

## **SUBCHAPTER 2G - WATER RESOURCES PROGRAMS**

### **SECTION .0100 - STATE PARTICIPATION IN WATER RESOURCES PROJECTS**

#### **.0101 PREAMBLE**

*History Note:* Statutory Authority G.S. 143-215.70 through 143-215.73; 143-355;  
Eff. February 1, 1976;  
Amended Eff. April 1, 1983;  
Repealed Eff. October 1, 1984.

#### **.0102 PROJECT ELIGIBILITY**

The following types of water resource development projects are eligible for state cost-sharing by the Department of Natural Resources and Community Development (department):

- (1) general navigation improvement;
- (2) recreational navigational improvement;
- (3) water management (flood control and drainage);
- (4) stream restoration (clearing and snagging and limited channel excavation);
- (5) beach protection; and
- (6) land acquisition and facility development for water-based recreation sites.

Projects planned and constructed by a federal agency with a local cost-share and projects without federal assistance are both eligible for state financial assistance. Small watershed projects of the U.S. Soil Conservation Service reviewed by the North Carolina Soil and Water Conservation Commission are not eligible for cost-sharing under this Section. Questions about eligibility should be directed to the Office of Water Resources, Department of Natural Resources and Community Development, P.O. Box 27687, Raleigh, N.C. (919) 733-4064.

*History Note:* Statutory Authority G.S. 143-215.3(a)(1); 143-215.70 through 143-215.73; 143-355;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; December 1, 1983; April 1, 1983; November 1, 1978.

#### **.0103 PROJECT COST SHARING AMOUNTS**

The department may provide state funds in amounts not to exceed the percentages stated in G.S. 143-215.71 of either the non-federal costs (in the case of a federal agency project) or the total costs (in the case of a project not receiving federal funds).

In the case of a local government water resources project where the department thinks a preliminary feasibility study or engineering study is necessary to more accurately determine project costs and/or benefits and/or scale of development, the department may provide up to 50 percent state funding of such studies. The sponsoring local government would provide the remainder of the funds necessary.

In the case where projects provide broad regional benefits, or where assignment of non-federal responsibilities to local government is not appropriate in the opinion of the department, the department may assume sponsorship on behalf of the state and may pay up to 100 percent of the total (or the non-federal share of the costs) of planning, construction, or operation of said water resources project.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.41; 143-215.71; 143-355;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; December 1, 1983; April 1, 1983; November 1, 1978.*

#### **.0104 GRANT APPLICATIONS BY LOCAL GOVERNMENT**

To request state cost-sharing for an eligible water resources development project, a local political subdivision or unit of government shall send to the Office of Water Resources an official resolution describing the nature of the proposed project and the benefits to be received from it and requesting specific cost-sharing amount (based on the percentages given in G.S. 143-215.71).

In addition, the resolution must state that the local unit of government will perform the following where appropriate to the nature of the project:

- (1) Assume full obligation for payment of the balance of project costs.
- (2) Obtain all necessary state and federal permits.
- (3) Comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- (4) Supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications.
- (5) Obtain suitable spoil disposal areas and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the state.
- (6) Assure that the project is open for use by the public on an equal basis with no restrictions.
- (7) Hold the state harmless for any damages that may result from the construction, operation, and maintenance of the project.
- (8) Accept responsibility for the operation and maintenance of the completed project.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.72; 143-355;  
Eff. February 1, 1976;  
Amended Eff. October 1, 1984; April 1, 1983.*

#### **.0105 GRANT APPLICATION REVIEW AND APPROVAL**

The secretary of the department shall receive and review grant applications for water resources development projects.

If the proposed project described in the application is not subject to environmental review under federal law, the department shall follow environmental review procedures established under the State Environmental Policy Act.

After review of grant applications, the secretary shall forward those approved or approved in part to the Advisory Budget Commission, which shall review the recommendations for the transfer of funds from the department's reserve fund into accounts for specific projects. After review by the Advisory Budget Commission, project funds shall be disbursed and monitored by the Department of Natural Resources and Community Development (as described in Regulation .0106 of this Section).

*History Note:* Statutory Authority G.S. 113A-1 et seq.; 143-215.3(a)(1); 143-215.72; 143-215.73; 143-355;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1988; October 1, 1984; April 1, 1983; November 1, 1978.

## **.0106 GRANT PAYMENTS**

When state cost-sharing for the water resource development project has been approved by the department and reviewed by the Advisory Budget Commission, the department shall pay its portion of the non-federal costs of a federal project when requested by the sponsoring federal agency and shall pay its portion of the costs of a non-federal project when the project has been completed, unless the local political subdivision or unit of government requests a partial payment in writing. A portion of the funds, normally 10 percent, will not be paid until the project has been inspected and is complete.

*History Note:* Statutory Authority G.S. 143-215.3(a)(1); 143-215.73; 143-355;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1988; October 1, 1984; April 1, 1983.

## **.0107 SPECIAL BEACH EROSION CONTROL REQUIREMENTS**

The following requirements are applicable to any beach erosion control or hurricane protection project in which the state participates by action of the department:

- (1) Before the start of project construction, the sponsoring local government (s) will establish land-use controls to conserve protective dunes and to insure that the damage potential is not significantly increased by further development. Such land use controls must meet or exceed all requirements of the state guidelines for Areas of Environmental Concern (15A NCAC 7H) and be consistent with the approved local land use plan prepared under the provisions of the state guidelines for Land Use Planning (15A NCAC 7B).
- (2) The sponsoring local government must provide adequate public access to the project area. All such accessways must be designed to adequately protect the beach and dune system.
- (3) No beach erosion control project shall significantly interfere with or create a hazard to public enjoyment of the beach.
- (4) Any building line established as a part of a beach erosion control project shall not be seaward of the oceanfront setback line as established in 15A NCAC 7H .0306(a) GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS.

*History Note:* Statutory Authority G.S. 143-215.3(a)(1); 143-215.71; 143-355;  
Eff. February 1, 1976;  
Amended Eff. April 1, 1983.

