

02 NCAC 60B .0701 is amended with changes as published in 33:02 NCR 90-91 as follows:

## SECTION .0700 – FOREST DEVELOPMENT PROGRAM

### 02 NCAC 60B .0701 ADMINISTRATION OF PROGRAM

(a) The manner and requirements of making application for ~~cost-sharing~~ cost-sharing funds pursuant to the Forest Development Act are as follows:

(1) Any eligible landowner may apply for program ~~cost-sharing~~ cost-sharing funds.

(2) Application may be made by completing the application forms furnished ~~[process as outlined]~~ by ~~the~~ the Division and returning it to one of the field offices of the Division. ~~[Division.]~~ forms. An approved forest A management plan relating to the application shall be on file with the North Carolina Forest Service before the application may be accepted. Applications shall include identifying information from the landowner and consultant, a description of the practices needed, acres needed, prevailing practice rate, and a performance report. applicant signature.

(b) The Commissioner or his or her designee shall review ~~approve~~ completed applications. submitted applications ~~[for funding consideration.]~~ requesting program funding. Funds shall be allocated from the Forest Development Fund to the landowner for cost sharing on a "first come, first served" basis, determined by the date of receipt of the application in the North Carolina Forest Service office in Raleigh, and until all available funds are encumbered. Applicants who start or complete their project without prior Division approval shall not be eligible to receive funding.

(c) ~~At the beginning of each fiscal year, the~~ The Commissioner may designate a portion of funds for practices designed to encourage reforestation at reduced costs or for other special purposes in designated areas. ~~The designations shall be for the current fiscal year only. Funds may be designated for a "Plant Only" allocation and for a "Mountain Area" allocation. The amount of these allocations shall be based on the prior year's demand for these allocations, however, any increase of these allocations shall not exceed 50% of the previous year's allocation. The determination to designate~~ [special] funds [and allocated amounts] This designation by the Commissioner shall be made in writing not less than three months prior to ~~the~~ beginning of the fiscal year for which funds are designated. year.

~~(d) Funds shall be allocated for replanting previously approved projects, when planting failure is the result of environmental or other conditions beyond the control of the landowner. Requests for replanting shall be made in the same manner as new requests and shall be approved in the order received.~~

~~(e)(d)~~ G.S. 106-1016 limits a landowner to 100 acres of ~~cost-share~~ cost-share funding approval per fiscal year. Cost share Cost-share paid out in any one fiscal year may include funds approved in previous fiscal years.

~~(f)(c) Cost-Sharing Payment to Landowner.~~ Cost-sharing payments shall be made upon certification by the Division of following satisfactory completion of the practice(s) as prescribed in the management plan. Determination of satisfactory completion shall include an assessment of the proper use of approved installed practices in relation to the silvicultural need of land, the requirements outlined in the management plan. installation of appropriate best

management practices to ~~insure~~ ensure soil protection and water quality, and assurance that the installed practice is in compliance with any environmental regulations found in Article 4, G.S. 113A.

(g) ~~Withdrawal of Allotted Funds~~ Allocated funding for approved applications shall be withdrawn as follows:

(1) Funds ~~allocated to an eligible landowner~~ may be withdrawn at the end of the first fiscal year ~~following the year~~ in which the funds were allotted if no work has been started. The landowner shall provide ~~sufficient~~ documentation to the Division for funds availability to ~~extend~~ continue into a second year.

(2) Funds allocated may be withdrawn at the end of the second fiscal year ~~following the year of allocation~~ if the ~~practice has~~ practices have not been completed.

~~(3) Funds paid as "partial payment" must be repaid to the Forest Development Fund if the project is started but not completed within the allotted time.~~

~~(4)(3) Extensions.~~ A 12-month extension may be granted by the Division if when the a project cannot be completed due to circumstances beyond the control of the landowner, including adverse ~~natural~~ weather conditions ~~causes~~ or unavailability of ~~contractors to conduct practices. contractors.~~

(h) Eligible landowners may appeal disagreements, disapproval of applications, or decisions on unsatisfactory completion of silvicultural or environmental practices.

*History Note: Authority G.S. 106-22; 106-1010; 106-1011; 106-1015; 106-1018;*

*Eff. August 8, 1978;*

*Amended Eff. August 1, 2002; July 1, 1986; October 1, 1984; August 1, 1982; January 15, 1981;*

*Transferred from 15A NCAC 09C .0902 Eff. May 1, 2012;*

*Readopted Eff. April 1, ~~2018~~, 2018;*

*Amended Eff. February 1, 2019.*