

02 NCAC 59D .0102 DEFINITIONS

In addition to the definitions found in G.S. 106-850 and 139-3, the following terms used in this Subchapter have the following meanings:

- (1) "Agricultural Nonpoint Source (NPS) Pollution" means pollution originating from a diffuse source as a result of agricultural activities related to crop production, production and management of poultry, livestock and aquaculture, land application of waste materials, and management of forestland incidental to agricultural production.
- (2) "Agricultural purposes" means agricultural activities related to crop production, production and management of poultry and livestock, land application of waste materials, and management of forestland incidental to agricultural production.
- (3) "Allocation" means the annual share of the State's appropriation for each program to participating districts.
- (4) "Applicant" means a person(s) who applies for best management practice cost sharing monies from the district. An applicant may also be referred to as a "cooperator." All entities with which the applicant is associated, including those in other counties, shall be considered the same applicant.
- (5) "Average Costs" means the calculated cost, determined by averaging actual costs and current cost estimates for best management practice implementation. Actual costs include labor, supplies, and other costs required for physical installation of a practice.
- (6) "Best Management Practice (BMP)" means a structural or nonstructural management based practice used singularly or in combination to address natural resource needs.
 - (a) For the Agriculture Cost Share Program and the Community Conservation Assistance Program, BMPs shall reduce nonpoint source inputs to receiving waters.
 - (b) For the Agricultural Water Resources Assistance Program, BMPs shall increase the storage, availability, and use efficiency of water for agricultural purposes.
- (7) "Commission" means the Soil and Water Conservation Commission.
- (8) "Conservation Plan" means a written plan documenting the applicant's decisions concerning land use, and both cost shared and non-cost shared BMPs to be installed and maintained on the management unit.
- (9) "Cost Share Agreement" means an agreement between the applicant and the district that defines the BMPs to be cost shared, rate and amount of payment, minimum practice life, and date of BMP installation. The agreement shall state that the recipient shall maintain and repair the practice(s) for the specified minimum life of the practice. The Cost Share Agreement shall have a maximum contract life of three years for BMP installation. The district shall perform an annual status review during the installation period.
- (10) "Cost Share Incentive (CSI)" means a predetermined fixed payment paid to an applicant for implementing a BMP in lieu of cost share.
- (11) "Cost Share Rate" means a cost share percentage paid to an applicant for implementing BMPs.
- (12) "Department" means the North Carolina Department of Agriculture and Consumer Services.
- (13) "Design practice" means an engineering practice as defined by the Natural Resources Conservation Service (NRCS) Technical Guide for North Carolina, which is incorporated by reference including all subsequent amendments and editions, and can be accessed for free at <http://efotg.sc.egov.usda.gov/#/>, or Soil and Water Conservation Commission list of BMPs that are acceptable for cost sharing. The list of BMPs shall be approved annually by the Commission and published in the Detailed Implementation Plan. .]
- (14) "Detailed Implementation Plan (DIP)" means the document published annually, including all Commission guidelines for each program for the current fiscal year including:
 - (a) annual program goals;
 - (b) district and Statewide allocations;
 - (c) BMPs that will be eligible for cost sharing; and
 - (d) the minimum life expectancy of those practices.
- (15) "District Allocation Pool" means the annual share of the State's appropriation for each program to be allocated to participating districts.
- (16) "District BMP" means a BMP requested by a district and approved by the Division for evaluation purposes.
- (17) "Division" means the Division of Soil and Water Conservation.

- (18) "Encumbered Funds" means monies from a district's allocation that have been obligated by the district to a cost share agreement.
- (19) "In-kind Contribution" means a contribution by the applicant towards the implementation of BMPs. In-kind contributions shall be approved by the district and can include labor, fuel, machinery use, and supplies and materials for implementing the approved BMPs.
- (20) "Fiscal Year" means the period from July 1 through June 30 for which funds are allocated to districts.
- (21) "Job Approval Authority" means the authority granted to individuals who are qualified to plan, design, and verify installation or implementation of specific practices per practice standards approved by the Natural Resources Conservation Service or the Commission. This authority is granted by the Natural Resources Conservation Service or the Commission.
- (22) "Landowner" means any natural person or other legal entity, including a governmental agency, who holds either an estate of freehold (such as a fee simple absolute or a life estate) or an estate for years or from year to year in land, but shall not include an estate at will or by sufferance in land. A governmental or quasi-governmental agency such as a drainage district or a soil and water conservation district, or any such agency, exercising similar powers for similar purposes, can be a landowner for the purposes of the rules of this Subchapter if the governmental agency holds an easement in land.
- (23) "Nonpoint Source (NPS) Pollution" means pollution originating from a diffuse source.
- (24) "Proper Maintenance" means that a practice(s) is being maintained such that the practice(s) is performing the function for which it was originally implemented, as determined by the technical representative of the district or Division based upon the best management practice design and standard.
- (25) "Regional Allocation Pool" means the annual share of the State's appropriation for each program allocated for applications ranked in the Division's three regions as specified in the annual Detailed Implementation Plan.
- (26) "Statewide Allocation Pool" means the annual share of the State's appropriation for applications ranked at the State level as specified in the annual Detailed Implementation Plan.
- (27) "Strategic Plan" means the annual plan for the N.C. Soil and Water Conservation Commission Cost Share Programs to be developed by each district. The plan identifies natural resource needs and the level of cost sharing and technical assistance monies required to address those annual needs in the respective district.
- (28) "Technical representative of the district" means a person designated by the district to act on their behalf who participates in the planning, design, implementation and inspection of BMPs.
- (29) "Unencumbered Funds" means the portion of the allocation to each district that has not been committed for cost sharing.

History Note: Authority G.S. 106-840; 106-850; 106-860; 139-3; 139-4; 139-8; 139-60; Eff. May 1, 1987; Temporary Amendment Eff. September 23, 1996; Recodified from 15A NCAC 6E .0002 Eff. December 20, 1996; Amended Eff. April 1, 1997; Temporary Amendment Expired June 13, 1997; Amended Eff. March 1, 2008; July 1, 2004; Transferred from 15A NCAC 06E .0102 Eff. May 1, 2012; Readopted Eff. January 1, 2020.