virginia
University Cooperative
Extension Service,
U. S. Department
of Agriculture,
West Virginia County
Boards of Education and
County Commissions
Cooperating

Phone: 304 329-1391
Fax: 304 329-1395
www.wvu.edu/~exten/

Equal Opportunity/Affirmative Action Institution

March 3: Preston County Master Gardeners, Preston County Extension Office, Kingwood, 7 pm.

March 7, 14, and 21: Annie's Project, Level II, Preston County Extension Office, 9 am to 4 pm, lunch provided

March 13 - 14: Appalachian Grazing Conference, Waterfront Place, Morgantown

March 17: Master Gardener Certification Class begins, Preston County Extension Office, Kingwood, Tuesday evenings 6 to 9 pm.



United States
Department of
Agriculture

Farm and
Foreign
Agricultural
Service

Farm Service
Agency

Valley View FSA
Office
47 Mt. Park Dr.
White Hall, WV
26554
304-363-8861

DATE: February 3, 2015

TO: Monongahela Conservation District

FROM: Mary F. Jouver, /s/ Mary F. Jouver, Valley View CED
Tony Shaver /s/ Tony Shaver, Preston & High Country CED

SUBJECT: MCD February Meeting Report for Valley View FSA Office

Foreign Buyers Notification

The Agricultural Foreign Investment Disclosure Act (AFIDA) requires all foreign owners of U.S. agricultural land to report their holdings to the Secretary of Agriculture. The Farm Service Agency administers this program for USDA.

All individuals who are not U.S. citizens, and have purchased or sold agricultural land in the county are required to report the transaction to FSA with 90 days of the closing. Failure to submit the AFIDA form (FSA-153) could result in civil penalties of up to 25 percent of the fair market value of the property. County government offices, Realtors, attorneys and others involved in real estate transactions are reminded to notify foreign investors of these reporting requirements.

USDA Provides Greater Protection for Fruit, Vegetable and Other Specialty Crop Growers

Free Basic Coverage Plans and Premium Discounts Available for New, Underserved and Limited Income Farmers

Greater protection is now available from the Noninsured Crop Disaster Assistance Program for crops that historically have been ineligible for federal crop insurance. The new options, created by the 2014 Farm Bill, provide greater coverage for losses when natural disasters affect specialty crops such as vegetables, fruits, mushrooms, floriculture, ornamental nursery, aquaculture, turf grass, ginseng, honey, syrup, and energy crops.

Previously, the program offered coverage at 55 percent of the average market price for crop losses that exceed 50 percent of expected production. Producers can now choose higher levels of coverage, up to 65 percent of their expected production at 100 percent of the average market price.



The expanded protection will be especially helpful to beginning and socially disadvantaged producers, as well as farmers with limited resources, who will receive fee waivers and premium reductions for expanded coverage. More crops are now eligible for the program, including expanded aquaculture production practices, and sweet and biomass sorghum. For the first time, a range of crops used to produce bioenergy will be eligible as well.

To help producers learn more about the Noninsured Crop Disaster Assistance Program and how it can help them, USDA, in partnership with Michigan State University and the University of Illinois, created an online resource. The Web tool, available at www.fsa.usda.gov/nap, allows producers to determine whether their crops are eligible for coverage. It also gives them an opportunity to explore a variety of options and levels to determine the best protection level for their operation.

If the application deadline for an eligible crop has already passed, producers will have until Jan. 14, 2015, to choose expanded coverage through the Noninsured Crop Disaster Assistance Program. To learn more, visit the Farm Service Agency (FSA) website at www.fsa.usda.gov/nap or contact your local FSA office at offices.usda.gov. The Farm Service Agency (FSA), which administers the program, also wants to hear from producers and other interested stakeholders who may have suggestions or recommendations on the program. Written comments will be accepted until Feb. 13, 2015 and can be submitted through www.regulations.gov.

Important ARC/PLC Program Deadlines Approaching

Producers are reminded that the deadline to update yield history and/or reallocate base acres is Feb. 27, 2015. Farm owners and producers can choose between the new 2014 Farm Bill established programs, Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC) through March 31, 2015. The new programs, designed to help producers better manage risk, usher in one of the most significant reforms to U.S. farm programs in decades.

USDA helped create online tools to assist in the decision process, allowing farm owners and producers to enter information about their operation and see projections that show what ARC and/or PLC will mean for them under possible future scenarios. Farm owners and producers can access the online resources, available at www.fsa.usda.gov/arc-plc, from the convenience of their home computer or mobile device at any time.

Covered commodities include barley, canola, large and small chickpeas, corn, crambe, flaxseed, grain sorghum, lentils, mustard seed, oats, peanuts, dry peas, rapeseed, long



grain rice, medium grain rice (which includes short grain rice), safflower seed, sesame, soybeans, sunflower seed and wheat. Upland cotton is no longer a covered commodity.

Dates associated with ARC and PLC that farm owners and producers need to know:

- Now through Feb. 27, 2015: Farm owners may visit their local Farm Service Agency office to update yield history and/or reallocate base acres.
- Now through March 31, 2015: Producers make a one-time election between ARC and PLC for the 2014 through 2018 crop years.
- Mid-April 2015 through summer 2015: Producers sign contracts for 2014 and 2015* crop years.
- October 2015: Payments issued for 2014 crop year, if needed.

To learn more about which safety net options are most appropriate for specific farming operations, farmers can use new Web tools at www.fsa.usda.gov/arc-plc, which can be accessed from the convenience of a home computer or a mobile device at any time. To learn more about upcoming educational meetings, farmers can contact their local Farm Service Agency county office at <http://offices.sc.egov.usda.gov/locator/app>.



The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

District Manager Report

2-5-2015

- I attended Ag Day at the Capitol. I had a nice time and I believe that it was beneficial for the District. However, I do not feel that I was utilized as well as I could have been if I had been in the office that day. The most I did was replenish the freebies. The display could have been prepared at the office so that when it was unfolded everything was in its place. IT was there so that if their help was needed they were available. I appreciate the opportunity to attend but still feel that I could have been utilized better in the office.
- Southern Air has been notified about the quote that was accepted at the last board meeting. They have not said yet when they might start the work. They have also been looking at the lights in the parking lot. The original problem was that the breaker was flipped. They turned it on and replaced the bulbs. They suggested changing the sockets so that all of the lights were the same. I spoke with Ed Utterback about it and he said to go ahead. They are also inspecting the one light that still isn't working to see what the problem is.
- J.T. Martin Fire and Safety came to inspect the fire extinguishers. Two of the four were from 1976. They were not operable and would be useless if needed for a fire. The extinguisher in the WVCA office was also bad. They offered to take the bad ones for a \$3 each charge. I spoke with Ed Utterback and he said that since they were here that was fine. They recommend replacing two of the three bad extinguishers and placing one at each end of the building.

February 2015 WVCA Report

Watershed O & M

Annual O&M inspection schedules will soon be available for District review. WVCA watershed staff will be in contact with districts soon to schedule annual O&M sponsorship meetings.

The WVCA is holding a training for district O&M representatives on February 25 at the ECD office in Flatwoods from 9:30-3:30 with lunch provided. Each district should send one O&M representative. The agency will only cover the cost of one per district.

FFA Conservation Chapter Award

This award was established several years ago and it is the consensus of the sponsoring partners and the State FFA Advisor, Jason Hughes, that this award is no longer offered due to lack of interest.

Conservation Farm Tour

It is time for districts to be thinking about the farm families to be awarded.

Agricultural/Conservation Day at the Capitol

Brian would like to thank all the Conservation Districts and Supervisors for your help and support at the recent Ag/Conservation Day. We would also request that you continue to stay in contact with your representatives and support our Budget and Bills.

Agreed Procedures Engagement (Audit)

Please verify your engagement is current. If it needs to be extended or rebid, please begin the process.

WVACD Scholarship

Applications are due to the district offices by the **first Monday in March**. Contact Steve May, WVACD Education Committee Chairman, for additional information.

Travel and per diem:

Supervisors are reminded to submit their travel and per diem monthly. Brian is monitoring the costs and has noted that several supervisors have not submitted a travel or per diem for several months. For budget purposes it is very important to have the reimbursements sent on a timely schedule.

When making hotel reservations, call the hotel directly during business hours. The auditor's office requires a receipt from the hotel showing a zero balance. There is a good chance that receipts from booking agencies such as Expedia will not be accepted as proof of payment, resulting in the lodging charges being deducted from the reimbursement.

District Personnel Plan

District Personnel Plans are due to the SCC by March 1. Failure to meet the deadline may cause a delay in approving the District's personnel plan and the release of state funds for those positions.

Senate Bills

S.B. 250 – Amendment to 19-21A-4a

S.B. 195 / H.B. 2358 – Rules

S.B. 261 – Definition of “owner” of dams

All are moving within the system, Brian will provide updates as the session moves forward.

Attorney General Opinion on Scholarship Awards

The Attorney General recently issued an opinion to the State Conservation Committee on the legal ability of conservation districts to use public funds for scholarship awards.

On January 20, 2015 the Attorney General opined that based on current law, found in W. Va. Code §19A-21A-8(4), West Virginia Conservation Districts lack authority to award scholarships (to individuals and groups for activities such as school tuition, entry fees, workshop expenses or direct cash payments, for various reasons, usually tied to agriculture or conservation activities and programs) using public funds. This means that the West Virginia code, as written, does not allow Conservation Districts to use public funds for those purposes.

The WV code *does* allow for the expenditure of public funds *if* these **TWO** factors are present:

1. The recipient of the funds must be an occupier of lands within the district, **AND**
2. The funds must be used to assist in the carrying on of erosion control and prevention operations and works of improvement within the district.

An “occupier of lands within the district”, for conservation district purposes, is a cooperator.

The terms “used to assist in the carrying on of erosion control and prevention operations and works of improvement within the district” means the cooperator must either own, or have the legal right to improve the land.

As a result, children and non-cooperators may not be awarded financial aid, in any form, by the conservation district, regardless of past practice, or what label is given to the financial aid. This means that calling something a “stipend” or “tuition reimbursement” or “travel expenses” does not change the opinion. If public funds are being used, they must be used in accordance with state law.

This opinion does not extend to the Association or its activities. However, the conservation districts cannot simply give public funds to the Association for scholarship awards in an attempt to circumvent the language in the statute.

February 16 is Presidents' Day and district offices will be closed.

MEMORANDUM

TO: Area Directors
FROM: Heather Connolly, Assistant Attorney General
DATE: January 30, 2015
RE: Talking points-publicly funded financial aid awards by conservation districts

Issue: The Attorney General recently issued an opinion to the State Conservation Committee on the legal ability of conservation districts to use public funds for financial aid/scholarship awards.

Rule: On January 20, 2015 the Attorney General opined that based on current law, found in W. Va. Code §19A-21A-8(4), West Virginia Conservation Districts lack authority to award scholarships (to individuals and groups for activities such as school tuition, entry fees, workshop expenses or direct cash payments, for various reasons, usually tied to agriculture or conservation activities and programs) using public funds. This means that the West Virginia code, as written, does not allow Conservation Districts to use public funds for those purposes. The Attorney General went on to give several examples of statutory language where publicly funded scholarships were allowed and those instances had specific language authorizing the scholarship(s).

The Attorney General went on to clarify that conservation districts can *only* authorize the expenditure of public funds *if* these **TWO** factors are present:

1. The recipient of the funds must be an occupier of lands within the district, **AND**
2. The funds must be used to assist in the carrying on of erosion control and prevention operations and works of improvement within the district.

Analysis:

What is an occupier of land? Pursuant to W. Va. Code §19-21A-3(5) "Land occupier" or "occupier of land" means any person, firm or corporation who shall hold title to, or shall be in possession of, any lands lying within a district organized under the provisions of this article, whether as owner, lessee, renter or tenant. An "occupier of lands within the district" for conservation district purposes, is a cooperator in the district.

The terms "used to assist in the carrying on of erosion control and prevention operations and works of improvement within the district" means that the financial aid given by a district, to a cooperator, must be used to help that cooperator carry on conservation practices that will improve the district land they occupy.

As a result, children and non-cooperators may not be awarded financial aid, in any form, by the conservation district, regardless of past practice, or what label is given to the financial aid. This means that calling something a "stipend" or "tuition reimbursement" or "travel expenses"

does not change the opinion. If public funds are being used to fund an activity, they must be used in accordance with state law regardless of what label is given to that activity.

Scope of opinion: This opinion does not extend to the Association or its activities. However, the conservation districts cannot simply give public funds to the Association for scholarship awards in an attempt to circumvent the language in the statute. Nor can the Association simply raise its dues to cover scholarships, passing that cost on to the districts. Finally, the districts cannot transfer district funds previously earmarked for scholarships to the Association for award. Any funds currently being held in separate accounts for scholarship purposes must be returned to the district's general fund and the account closed.



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

January 20, 2015

Brian Farkas
Executive Director
West Virginia Conservation Agency
1900 Kanawha Boulevard East
Charleston, West Virginia 25305

Dear Mr. Farkas:

You have asked on behalf of the Commissioner of Agriculture, in his capacity as the Chairman of the State Conservation Committee, for an Opinion of the Attorney General pertaining to whether West Virginia Conservation Districts have the legal authority to award scholarships using public funds. This Opinion is being issued pursuant to West Virginia Code § 5-3-1, which provides that the Attorney General "shall give written opinions and advise upon questions of law, . . . whenever required to do so, in writing, by . . . any . . . state officer, board, or commission." To the extent this Opinion relies on facts, it is based solely upon the factual assertions set forth in your letter to the Attorney General's Office.

According to your letter, a question has arisen concerning scholarships that have been administered by the State's Conservation Districts. You explain that Conservation Districts have awarded scholarships to "individuals and groups" for some period of time, and "encompass such activities as school tuition, entry fees, workshop expenses or direct cash payments." These scholarships are given "for various reasons," but "are usually tied to agriculture or conservation activities and programs." In two recent opinions requested by Conservation Districts, however, the West Virginia Ethics Commission noted that it was "unable to find express or implied authority to use the Requester's public funds for the purpose of awarding scholarships." A.O. 2012-42 at 3 (addressing whether a Conservation District "may expend public funds to award a \$500.00 scholarship to a District supervisor's child who resides with his parents"); *accord* A.O. 2013-06 at 4 n.8 (noting that the Ethics Commission has "found no explicit statutory authorization for a District to expend its public money on scholarships"). The Ethics Commission specifically recommended that an opinion be sought from this Office "as to whether Conservation Districts are authorized to grant scholarships." A.O. 2012-42 at 3.

Your letter raises the following legal question:

Are West Virginia Conservation Districts legally authorized to award scholarships using public funds?

The governing provisions of law are found in West Virginia Code § 19-21A-1 *et seq.* Section 2 declares it to be “the policy of the Legislature” to “provide for the conservation of the soil and soil resources of this state, for the control and prevention of soil erosion, for the prevention of floodwater and sediment damage and for furthering the conservation, development, utilization and disposal of water.” W. Va. Code § 19-21A-2(d). To that end, the law recognizes the formation and existence of Conservation Districts throughout the State, which have numerous powers relating to “soil erosion and floodwater and sediment damage.” *Id.* § 19-21A-8(1). The Conservation Districts are overseen in a way by the State Conservation Committee, which is permitted to offer assistance to District supervisors and to “allocate money” to the Districts “to assist them in carrying on their operations.” *Id.* § 19-21A-4(g)(1), (6).

The various powers of a Conservation District are specific and comprehensively set forth. The vast majority relate to: collecting information related to soil erosion, floodwater, and sediment damage; remedying identified problems; or preventing future problems. These powers include:

- Conducting “surveys, investigations and research” on soil erosion, floodwater, and sediment damage, as well as the conservation, development, utilization, and disposal of water, *id.* § 19-21A-8(1);
- Conducting “demonstrational projects,” *id.* § 19-21A-8(2);
- Enacting “preventive and control measures and works of improvement within the district,” *id.* § 19-21A-8(3);
- Acquiring property, *id.* § 19-21A-8(5);
- Making available “equipment, fertilizer, seeds and seedlings,” *id.* § 19-21A-8(6);
- “Construct[ing], improv[ing], operat[ing] and maintain[ing] such structures as may be necessary or convenient” to fulfill the purposes of the article, *id.* § 19-21A-8(7);
- Developing “comprehensive plans for the conservation of soil resources,” the prevention of soil erosion and prevention of flooding, and conservation of water resources, *id.* § 19-21A-8(8); and
- Taking over and administering “any soil-conservation, flood-prevention, drainage, irrigation, water-management, erosion-control or erosion-prevention project, or combinations thereof,” located within the District’s boundaries, under certain conditions, *id.* § 19-21A-8(9).

A number of ancillary powers are also given, such as the authority to enter into contracts, *id.* § 19-21A-8(13), the power to sue and be sued, *id.* § 19-21A-8(10), and the ability to require

contributions from those receiving benefits from the District's work, *id.* § 19-21A-8(11). Unlike some agencies or boards created by the Legislature, a Conservation District is *not* granted the residual power to "do all things which are necessary to further the purposes and intent of this article." W. Va. Code § 31-15A-12 (concerning the water development authority).

We do not find among the Districts' enumerated powers the authority to award the scholarships in question using public funds. A review of all of the governing Code for the Districts, as well as the legislative rules enacted pursuant to that authority, reveal only one grant of authority concerning the expenditure of funds. A Conservation District is permitted

[t]o cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of erosion-control and prevention operations and works of improvement within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this article.

W. Va. Code § 19-21A-8(4).

This enumerated power does not resemble the language that the Legislature typically uses to authorize the awarding of scholarships. Throughout the Code, the Legislature has created and explicitly authorized "scholarships." For example, scholarships are provided for the dependent children of individuals who are killed in the line of duty while serving the State in a law enforcement or first responder capacity. *See* W. Va. Code §§ 5-10-27 ("a scholarship to be applied to the career development education"), 7-14D-20 (same), 8-22A-22 (same), 15-2-33 (same), 15-2A-12 (same), 16-5V-25 (same). Other expressly created scholarships include the Promise Scholarship, *see* W. Va. Code § 18B-17-5, the Underwood-Smith Scholarship, *see* W. Va. Code § 18C-4-1, and the Health Sciences Scholarship Fund, *see* W. Va. Code § 18C-3-3. *See also* W. Va. Code §§ 17-2A-4b (granting explicit authority for the award of scholarships from state funds to address the "wide and continuing need for trained personnel in the division of highways of this state"), 18-10H-3 (establishing a "scholarship program for outstanding secondary vocational-technical education graduates to pursue additional post-secondary college work in a related career or technical field"), 18C-3-4 (authorization for the administration of the Nursing Scholarship Program and setting forth its parameters). In contrast, the Conservation District's authority to expend funds does not specifically mention or authorize the awarding of scholarships.

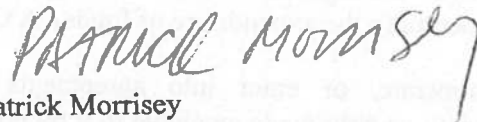
Moreover, even if this grant of authority could be construed as permitting the awarding of scholarships, the facts set forth in your letter do not satisfy the statutory limitations. The "furnish[ing of] financial or other aid" to a private person is permitted only where the recipient is an "occupier of lands within the district" and where the funds will assist the recipient "in carrying on of erosion-control and prevention operations and works of improvement within the district." W. Va. Code § 19-21A-8(4). Your correspondence states merely that the scholarships in question are provided "for various reasons" and are "usually tied to agriculture or conservation activities and programs." Even under the most generous reading, this description does not

Brian Farkas, Executive Director
January 20, 2015
Page 4

suggest that the outlay of funds is properly restricted to "occupier of lands within the district" or to soil-conservation efforts "within the district."

In sum, we must conclude that the West Virginia Conservation Districts lack authority to award the scholarships in question using public funds. Should you have further questions, please do not hesitate to contact this Office.

Sincerely,



Patrick Morrissey
Attorney General

Elbert Lin
Solicitor General