



Steve Troxler  
Commissioner

**North Carolina Department of Agriculture  
and Consumer Services**

Ray Starling  
General Counsel

April 3, 2012

Molly Masich  
Office of Administrative Hearings  
Rules Division  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Dear Ms. Masich:

**Re: Recodification of Soil and Water Rules**

I write to you today to request the recodification of several Division of Soil and Water Conservation rules from Title 15A to Title 02 of the North Carolina Administrative Code. It is necessary to recodify these rules because the 2011 Appropriations Bill, S.L. 2011-145, transferred the Division of Soil and Water Conservation from the Department of Environment and Natural Resources to the Department of Agriculture and Consumer Services. S.L. 2011-145 § 13.22A.(a), *et seq.* This recodification would create a new Chapter 59 entitled "Soil and Water Conservation Commission" under Title 02 of the NCAC. Because of the large number of rules and subchapters to be recodified in this new chapter, please find attached a recodification table outlining the citations to the existing rules, the recodified citations, and the statutory authorities for the recodified citations.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Ray A. Starling  
General Counsel and Rulemaking Coordinator, NCDA&CS



**Soil & Water Rules**

NCAC > Title 15A - Environment and Natural Resources > Chapter 06 - Soil and Water Conservation Commission		NCAC > Title 02 - Agriculture and Consumer Services > Chapter 59 - Soil and Water Conservation Commission		
SubChapter A	ORGANIZATION AND OPERATION	BECOMES Under the authority of	SubChapter A	ORGANIZATION AND OPERATION
15A NCAC 06A .0101	OBJECTIVES	G.S. 106-840	02 NCAC 59A .0101	OBJECTIVES
15A NCAC 06A .0102	REPEALED - MEMBERSHIP		N/A	
15A NCAC 06A .0103	REPEALED - ADVISORY MEMBERS		N/A	
15A NCAC 06A .0104	REPEALED - STAFF		N/A	
15A NCAC 06A .0105	REPEALED - THE PRINCIPAL DUTIES OF THE COMMISSION		N/A	
15A NCAC 06A .0106	REPEALED - WORK PLAN		N/A	
15A NCAC 06A .0107	ADDRESS	G.S. 106-840; 106-841	02 NCAC 59A .0102	ADDRESS
15A NCAC 06A .0108	DEFINITIONS	G.S. 106-840	02 NCAC 59A .0103	DEFINITIONS
15A NCAC 06A .0109	SUPERVISOR VACANCIES	G.S. 106-840	02 NCAC 59A .0104	SUPERVISOR VACANCIES
SubChapter B	DISTRICT PROGRAMS: REORGANIZATION AND EXPENSES	BECOMES Under the authority of	SubChapter B	DISTRICT PROGRAMS: REORGANIZATION AND EXPENSES
15A NCAC 06B .0101	STEPS TO BE FOLLOWED IN DIVIDING LARGE DISTRICTS	G.S. 139-14; 106-840	02 NCAC 59B .0101	STEPS TO BE FOLLOWED IN DIVIDING LARGE DISTRICTS
15A NCAC 06B .0102	AUTHORIZATION OF GENERAL EXPENSES FOR GRANT-MATCHING	G.S. 139-4(d); 106-840	02 NCAC 59B .0102	AUTHORIZATION OF GENERAL EXPENSES FOR GRANT-MATCHING
15A NCAC 06B .0103	REQUIREMENT FOR DISBURSEMENTS	G.S. 139-4(d); 106-840	02 NCAC 59B .0103	REQUIREMENT FOR DISBURSEMENTS
15A NCAC 06B .0104	LIMITATION OF FUNDS	G.S. 139-4(d); 106-840	02 NCAC 59B .0104	LIMITATION OF FUNDS
15A NCAC 06B .0105	REPEALED - AVAILABILITY OF FUNDS		N/A	
15A NCAC 06B .0106	REPEALED - EFFECTIVE DATE: 15A NCAC 6B .0002 TO .0005		N/A	
15A NCAC 06B .0107	REPEALED - REQUESTING APPROVAL: LANDS ARE FOR PROPER DISTRICT PURPOSE		N/A	
SubChapter C	SMALL WATERSHED PROGRAM	BECOMES Under the authority of	SubChapter C	SMALL WATERSHED PROGRAM
15A NCAC 06C .0101	WATERSHED REVOLVING LOANS	G.S. 139-4(d); 106-840	02 NCAC 59C .0101	WATERSHED REVOLVING LOANS
15A NCAC 06C .0102-.0107	REPEALED		N/A	
15A NCAC 06C .0201	APPLICATION PROCEDURE	G.S. 139-4(d); 106-840	02 NCAC 59C .0201	APPLICATION PROCEDURE
15A NCAC 06C .0202	REPEALED - CRITERIA PROJECTS		N/A	
15A NCAC 06C .0301	PROJECTS INVOLVING CHANNELIZATION	G.S. 106-840	02 NCAC 59C .0301	PROJECTS INVOLVING CHANNELIZATION
15A NCAC 06C .0302	APPROVAL OF WORKPLANS	G.S. 139-4(d)(8); 106-840	02 NCAC 59C .0302	APPROVAL OF WORKPLANS
15A NCAC 06C .0303	APPROVALS TO EXERCISE THE POWER OF EMINENT DOMAIN	G.S. 139-4(d); 106-840	02 NCAC 59C .0303	APPROVALS TO EXERCISE THE POWER OF EMINENT DOMAIN
15A NCAC 06C .0401	APPLICATIONS	G.S. 139-4(d); 139-53; 106-840	02 NCAC 59C .0401	APPLICATIONS
15A NCAC 06C .0402	REPEALED - PURPOSE		N/A	
15A NCAC 06C .0403	LAND RIGHTS ACQUISITION COSTS	G.S. 139-4(d); 139-54(1); 106-840	02 NCAC 59C .0402	LAND RIGHTS ACQUISITION COSTS
15A NCAC 06C .0404	ENGINEERING FEES	G.S. 139-4(d); 139-54(2); 106-840; 156-61; 156-71	02 NCAC 59C .0403	ENGINEERING FEES
15A NCAC 06C .0405	WATER SUPPLY NEEDS	G.S. 139-4(d); 139-54(3); 106-840	02 NCAC 59C .0404	WATER SUPPLY NEEDS
15A NCAC 06C .0406	REPEALED - INSTALLATION OF RECREATION FACILITIES AND SERVICES		N/A	
15A NCAC 06C .0407	CONSTRUCTION COST FOR WATER MANAGEMENT PURPOSES	G.S. 139-4(d); 139-54(5); 106-840	02 NCAC 59C .0405	CONSTRUCTION COST FOR WATER MANAGEMENT PURPOSES
15A NCAC 06C .0408-.0409	REPEALED		N/A	
15A NCAC 06C .0410	ELIGIBLE PROJECTS	G.S. 139-4(d); 139-53; 106-840	02 NCAC 59C .0406	ELIGIBLE PROJECTS
15A NCAC 06C .0411	CONSIDERATIONS FOR REVIEWING APPLICATIONS	G.S. 139-4(d); 139-55; 106-840	02 NCAC 59C .0407	CONSIDERATIONS FOR REVIEWING APPLICATIONS
15A NCAC 06C .0412	APPROVAL AND DISAPPROVAL OF APPLICATIONS	G.S. 139-4(d); 139-55; 106-840	02 NCAC 59C .0408	APPROVAL AND DISAPPROVAL OF APPLICATIONS
15A NCAC 06C .0413	REPEALED - NOTIFYING APPLICANTS OF STATUS		N/A	
15A NCAC 06C .0414	PRIORITY CRITERIA	G.S. 139-4(d); 139-56; 106-840	02 NCAC 59C .0409	PRIORITY CRITERIA
15A NCAC 06C .0415-.0416	REPEALED		N/A	
15A NCAC 06C .0417	PREREQUISITE FOR DISBURSEMENT OF GRANT FUNDS	G.S. 139-4(d); 139-56; 106-840	02 NCAC 59C .0410	PREREQUISITE FOR DISBURSEMENT OF GRANT FUNDS
15A NCAC 06C .0418-.0420	REPEALED		N/A	
15A NCAC 06C .0421	AUDIT OF PROJECTS	G.S. 139-4(d); 139-56; 106-840	02 NCAC 59C .0411	AUDIT OF PROJECTS
15A NCAC 06C .0422	REPEALED - REPORTS TO SOIL AND WATER CONSERVATION COMMISSION		N/A	
SubChapter D	SMALL WATERSHED PROJECT GRANTS	N/A	N/A	
15A NCAC 06D .0101-.0127	REPEALED		N/A	

SubChapter E	AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE	BECOMES Under the authority of	SubChapter D	AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE
15A NCAC 06E .0101	PURPOSE	G.S. 139-4; 106-850; 106-840	02 NCAC 59D .0101	PURPOSE
15A NCAC 06E .0102	DEFINITIONS FOR SUBCHAPTER 06E	G.S. 139-3; 106-850; 106-840	02 NCAC 59D .0102	DEFINITIONS FOR SUBCHAPTER 06E
15A NCAC 06E .0103	ALLOCATION GUIDELINES AND PROCEDURES	G.S. 139-4; 139-8; 106-850; 106-840	02 NCAC 59D .0103	ALLOCATION GUIDELINES AND PROCEDURES
15A NCAC 06E .0104	BEST MANGEMENT PRACTICES ELIGIBLE FOR COST SHARE PAYMENTS	G.S. 139-8; 106-850	02 NCAC 59D .0104	BEST MANGEMENT PRACTICES ELIGIBLE FOR COST SHARE PAYMENTS
15A NCAC 06E .0105	COST SHARE AND INCENTIVE PAYMENTS	G.S. 139-4; 139-8; 106-850; 106-840	02 NCAC 59D .0105	COST SHARE AND INCENTIVE PAYMENTS
15A NCAC 06E .0106	TECHNICAL ASSISTANCE FUNDS	G.S. 139-4; 139-8; 106-850; 106-840	02 NCAC 59D .0106	TECHNICAL ASSISTANCE FUNDS
15A NCAC 06E .0107	COST SHARE AGREEMENT	G.S. 139-4; 139-8; 106-850	02 NCAC 59D .0107	COST SHARE AGREEMENT
15A NCAC 06E .0108	DISTRICT PROGRAM OPERATION	G.S. 139-4; 139-8; 106-850; 106-840	02 NCAC 59D .0108	DISTRICT PROGRAM OPERATION

SubChapter F	PROCEDURES AND GUIDELINES TO IMPLEMENT THE NONDISCHARGE RULE FOR ANIMAL WASTE MANAGEMENT SYSTEMS	BECOMES Under the authority of	SubChapter E	PROCEDURES AND GUIDELINES TO IMPLEMENT THE NONDISCHARGE RULE FOR ANIMAL WASTE MANAGEMENT SYSTEMS
15A NCAC 06F .0101	PURPOSE	G.S. 139-2; 139-4; 106-840	02 NCAC 59E .0101	PURPOSE
15A NCAC 06F .0102	DEFINITIONS	G.S. 139-4; 106-850; 106-840	02 NCAC 59E .0102	DEFINITIONS
15A NCAC 06F .0103	REQUIREMENTS FOR CERTIFICATION OF WASTE MANAGEMENT PLANS	G.S. 139-4; 106-850; 106-840	02 NCAC 59E .0103	REQUIREMENTS FOR CERTIFICATION OF WASTE MANAGEMENT PLANS
15A NCAC 06F .0104	APPROVED BEST MANAGEMENT PRACTICES (BMPS)	G.S. 139-4; 106-850; 106-840	02 NCAC 59E .0104	APPROVED BEST MANAGEMENT PRACTICES (BMPS)
15A NCAC 06F .0105	TECHNICAL SPECIALIST DESIGNATION	G.S. 139-4; 106-850; 106-840	02 NCAC 59E .0105	TECHNICAL SPECIALIST DESIGNATION

SubChapter G	CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) - STATE PORTION OF THE PROGRAM	BECOMES Under the authority of	SubChapter F	CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP) - STATE PORTION OF THE PROGRAM
15A NCAC 06G .0101	OBJECTIVES	G.S. 139-4; 106-850(a); 106-840	02 NCAC 59F .0101	OBJECTIVES
15A NCAC 06G .0102	ELIGIBILITY	G.S. 139-4; 106-850(a); 106-840	02 NCAC 59F .0102	ELIGIBILITY
15A NCAC 06G .0103	CONSERVATION PLAN	G.S. 139-4; 106-850(a); 106-840	02 NCAC 59F .0103	CONSERVATION PLAN
15A NCAC 06G .0104	APPROVING STATE AGREEMENTS	G.S. 139-4; 106-850(a); 106-840	02 NCAC 59F .0104	APPROVING STATE AGREEMENTS
15A NCAC 06G .0105	PAYMENT	G.S. 139-4; 106-850(a); 106-840	02 NCAC 59F .0105	PAYMENT
15A NCAC 06G .0106	DISPUTE RESOLUTION	G.S. 139-4; 106-850(a); 106-840	02 NCAC 59F .0106	DISPUTE RESOLUTION

SubChapter H	APPROVAL OF TECHNICAL SPECIALISTS AND BMPS FOR WATER QUALITY PROTECTION	BECOMES Under the authority of	SubChapter G	APPROVAL OF TECHNICAL SPECIALISTS AND BMPS FOR WATER QUALITY PROTECTION
15A NCAC 06H .0101	PURPOSE	G.S. 139-4; 106-840	02 NCAC 59G .0101	PURPOSE
15A NCAC 06H .0102	DEFINITIONS	G.S. 139-4; 106-840	02 NCAC 59G .0102	DEFINITIONS
15A NCAC 06H .0103	APPROVAL OF BEST MANAGEMENT PRACTICES (BMPS)	G.S. 139-4; 106-840	02 NCAC 59G .0103	APPROVAL OF BEST MANAGEMENT PRACTICES (BMPS)
15A NCAC 06H .0104	APPROVAL OF WATER QUALITY TECHNICAL SPECIALISTS	G.S. 139-4; 106-840	02 NCAC 59G .0104	APPROVAL OF WATER QUALITY TECHNICAL SPECIALISTS
15A NCAC 06H .0105	APPLICATION OF BMP APPROVAL AND TECHNICAL SPECIALIST DESIGNATION TO WATER QUALITY PROTECTION PROGRAMS	G.S. 139-4; 106-840	02 NCAC 59G .0105	APPLICATION OF BMP APPROVAL AND TECHNICAL SPECIALIST DESIGNATION TO WATER QUALITY PROTECTION PROGRAMS

SubChapter I	COMMUNITY CONSERVATION ASSISTANCE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL	BECOMES Under the authority of	SubChapter H	COMMUNITY CONSERVATION ASSISTANCE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL
15A NCAC 06I .0101	PURPOSE	G.S. 139-4; 139-8; 106-860 106-840	02 NCAC 59H .0101	PURPOSE
15A NCAC 06I .0102	DEFINITIONS FOR SUBCHAPTER 06I	G.S. 139-4; 139-8; 106-860 106-840	02 NCAC 59H .0102	DEFINITIONS FOR SUBCHAPTER 06I
15A NCAC 06I .0103	ALLOCATION GUIDELINES AND PROCEDURES	G.S. 139-4; 139-8; 106-860 106-840	02 NCAC 59H .0103	ALLOCATION GUIDELINES AND PROCEDURES
15A NCAC 06I .0104	BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE PAYMENTS	G.S. 139-4; 139-8; 106-860 106-840	02 NCAC 59H .0104	BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE PAYMENTS
15A NCAC 06I .0105	COST SHARE AND INCENTIVE PAYMENTS	G.S. 139-4; 139-8; 106-860 106-840	02 NCAC 59H .0105	COST SHARE AND INCENTIVE PAYMENTS
15A NCAC 06I .0106	TECHNICAL ASSISTANCE FUNDS	G.S. 139-4; 139-8; 106-860 106-840	02 NCAC 59H .0106	TECHNICAL ASSISTANCE FUNDS
15A NCAC 06I .0107	COST SHARE AGREEMENT	G.S. 139-4; 139-8; 106-860	02 NCAC 59H .0107	COST SHARE AGREEMENT
15A NCAC 06I .0108	DISTRICT PROGRAM OPERATION	G.S. 106-840	02 NCAC 59H .0108	DISTRICT PROGRAM OPERATION