

SUBCHAPTER 01T - WATER RESOURCES GRANT PROGRAMS

SECTION .0100 - AQUATIC WEED FUND

15A NCAC 01T .0101 APPLICABILITY

The rules in this Section apply to the Aquatic Weed Fund in G.S. 143-215.73F.

History Note: Authority G.S. 113A-223; 113A-227; 143-215.73F;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0102 DEFINITIONS

For purposes of the rules in this Section,

- (1) "Department" means the North Carolina Department of Environmental Quality;
- (2) "Director" means the Director of the Division of Water Resources, Department of Environmental Quality or his or her designee;
- (3) "Division" means the Division of Water Resources, which is within the North Carolina Department of Environmental Quality; and
- (4) "Council" means the North Carolina Aquatic Weed Control Council.

History Note: Authority G.S. 113A-223; 113A-227; 143-215.73F;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0103 PROJECT ELIGIBILITY

An aquatic weed control project proposed by a unit of local, state, or federal government; academic institution; public utility; or other entity may be eligible for grant funds from the Aquatic Weed Fund provided that:

- (1) the project targets one or more aquatic weed species included on the Noxious Aquatic Weed List in 15A NCAC 02G .0602 with subsequent amendments;
- (2) the cost share requirements of G.S. 143-215.73F(c)(3) are met; and
- (3) the project provides at least one of the following benefits:
 - (A) protects and preserves human health;
 - (B) protects public safety;
 - (C) protects the beneficial use of the water(s) of the State;
 - (D) prevents injury to property; or
 - (E) prevents injury to beneficial plant and animal life.

History Note: Authority G.S. 113A-223; 113A-227; 143-215.73F;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0104 AQUATIC WEED CONTROL GRANT APPLICATIONS

(a) To request state cost share funding for an eligible aquatic weed control project, an application shall be sent to the Division of Water Resources Aquatic Weeds Control Program, at 1611 Mail Service Center, Raleigh, NC 27699-1611 or electronically to aquaticweeds@ncdenr.gov. The application shall be made on a form provided by the Division, available electronically via the following website: <https://deq.nc.gov/about/divisions/water-resources/water-planning/water-supply-planning/aquatic-weed-control-program>. The application form can also be obtained by emailing a request to aquaticweeds@ncdenr.gov; by contacting the Division of Water Resources Aquatic Weeds Control Program, 1611 Mail Service Center, Raleigh, NC, 27699-1611; or by calling 919-707-9000. The application shall include the following:

- (1) the date of application;
- (2) the name, address and phone number of the applicant;
- (3) the project name and location;
- (4) if applicable, the specific waterbody or waterbodies in which the proposed project will occur;
- (5) the aquatic weed(s) associated with the project;

- (6) acknowledgement that the applicant will fund no less than 50 percent of the project cost and that full obligation for project cost share will be assumed;
 - (7) the anticipated benefit or benefits the project will provide as outlined in Rule .0103 of this Section; and
 - (8) a signature by the applicant.
- (b) In signing the application, the applicant(s) certifies that all information contained therein and in support thereof is accurate and true to the best of their knowledge.

History Note: Authority G.S. 113A-223; 113A-227; 143-215.70; 143-215.72; 143-215.73F;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0105 GRANT APPLICATION REVIEW AND APPROVAL

- (a) To be eligible for funding from the Aquatic Weed Fund, applications shall be received before October 16 of the year prior to when the project will occur.
- (b) All applications shall be reviewed by the Council. Following review by the Council, the Council shall provide a list of recommended projects proposed for cost share funding to the Director, with total funding by the Department for all cost shared projects not to exceed the amount in G.S. 143-215.73F(b)(2).
- (c) Recommendations from the Council and project selection by the Director shall be based on the extent to which the project meets the criteria listed in G.S. 143-215.72(b).
- (d) The Director, with concurrence of the Council and provided funds are available, reserves the right to make an exception to Paragraph (a) of this Rule for the purposes of conducting a rapid response to an aquatic weed infestation. In addition, all conditions of Rules .0103, .0104, and .0106 of this Section shall apply.

History Note: Authority G.S. 113A-223; 113A-227; 143-215.70; 143-215.72; 143-215.73; 143-215.73F;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0106 INSTRUMENT OF AGREEMENT

- (a) For a project sponsored by a unit of local government, the applicant shall provide a resolution from the local government's governing board and, per G.S. 143-6-23(b), a copy of their conflict of interest policy prior to the Department beginning any approved cost share project or fund disbursement. The resolution shall include:
 - (1) the specific waterbody or location in which the proposed project will occur;
 - (2) the aquatic weed(s) associated with the project;
 - (3) a statement of assumption for the full obligation for payment of the balance of project costs, to be no less than fifty percent of the total cost of the project;
 - (4) a statement of agreement to assist the Department in determining the full scope of the aquatic weed control project.
 - (5) when applicable, assurance that the public will have access to the waters that are included in the proposed project;
 - (6) a statement that the Department will be held harmless from any damages that may result from the implementation of the project.
 - (7) when applicable, a statement that the applicant will be responsible for notifying all landowners with property adjacent to the waterbody on which the project will be located, providing details of the project to those landowners, and for sponsoring any necessary public information meetings and outreach; and
 - (8) when applicable, an agreement to notify the public of any temporary water-use restrictions associated with the project.
- (b) For a project sponsored by an entity that is not a unit of local government, the applicant shall sign a binding written agreement with the Department prior to the Department beginning any approved cost share project or fund disbursement. The cost sharing agreement shall include the items listed in Paragraph (a) of this Rule.

History Note: Authority G.S. 113A-223; 143-215.73; 143-215.73F; 143-6-23;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0107 NORTH CAROLINA AQUATIC WEED CONTROL COUNCIL

The Council shall serve as an advisory group for the Division regarding the control, eradication, and regulation of noxious weeds. The Division shall invite each of the following agencies to designate one representative to serve on the Council:

- (1) Department of Agriculture and Consumer Services – Plant Industry Division;
- (2) Department of Agriculture and Consumer Services – Structural Pest Control & Pesticides Division;
- (3) Department of Environmental Quality – Division of Coastal Management;
- (4) Department of Environmental Quality – Division of Marine Fisheries;
- (5) Department of Environmental Quality – Division of Water Resources – Water Sciences Section;
- (6) Department of Environmental Quality – Division of Water Resources – Water Planning Section;
- (7) Department of Health and Human Services;
- (8) Department of Natural and Cultural Resources – Division of Parks and Recreation;
- (9) Department of Natural and Cultural Resources – Natural Heritage Program;
- (10) Department of Transportation;
- (11) North Carolina State University – Crop and Soil Science Department;
- (12) North Carolina State University – North Carolina Agricultural Research Service;
- (13) U.S. Fish and Wildlife Service; and
- (14) Wildlife Resources Commission.

History Note: Authority G.S. 113A-223;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0108 NOXIOUS AQUATIC WEED LIST

The Secretary of the Department of Environment and Natural Resources has designated the following plants as noxious aquatic weeds:

- (1) Species Listed on the Federal Noxious Weed List.
Azolla pinnata R. Brown - Pinnate mosquitofern
Eichhornia azurea (Sw.) Kunth - Anchored waterhyacinth
Hydrilla verticillata (L.f.) Royle - Hydrilla
Hygrophila polysperma (roxb.) T. Anderson - Indian hygrophila
Ipomoea aquatica Forsk. - Swamp morning glory, water spinach
Lagarosiphon major (Ridley) Moss - African elodea
Limnophila sessiliflora (Vahl) Blume-Limnophila
Melaleuca quinquenervia (Cav.) Blake-Melaluca
Monochoria hastata (L.) Solms - Arrowleaved monochoria
Monochoria vaginalis (Burm. f.) Kunth - Monochoria
Sagittaria sagittifolia L. - Arrowhead
Salvinia auriculata Aubl. - Giant salvinia
Salvinia biloba Raddi - Giant salvinia
Salvinia herzogii de la Sota - Giant salvinia
Salvinia molesta Mitch. - Giant salvinia
Sparganium erectum L. - Branched burreed
Stratiotes aloides L. - Crab's claw, Water-aloe
- (2) Additional species.
Alternanthera philoxeroides (Mart.) Griseb - Alligatorweed
Crassula helmsii (Kirk) - Swamp stonecrop
Egeria densa Planch. - Brazilian elodea, Anacharis
Eichhornia crassipes (Mart.) Solms. -Water hyacinth
Lagarosiphon spp. (All species) - African elodea
Ludwigia hexapetala (Hooker & Arnott) Zardi. - Uruguay waterprimrose, Creeping waterprimrose
Lythrum salicaria L. - Purple loosestrife
Myriophyllum aquaticum (Vell.) Verdc. - Parrotfeather
Myriophyllum spicatum L. - Eurasian watermilfoil
Najas minor All. - Brittleleaf naiad, Slender naiad

Phragmites australis (Cav.) Trin. ex Steud. - Common reed
Pistia stratiotes L. - Water lettuce
Salvinia spp. (All except S. rotundifolia) - Water fern
Trapa spp. (All species) - Water chestnut

History Note: Authority G.S. 113A-222;
Eff. September 1, 1992;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019;
Transferred from 15A NCAC 02G .0602 Eff. May 1, 2023.

15A NCAC 01T .0109 THE AQUATIC WEED CONTROL ACT

History Note: Authority G.S. 106-420; 113A-222; 113A-223; 113A-224;
Eff. September 1, 1992;
Repealed Eff. April 1, 2006;
Transferred from 15A NCAC 02G .0601 Eff. May 1, 2023.

SECTION .0200 - SHALLOW DRAFT NAVIGATION CHANNEL DREDGING FUND

15A NCAC 01T .0201 APPLICABILITY

The rules in this Section apply to the Shallow Draft Navigation Channel Dredging Fund in G.S. 143-215.73F, including projects related to dredging federally authorized channels where the work is performed by the United States Army Corps of Engineers.

History Note: Authority G.S. 143-215.73F;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0202 DEFINITIONS

For purposes of the rules in this Section,

- (1) "Department" means the North Carolina Department of Environmental Quality;
- (2) "Division" means the Division of Water Resources, which is within the North Carolina Department of Environmental Quality; and
- (3) "shallow draft navigation channel" has the same meaning as set forth in G.S. 143-215.73F(e).

History Note: Authority G.S. 143-215.73F;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0203 PROJECT ELIGIBILITY SHALLOW DRAFT NAVIGATION CHANNEL DREDGING FUND

(a) A shallow draft navigation channel dredging project proposed or sponsored by a local government may be eligible for grant funds from the Shallow Draft Navigation Channel Dredging Fund provided that:

- (1) the project is designed to keep shallow draft navigation channels located in State waters or waters of the state located within lakes navigable and safe or the project is for siting and acquisition of dredged disposal easement sites; and
- (2) the cost share requirements of G.S. 143-215.73F(c) are met.

(b) The following are ineligible costs that may not be reimbursed from the Shallow Draft Navigation Channel Dredging Fund:

- (1) dredging underneath or immediately adjacent to privately owned ship berths, piers, docks, or similar facilities or businesses;
- (2) costs incurred for fines, penalties, legal fees, or litigation costs (including but not limited to litigation of a permit, penalty, enforcement action, or contract dispute);

- (3) costs incurred outside of the term of the grant contract between the Department and the local government;
- (4) purchase of equipment (including but not limited to barges and excavators);
- (5) indirect or overhead costs of the municipality, such as rent, telephone service, and general administrative support; or
- (6) salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation.

History Note: Authority G.S. 143-215.73F;
 Temporary Adoption Eff. February 8, 2023;
 Eff. June 1, 2024.

15A NCAC 01T .0204 GRANT APPLICATIONS FOR THE SHALLOW DRAFT NAVIGATION CHANNEL DREDGING FUND CHANNELS PERFORMED BY LOCAL UNITS OF GOVERNMENT

(a) To apply for grant funds from the Shallow Draft Navigation Channel Dredging Fund for non-federally authorized channels, the application shall be on forms provided by the Division and submitted to the Division's Coastal Infrastructure Grant Coordinator. The grant coordinator's contact information and the application forms are available at <https://deq.nc.gov/about/divisions/water-resources/water-resources-grants/water-resources-development-grant-program>. The application shall include the following:

- (1) the applicant's primary contact or project manager's name, title, organization, tax ID number (if applicable), email address, mailing address, telephone number;
- (2) the contact and address to which the Department should send grant reimbursements and grant/project correspondence;
- (3) project title, description, scope and location;
- (4) description of existing conditions and land use within the project area;
- (5) anticipated contract start and end dates;
- (6) address the criteria in Rule .0205 of this Section;
- (7) description of the location and method of dredge spoil disposal;
- (8) itemized project budget;
- (9) project plans and location maps;
- (10) official resolution in accordance with 15A NCAC 02G .0104;
- (11) a statement of no overdue tax debts; and
- (12) the local government's conflict of interest policy.

(b) In signing the application, the applicant(s) certifies that all information contained therein and in support thereof is accurate and true to the best of their knowledge.

History Note: Authority G.S. 143-215.73F; 143C-6-23;
 Temporary Adoption Eff. February 8, 2023;
 Eff. June 1, 2024.

15A NCAC 01T .0205 GRANT APPLICATION REVIEW AND APPROVAL FOR CHANNELS DREDGED BY A LOCAL UNIT OF GOVERNMENT

(a) The Division shall review grant applications and may either approve, approve in part, or disapprove applications based on the following criteria:

- (1) the economic, social, and environmental benefits to be provided by the projects;
- (2) regional benefits of projects to an area greater than the area under the jurisdiction of the local sponsoring entity;
- (3) the financial resources of the local sponsoring entity;
- (4) the environmental impact of the project; and
- (5) any direct benefit to the State-owned lands.

(b) Notwithstanding the criteria set forth in this Rule, the Division shall prioritize funding those projects that improve shallow draft navigation channels that are accessible by and used by the general boating public.

History Note: Authority G.S. 143-215.73F;
 Temporary Adoption Eff. February 8, 2023;

Eff. June 1, 2024.

15A NCAC 01T .0206 POST FUNDING AWARD FOR CHANNELS DREDGED BY A LOCAL UNIT OF GOVERNMENT

(a) If the Division awards a grant from the Shallow Draft Navigation Channel Dredging Fund and the local government accepts the grant award, then a grant contract must be executed prior to any grant reimbursements. Prior to any reimbursements, the local unit of government shall submit invoices signed by a representative of the local unit of government.

(b) Any changes to the scope of the project or project budget after submission of a grant application will, at minimum, require written approval by the Division and the Division may require a grant contract amendment.

(c) The term of the grant contract may be extended at the discretion of the Division. A request from a grantee to extend the grant contract shall be submitted at least 45 days prior to the grant contract expiration date and shall include:

- (1) justification for the extension request;
- (2) summary of the current project status; and
- (3) anticipated project schedule moving forward.

(d) The grantee shall use the funds for only those purposes set forth in G.S. 143-215.73F and shall return unspent grant funds.

*History Note: Authority G.S. 143-215.73F;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.*

15A NCAC 01T .0207 GRANT APPLICATIONS FOR THE SHALLOW DRAFT NAVIGATION CHANNEL DREDGING FUND FOR CHANNELS DREDGED BY THE UNITED STATES ARMY CORPS OF ENGINEERS

To apply for grant funds from the Shallow Draft Navigation Channel Dredging Fund for federally authorized channels, the application shall include the following:

- (1) a letter signed by an official from the local unit of government requesting funds from the Shallow Draft Navigation Channel Fund that includes the requested amount funds (State, local unit of government, and total amount);
- (2) the name of the project;
- (3) the project title, description, scope and location;
- (4) description of existing conditions;
- (5) anticipated work start and end dates;
- (6) description of the location and method of dredge spoil disposal;
- (7) the local government's conflict of interest policy.
- (8) a project cost estimate and timeline from the United States Army Corps of Engineers;
- (9) a project location map and;
- (10) the local governments matching funds.

*History Note: Authority G.S. 143-215.73F;
Eff. June 1, 2024.*

15A NCAC 01T .0208 POST FUNDING AWARD FOR CHANNELS DREDGED BY THE UNITED STATES ARMY CORPS OF ENGINEERS

If the Division awards a grant from the Shallow Draft Navigation Channel Dredging Fund and the local government accepts the grant award:

- (1) The sponsoring local unit of government may submit a request for additional funds after funds have been awarded. To request additional funds or a change in scope, the local government shall submit a letter with the information in Rule .0207(a) of this Section.
- (2) The grantee shall use the funds for only those purposes set forth in G.S. 143-215.73F.
- (3) If funds remain after the project has been completed or the project is not awarded by the United States' Army Corps of Engineers, the local government may submit a written request to return any unspent funds. The written communication shall be signed by an official of the sponsoring local

government and include the project name and amount of funds that are being requested to be returned.

History Note: Authority G.S. 143-215.73F;
Eff. June 1, 2024.

SECTION .0300 - COASTAL STORM DAMAGE MITIGATION FUND

15A NCAC 01T .0301 APPLICABILITY

The rules in this Section apply to the Coastal Storm Damage Mitigation Fund in G.S. 143-215.73M.

History Note: Authority G.S. 143-215.73M;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0302 DEFINITIONS

For purposes of the rules in this Section,

- (1) "Department" means the North Carolina Department of Environmental Quality; and
- (2) "Division" means the Division of Water Resources, which is within the North Carolina Department of Environmental Quality.

History Note: Authority G.S. 143-215.73M;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0303 PROJECT ELIGIBILITY

(a) A coastal storm damage mitigation project proposed by a local government may be eligible for grant funds from the Coastal Storm Damage Mitigation Fund provided that:

- (1) the project is for beach nourishment, artificial dunes, and other projects to mitigate or remediate coastal storm damage to the ocean beaches and dune systems of the State; and
 - (2) the cost share requirements of G.S. 143-215.73M(c) are met.
- (b) The following are ineligible costs that may not be funded from the Coastal Storm Damage Mitigation Fund:
- (1) indirect or overhead costs of the local government, such as rent, telephone service, and general administrative support;
 - (2) costs incurred for fines, penalties, legal fees, or litigation costs (including but not limited to litigation of a permit, penalty, enforcement action, or contract dispute);
 - (3) any activities related to a terminal groin and its accompanying beach fill project permitted pursuant to G.S. 113A-115.1; or
 - (4) salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation.

History Note: Authority G.S. 143-215.73M;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0304 COASTAL STORM DAMAGE MITIGATION FUND APPLICATION

(a) To apply for grant funds from the Coastal Storm Damage Mitigation Fund, the application shall be on forms provided by the Division and submitted to the Division's Coastal Infrastructure Grant Coordinator. The grant coordinator's contact information and the application forms are available at <https://deq.nc.gov/about/divisions/water-resources/water-resources-grants/water-resources-development-grant-program>.

(b) The application shall include the following:

- (1) primary contact or project manager's name, title, organization, tax ID number (if applicable), email address, mailing address, telephone number;
- (2) the contact and address to which the Department should send grant funds and grant/project correspondence;
- (3) project title, description, scope and location;

- (4) description of existing conditions and land use within project area;
- (5) anticipated contract start and end dates;
- (6) address the criteria in Rule .0305 of this Section;
- (7) itemized project budget;
- (8) project plans and locations maps;
- (10) official resolution in accordance with Rule .0404 of this Subchapter;
- (11) the local government's conflict of interest policy; and
- (12) a statement of no overdue tax debts.

(c) In signing the application, the applicant(s) certifies that all information contained therein and in support thereof is accurate and true to the best of their knowledge.

History Note: Authority G.S. 143-215.73M; 143C-6-23;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0305 GRANT APPLICATION REVIEW AND APPROVAL

The Division shall review grant applications and may either approve, approve in part, or disapprove applications based on the following criteria:

- (1) the economic, social, and environmental benefits to be provided by the project;
- (2) mitigation measures to be implemented to avoid and minimize detrimental environmental impacts
- (3) expected useful life of the project;
- (4) the source and availability of other funding sources for the project; and
- (5) viability and efficiencies of the project, including but not limited to regional planning, beneficial use of clean, beach quality dredged material from navigation channels within the nearshore, beach or inlet shoal system, and readiness to process based on the project phase, permitting status, property access, and construction schedule.

History Note: Authority G.S. 143-215.73M;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

15A NCAC 01T .0306 POST FUNDING AWARD

(a) If the Division awards a grant from the Coastal Storm Damage Mitigation Fund and the local government accepts the grant award, then a grant contract must be executed prior to any grant funds being dispersed.

(b) Any changes to the scope of the project or project budget after submission of a grant application will, at minimum, require written approval by the Division and the Division may require a grant contract amendment.

(c) The term of the grant contract may be extended at the discretion of the Division. A request from a grantee to extend the grant contract shall be submitted at least 45 days prior to the grant contract expiration date and shall include:

- (1) justification for the extension request;
- (2) summary of the current project status; and
- (3) anticipated project schedule moving forward.

(b) The grantee shall use the funds for only those purposes set forth in G.S. 143-215.73M and shall return unspent grant funds.

History Note: Authority G.S. 143-215.73M;
Temporary Adoption Eff. February 8, 2023;
Eff. June 1, 2024.

SECTION .0400 – STATE PARTIPIATION IN WATER RESOURCES PROJECTS

15A NCAC 01T .0401 PREAMBLE

History Note: Authority G.S. 143-215.70 through 143-215.73; 143-355;
Eff. February 1, 1976;
Amended Eff. April 1, 1983;

*Repealed Eff. October 1, 1984;
Transferred from 15A NCAC 02G .0101 Eff. May 1, 2023.*

15A NCAC 01T .0402 PROJECT ELIGIBILITY

The following types of water resource development projects are eligible for state cost-sharing by the Department of Environment, Health, and Natural Resources (department):

- (1) general navigation improvement;
- (2) recreational navigation improvement;
- (3) water management (flood control and drainage);
- (4) stream restoration (clearing and snagging and limited channel excavation);
- (5) beach protection; and
- (6) land acquisition and facility development for water-based recreation sites.

Projects planned and constructed by a federal agency with a local cost-share and projects without federal assistance are both eligible for state financial assistance. Small watershed projects of the U.S. Soil Conservation Service reviewed by the North Carolina Soil and Water Conservation Commission are not eligible for cost-sharing under this Section. Questions about eligibility should be directed to the Division of Water Resources, Department of Environment, Health, and Natural Resources, P.O. Box 27687, Raleigh, N. C. 27611, (919) 733-4064.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.70 through 143-215.73; 143-355;
Eff. February 1, 1976;
Amended Eff. December 1, 1991; October 1, 1984; December 1, 1983; April 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019;
Transferred from 15A NCAC 02G .0102 Eff. May 1, 2023.*

15A NCAC 01T .0403 PROJECT COST-SHARING AMOUNTS

The department may provide state funds in amounts not to exceed the percentages stated in G.S. 143-215.71 of either the non-federal costs (in the case of a federal agency project) or the total costs (in the case of a project not receiving federal funds).

In the case of a local government water resources project where the department thinks a preliminary feasibility study or engineering study is necessary to more accurately determine project costs and/or benefits and/or scale of development, the department may provide up to 50 percent state funding of such studies. The sponsoring local government would provide the remainder of the funds necessary.

In the case where projects provide broad regional benefits, or where assignment of non-federal responsibilities to local government is not appropriate in the opinion of the department, the department may assume sponsorship on behalf of the state and may pay up to 100 percent of the total (or the non-federal share of the cost) of planning, construction, or operation of said water resources project.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.41; 143-215.71; 143-355;
Eff. February 1, 1976;
Amended Eff. October 1, 1984; December 1, 1983; April 1, 1983; November 1, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019;
Transferred from 15A NCAC 02G .0103 Eff. May 1, 2023.*

15A NCAC 01T .0404 GRANT APPLICATIONS BY LOCAL GOVERNMENT

To request state cost-sharing for an eligible water resources development project, a local political subdivision or unit of government shall send to the Division of Water Resources an official resolution describing the nature of the proposed project and the benefits to be received from it and requesting a specific cost-sharing amount (based on the percentages given in G.S. 143-215.71).

In addition, the resolution must state that the local unit of government will perform the following where appropriate to the nature of the project:

- (1) Assume full obligation for payment of the balance of project costs.
- (2) Obtain all necessary state and federal permits.
- (3) Comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.

- (4) Supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications.
- (5) Obtain suitable spoil disposal areas and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the state.
- (6) Assure that the project is open for use by the public on an equal basis with no restrictions.
- (7) Hold the state harmless from any damages that may result from the construction, operation and maintenance of the project.
- (8) Accept responsibility for the operation and maintenance of the completed project.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.72; 143-355;
 Eff. February 1, 1976;
 Amended Eff. December 1, 1991; October 1, 1984; April 1, 1983;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019;
 Transferred from 15A NCAC 02G .0104 Eff. May 1, 2023.

15A NCAC 01T .0405 GRANT APPLICATION REVIEW AND APPROVAL

The secretary of the department shall receive and review grant applications for water resources development projects.

If the proposed project described in the application is not subject to environmental review under federal law, the department shall follow environmental review procedures established under the State Environmental Policy Act.

After review of grant applications, the secretary shall forward those approved or approved in part to the Advisory Budget Commission, which shall review the recommendations for the transfer of funds from the department's reserve fund into accounts for specific projects. After review by the Advisory Budget Commission, project funds shall be disbursed and monitored by the Department of Environment, Health, and Natural Resources (as described in Rule .0106 of this Section).

History Note: Authority G.S. 113A-4; 143-215.3(a)(1); 143-215.72; 143-215.73; 143-355;
 Eff. February 1, 1976;
 Amended Eff. December 1, 1991; July 1, 1988; October 1, 1984; April 1, 1983;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019;
 Transferred from 15A NCAC 02G .0105 Eff. May 1, 2023.

15A NCAC 01T .0406 GRANT PAYMENTS

When state cost-sharing for the water resource development project has been approved by the department and reviewed by the Advisory Budget Commission, the department shall pay its portion of the non-federal costs of a federal project when requested by the sponsoring federal agency and shall pay its portion of the costs of a non-federal project when the project has been completed, unless the local political subdivision or unit of government requests a partial payment in writing. A portion of the funds, normally 10 percent, will not be paid until the project has been inspected and is complete.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.73; 143-355;
 Eff. February 1, 1976;
 Amended Eff. July 1, 1988; October 1, 1984; April 1, 1983;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019;
 Transferred from 15A NCAC 02G .0106 Eff. May 1, 2023.

15A NCAC 01T .0407 SPECIAL BEACH EROSION CONTROL REQUIREMENTS

The following requirements are applicable to any beach erosion control or hurricane protection project in which the state participates by action of the department:

- (1) Before the start of project construction, the sponsoring local government(s) will establish land-use controls to conserve protective dunes and to insure that the damage potential is not significantly increased by further development. Such land use controls must meet or exceed all requirements of the state guidelines for Areas of Environmental Concern (15A NCAC 7H) and be consistent with

- the approved local land use plan prepared under the provisions of the state guidelines for Land Use Planning (15A NCAC 7B).
- (2) The sponsoring local government must provide adequate public access to the project area. All such accessways must be designed to adequately protect the beach and dune system.
 - (3) No beach erosion control project shall significantly interfere with or create a hazard to public enjoyment of the beach.
 - (4) Any building line established as a part of a beach erosion control project shall not be seaward of the oceanfront setback line as established in 15A NCAC 7H .0306(a) GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.71; 143-355;
Eff. February 1, 1976;
Amended Eff. April 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019;
Transferred from 15A NCAC 02G .0107 Eff. May 1, 2023.

15A NCAC 01T .0408 APPLICATION FOR STATE FUNDING
15A NCAC 01T .0409 PAYMENT OF LOCAL SHARE
15A NCAC 01T .0410 STATE PARTICIPATION IN BEACH EROSION CONTROL PROJECTS
15A NCAC 01T .0411 NON-QUALIFIED PROJECTS
15A NCAC 01T .0412 SPECIAL PROJECT REQUIREMENTS

History Note: Authority G.S. 143-354; 143-355;
Eff. February 1, 1976;
Amended Eff. November 1, 1978;
Repealed Eff. April 1, 1983;
Transferred from 15A NCAC 02G .0108-.0112 Eff. May 1, 2023.