

02 NCAC 58 .0105 is readopted with changes as published in 33:02 NCR 89 as follows:

**02 NCAC 58 .0105 EVALUATION OF APPLICATIONS**

~~(a) Applicants for funding from the ADFPTF shall submit two unbound complete applications suitable for photocopying. Applications must be sent by Fed Ex, UPS, certified mail, or hand delivered to: NCDA&CS, NCADFP Trust Fund at 2 West Edenton Street, Raleigh, NC 27601.~~

~~(b) Two separate applications are online at <http://www.ncadfp.org/> or available from the Department as noted in Paragraphs (c) and (d) of this Rule.~~

(a) Applicants for funding from the ADFPTF shall submit a completed application.

(b) Applications and instructions shall be available online at <http://www.ncadfp.org/>.

(c) To be eligible for consideration for funding for agricultural conservation easements or agricultural agreements, applicants shall complete the Agricultural Development and Farmland Preservation Application Form for Conservation Easements and Agricultural ~~Agreements~~ Agreements, which contain the following information:

- (1) identifying ~~information; information such as location, business name, and contact information;~~
- (2) a description of the type of organization of the applicant;
- (3) project affiliations, matching funds, and partnerships;
- (4) whether funds are for an agricultural conservation easement or an agricultural agreement and the term years;
- (5) current land value assessment, requested amount of funds, estimated easement value, project completion date;
- (6) operation management plans;
- (7) values relevant to the easement;
- (8) agricultural, horticultural, or forestry property inventory;
- (9) what transition plans are in place to continue operations for the future;
- (10) threats of conversion;
- (11) conservation and environmental concerns; and
- (12) listed attachments.

(d) To be eligible for consideration for funding for agricultural development programs, applicants shall complete the Agricultural Development and Farmland Preservation Application Form for Public and Private Enterprise Programs, which contain the following information:

- (1) identifying information;
- (2) a description of the type of organization of the applicant;
- (3) project affiliations, matching funds, and partnerships;
- (4) a description of goals, target audience, and success measurements; and
- (5) listed attachments.

(e) Each completed application shall be evaluated by the Division staff based on the information provided in the application and in accordance with the ADFPTF criteria described in this Rule.

(f) The staff shall review all applications for completeness. If an application is incomplete after the application deadline, the applicant ~~may shall~~ be asked to reapply for the next grant cycle, which will be publicly announced by the Commissioner on an annual ~~basis. basis at the quarterly Agricultural Development and Farmland Preservation Trust Fund Advisory Committee prior to the grant cycle RFP and by press release from the North Carolina Department of Agriculture and Consumer Services.~~

(g) During the review and evaluation of proposals, the staff shall report to the Commissioner on any site visits that may be required for full consideration of the grant proposal.

(h) The Advisory Committee shall review the project evaluations and other ~~relevant~~ data prepared by the applicant and by ADFPTF staff. The Advisory Committee shall make recommendations to the Commissioner on projects for funding.

(i) The Commissioner and Advisory Committee shall consider the relative needs of the farmland preservation project and determine the proportion of available funds to be allocated for each eligible project.

(j) Grants shall be awarded contingent on the availability of sufficient funds to do so. Funds shall be conveyed to grantees through contracts with the Trust Fund. If the Commissioner determines that grant funds are not being used for the purpose for which they were awarded, the Trust Fund ~~may shall~~ cease making payments under the grant schedule until the problem has been resolved or ~~may shall~~ demand ~~immediate~~ return of any unspent money and interest from the grant. Grantees must reimburse the Trust Fund any funds that ~~are determined~~ the Division staff determines to have not been spent for the purpose for which they were granted. Grantees must return any grant money ~~which that~~ remains unspent at the conclusion of the grant project, with any interest earned on grant money.

(k) The following general criteria shall be used to evaluate conservation easement or agricultural agreement projects only:

- (1) parcel information;
- (2) planning for the future; and
- (3) site visits.

(l) The following general criteria shall be used to evaluate agricultural development programs only:

- (1) project description;
- (2) project implementation; and
- (3) applicant interview.

(m) The Commissioner and Advisory Committee shall also consider the following factors when evaluating projects:

- (1) the geographic distribution of projects;
- (2) the presence or absence of other funding sources;
- (3) the level of compliance with prior grant agreements;
- (4) the amount of funds available;
- (5) the amount of funds requested;
- (6) priority funding ~~map;~~ map found at <http://ncadfp.org/FarmlandPreservation>; and
- (7) other relevant information requested in the application.

*History Note: Authority G.S. 106-744;*

- 1                    *Eff. January 1, ~~2008-2008~~;*
- 2                    *Amended Eff. February 1, 2019.*

02 NCAC 58 .0106 is readopted with changes as published in 33:02 NCR 90 as follows:

**02 NCAC 58 .0106 GRANT AGREEMENT**

(a) Upon approval, a written agreement shall be executed between the grant recipient(s) and the Commissioner.

(b) The agreement shall define the Commissioner's and grant recipient's responsibilities and obligations, the project period, project ~~scope~~ scope, and the amount of grant assistance.

(c) The approved application and any support documentation submitted by the applicant shall become a part of the grant agreement.

(d) The grant agreement may be amended upon mutual consent and approval by the Commissioner and the grant recipient(s). The grant recipient(s) shall submit a written request for amendment to the Commissioner.

(e) ~~Projects~~ Grant payments shall be made only for activities within the grant contract period and projects may not begin until the Commissioner and grant recipient(s) sign the agreement.

(f) The agreement shall include a requirement that, in any agricultural conservation easement funded by the ADFPTF, the State of North Carolina shall have the right to enforce the easement if the grantee of the easement fails to do so.

~~[(g) Grantees shall abide by the ADFPTF Monitoring Policies and Guidelines.]~~

*History Note: Authority G.S. 106-744;*

*Eff. January 1, ~~2008~~. 2008;*

*Amended Eff. February 1, 2019.*

02 NCAC 58 .0107 is readopted with changes as published 33:02 NCR 90 as follows:

**02 NCAC 58 .0107           REPORTING**

(a) Grant recipients shall submit written progress reports ~~at six-month intervals or upon~~ biannually for grants less than \$500,000 and quarterly for grants more than \$500,000 until completion of the ~~project, whichever is sooner.~~ project.

Written reports shall describe the status of the project, progress toward achieving program objectives, notable ~~occurrences~~ occurrences, and any problems encountered and steps taken to overcome the problems. Upon completion of the project, the ~~successful applicant~~ grant recipient must make a final written report to the Commissioner ~~which~~ that shall include project accomplishments and benefits, all expenditures by line item as established in the project budget, and verification of the number of hours or money in matching funds.

(b) The Division staff shall review the progress reports for completeness, which shall include a showing of how the project is meeting its stated goals and performance standards. If the Division staff finds that the report is deficient in showing how the project is meeting its stated goals and performance standards, the grantee shall be notified of the deficiency and must provide a changed and corrected report within 30 working business days. If a corrected or changed report is not received within 30 working business days, the ~~Trust Fund Commissioner~~ may shall withhold the next grant payment.

(c) Grantees shall submit monitoring reports in accordance with the ADFPTF Monitoring Policies and [Guidelines] Guidelines found at <http://ncadfp.org/downloads.htm>.

*History Note:     Authority G.S. 106-744;  
                          Eff. January 1, ~~2008~~. 2008;  
                          Amended Eff. February 1, 2019.*

02 NCAC 58 .0108 is readopted with changes as published in 33:02 NCR 90 as follows:

**02 NCAC 58 .0108            RECORDS**

~~Successful applicants~~ **Grant Recipients** must keep financial and other records of the project for a period of ~~three~~ five years, following completion of the project, or until audited. The records shall be made available to the Commissioner ~~at his upon~~ request. Recipients shall contact ~~Trust Fund~~ **Division** staff at the North Carolina Department of Agriculture and Consumer Services before destroying records or in the event that records are destroyed. The ~~Trust Fund~~ Commissioner shall maintain and dispose of paper and electronic records in accordance with the approved Functional Schedule for North Carolina State Agencies, Program Record Retention and Disposition Schedule and Electronic Records and Imaging ~~Policy~~ Policy, incorporated by reference with subsequent editions and amendments. The policy can be accessed free of charge at <https://archives.ncdcr.gov/documents/functional-schedule-state-agencies>.

*History Note:     Authority G.S. 106-744;  
                         Eff. December 1, ~~2007~~ 2007;  
                         Amended Eff. February 1, 2019.*