

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 798

Short Title: NC Healthy Soils Act. (Public)

Sponsors: Representative Ager.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

May 4, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE HEALTHY SOILS PROGRAM IN THE DIVISION OF SOIL
3 AND WATER CONSERVATION OF THE DEPARTMENT OF AGRICULTURE AND
4 CONSUMER SERVICES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 139 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 6.

9 "Healthy Soils Program.

10 "**§ 139-65. Legislative findings and purpose.**

11 The General Assembly finds that improving and promoting soil health in this State is essential
12 for assuring the continued productivity and economic and environmental benefits of agriculture
13 in the State and that it is in the best interest of the citizens of North Carolina to provide financial
14 incentives and technical assistance for farmers to improve soil health.

15 "**§ 139-67. Definitions.**

16 The following definitions apply to this Article:

- 17 (1) Department. – The Department of Agriculture and Consumer Services.
18 (2) Soil health. – The overall composition and fertility of soil, including the
19 amount of organic matter in and water-holding capacity of soil, and the
20 continued capacity of soil to function as a vital living biological system that
21 sustains plants, animals, and humans and that supports production of diverse
22 food, fiber, and other agricultural crops.
23 (3) Healthy soil practices. – Agricultural practices developed in consultation with
24 the Commission established by G.S. 139-4 that:
25 a. Improve the health of soils, including, but not limited to, consideration
26 of depth of topsoil horizons, water filtration rates, water-holding
27 capacity, organic matter content, nutrient content, biological
28 accessible nutrient content, bulk density, biological activity, and
29 biological and microbiological diversity.
30 b. Follow the principals of minimizing soil disturbance and external
31 inputs, keeping soil covered, maximizing biodiversity, maximizing
32 presence of living roots, and integrating animals into land
33 management, including grazing animals, birds, beneficial insects, or
34 keystone species, such as earthworms, and through practices such as
35 conservation tillage, or no till, or minimum till, cover-cropping,



1 integrated crop-livestock systems, agroforestry, planned grazing,
2 efficient nutrient management, application of compost, and other
3 appropriate methodologies.

4 (4) Program. – The Healthy Soils and Watershed Program established by this
5 Article.

6 (5) Technical assistance. – Assistance provided to achieve the purpose of the
7 Program.

8 (6) University. – North Carolina State University.

9 (7) Watershed health. – The continued capacity of surface and groundwater to
10 function as a vital living biological system that is resilient to drought and
11 storm events and that sustains humans, plants, and animals; healthy
12 watersheds provide public and private benefits, including, but not limited to,
13 improved water quality, drinking water security, recreation and tourism,
14 stormwater management, flood mitigation, habitat resilience, and crop risk.

15 **"§ 139-69. Healthy Soils and Watershed Program – Declaration.**

16 The General Assembly finds that healthy soil and water is a cornerstone of a high quality of
17 life on earth and that soil health is integral to supporting agricultural viability; promoting positive
18 environmental outcomes, including a more stable climate; ensuring the long-term availability of
19 nutritious food; and conserving biodiversity. A role of the Commission is to preserve and protect
20 the public interest in the soil and water resources of the State and for this purpose to encourage,
21 promote, facilitate, and, where such public interest requires, mandate the conservation and proper
22 stewardship and use of the soil and water resources of this State, by measures including, but not
23 limited to, the improvement of soil health and quantity of healthy soil; the improvement of
24 watershed health; the control and mitigation of floods; the control of erosion by water or by wind;
25 the preservation of the quality of water for its optimum use for agricultural, irrigation,
26 recreational, industrial, and domestic purposes; all of which shall be presumed to be conducive
27 to greater food security and public health, convenience, and welfare, both present and future. The
28 Commission will work collaboratively with the Department of Environmental Quality on all of
29 these initiatives.

30 **"§ 139-71. Healthy Soils and Watershed Program – Goals and objectives.**

31 (a) To improve agricultural viability; farm profitability; help agricultural producers and
32 foresters implement good soil health practices that build soil organic matter, reduce soil erosion,
33 soil compaction, and production costs; and improve nutrient management, moisture infiltration,
34 moisture retention, drought resilience, disease suppression, and the beneficial activity of
35 microbes, fungi, earthworms, and other organisms.

36 (b) To improve nutritional content of agricultural products by increasing
37 health-promoting nutrients, micronutrients, and microbial processes of agricultural soils and by
38 improving nutrient uptake by agricultural products, thereby improving human health.

39 (c) To improve environmental function by reducing soil erosion, runoff, and leaching of
40 nutrients and pollutants; improving water quality; and promoting strategies to build soil organic
41 matter and other beneficial properties of soils.

42 **"§ 139-73. Healthy Soils and Watershed Program – Special fund.**

43 (a) The Healthy Soils and Watershed Fund is established as a special fund in the
44 Department to support the Program. The Fund is composed of appropriations from the General
45 Assembly and other funding made available to the Department from federal government
46 programs, the State, or other sources. Subject to the availability of funds, they may be used by
47 the Department for the purposes set forth in this Article, including, but not limited to, grants,
48 research, technical assistance, educational material, and outreach to farmers whose management
49 practices will contribute to healthy soils and watersheds and improved environmental function.
50 On an annual basis, the Department shall provide a report to the Governor and the General

1 Assembly on the receipts, expenditures, and activities funded through the Program and the results
2 of the activities. State funds for the Program shall remain available until expended.

3 (b) The Commission shall report annually no later than January 31 of each year to the
4 Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and
5 the Fiscal Research Division. The report shall include a list of projects funded by the Program,
6 findings regarding the effectiveness of each of these projects to accomplish the purposes of this
7 Article, and recommendations for additional funding or legislation.

8 **"§ 139-75. Healthy Soils and Watershed Program – Initiatives.**

9 (a) Subject to the availability of funding, the Commission shall:

10 (1) Implement a voluntary program to assist in improving soil health, watershed
11 health, water quality, and wildlife habitat in the State.

12 (2) Assist rural, suburban, and urban agricultural producers, ranchers, foresters,
13 and property owners in soil health assessments and in developing soil health
14 plans.

15 (3) Assist rural, suburban, and urban agricultural producers with healthy soil
16 practices to do all of the following:

17 a. Manage and optimize soil health, including, but not limited to,
18 managing nitrogen and phosphorus to minimize nutrient runoff and
19 reduce downstream nutrient loading.

20 b. Control soil erosion and sedimentation, improve soil health and
21 quantity, improve watershed health and reliable water availability,
22 restore and enhance wildlife habitat, and manage water runoff and
23 drainage water for improved local and downstream water quality.

24 c. Identify ways to increase the generation and use of compost to build
25 healthy soil and increase water retention.

26 d. Avoid, control, and trap nutrient runoff and maintain agricultural and
27 forestry productivity and resilience to drought and extreme weather.

28 e. Improve water infiltration rates and water-holding capacities of soils
29 for improved stormwater management and flood control, drought
30 resilience, and groundwater supply.

31 (b) Subject to the availability of funding, the Department shall make grants and incentives
32 to farmers, foresters, and agricultural cooperatives to enhance the education, training,
33 employment, income, productivity, and retention of those working or aspiring to work in the field
34 of healthy soil practices and to implement healthy soil practices in the State. Amounts credited
35 to the Fund shall be used to provide grants on a competitive basis to public, private, and charitable
36 entities to finance projects in furtherance of the Program. The Program shall be designed to
37 prioritize incentives and provide no less than twenty-five percent (25%) of funds to beginning
38 and socially disadvantaged farmers and ranchers, as defined by 7 U.S.C. § 2279(a). Expenditures
39 from the Fund for this purpose shall complement and not replace existing local, State, private, or
40 federal funding for related programs. The Department may use up to fifty thousand dollars
41 (\$50,000) of the funds allocated to the Program for grants in each fiscal year for the costs
42 associated with administering and implementing the Program.

43 **"§ 139-77. Healthy Soils and Watershed Program – Primary responsibilities of the**
44 **Commission.**

45 (a) The Commission has primary responsibility for the following components of the soil
46 health initiative:

47 (1) Developing, publishing, and distributing outreach and education materials to
48 help conservation districts, cooperative extension, and local governments
49 raise awareness of the importance of soil and water health to the public, to
50 farmers, and to agricultural employees, including farmer case studies on soil
51 and water health best practices, experiences, and outcomes.

- 1 (2) Training and mobilizing technical service providers to encourage farmers,
2 ranchers, and land managers to voluntarily implement desired soil and water
3 health stewardship and enter into any maintenance or easement agreements
4 needed to maintain soil and watershed health benefits obtained. The
5 Commission and the University must coordinate technical assistance, working
6 with and through conservation districts and university extension, to avoid
7 duplication of effort in carrying out these technical assistance responsibilities.
- 8 (3) Training of technical assistance providers, property owners, land managers,
9 and others to voluntarily take ongoing soil and water samples and
10 measurements and submit results to the soil and watershed health monitoring
11 database.
- 12 (4) In collaboration with the Department and the University, developing equitable
13 criteria for the awarding of grants to help producers improve soil and
14 watershed health across the State's diverse agricultural systems.
- 15 (5) Consulting and collaborating with the Department and the University to
16 support all soil and watershed health initiative goals, objectives, and
17 components established in this Article.

18 (b) In consultation with the Department, the Department of Environmental Quality, and
19 the University, the Commission may adopt rules as needed to fulfill the purposes of this Article."

20 **SECTION 2.** This act is effective when it becomes law.