

02 NCAC 59D .0109 COST SHARE AGREEMENT

- (a) The landowner shall be required to sign the agreement for all practices that affect change to the property. The agreement shall include a requirement for the landowner to be responsible for BMP maintenance and continuation.
- (b) The technical representative of the district shall determine if the practice(s) implemented have been installed according to practice standards as defined for the respective program year in the USDA- Natural Resources Conservation Service (NRCS) Technical Guide for North Carolina according to other specifications approved by the Commission, or according to standards approved by the Division for district BMPs based on the criteria established in 02 NCAC 59G .0103(c).
- (c) The district shall be responsible for making an annual compliance visit of five percent of all the cost share agreements to ensure proper maintenance. The Commission may specify additional compliance visit requirements for specific BMPs in the Detailed Implementation Plan.
- (d) If the technical representative of the district determines that a BMP for which program funds were received has been destroyed or has not been properly maintained, the applicant shall be notified that the BMP shall be repaired or re-implemented within 30 business days. For vegetative practices, applicants shall be given one calendar year to re-establish the vegetation. The Division shall grant a one calendar year extension period if it determines compliance cannot be met due to circumstances beyond the applicant's control, such as weather.
- (e) If the practices are not repaired or reimplemented within the specified time, the applicant shall be required to repay to the Division a prorated refund for cost share BMPs as shown in Table 1 and 100 percent of the cost share incentive payments received.

Table 1
**PRORATED REFUND SCHEDULE FOR NONCOMPLIANCE
 OF COST SHARE PAYMENTS**

Percent Age of Practice Life	Percent Refund
0	100
10	95
20	89
30	82
40	74
50	65
60	55
70	44
80	31
90	17
100	0

- (f) In the event that a Cost Share Agreement has been found to be noncompliant and the applicant does not agree to correct the non-compliance, the Division shall invoke procedures to achieve resolution to the noncompliance.
- (g) When land under cost share agreement changes ownership the new landowner shall be encouraged by the district to accept the remaining maintenance obligation. If the new landowner does not accept the maintenance requirements in writing, then the original applicant shall be required to refund 100 percent of all CSI payments and a prorated portion of cost share payments in accordance with Table 1 in Paragraph (e) of this Rule.

*History Note: Authority G.S. 106-850; 139-4; 139-8;
 Eff. January 1, 2020.*