

**02 NCAC 59D .0105 AGRICULTURAL WATER RESOURCES ASSISTANCE PROGRAM  
FINANCIAL ASSISTANCE ALLOCATION GUIDELINES AND PROCEDURES**

(a) The Commission shall consider the total amount of funding available for allocation and the relative needs for BMP implementation to determine the proportion of available funds to be allocated to statewide, regional, and district allocation pools and the Division. The percentage of funding available for each purpose and each allocation pool shall be specified in the annual Detailed Implementation Plan based upon the recommendation of the Division and the needs expressed by the districts.

(b) Based on funding availability, the Commission shall allocate cost share funds from the district allocation pool to the districts. To receive fund allocations, each district shall request an allocation in their strategic plan.

(c) Funds for cost share and cost share incentive payments shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that funds are available in the district allocation pool to justify a reallocation. Districts shall be allocated monies based on the identified level of agricultural water use needs and the respective district's BMP installation goals as demonstrated in the district's annual strategic plan. The allocation method used for disbursement of funds shall be based on the relative position of each respective district for those parameters approved by the Commission pursuant to Paragraph (h) of this Rule. The points each district scores on each parameter shall be totaled and proportioned to the total dollars available for district allocation under the current fiscal year funding according to the following formula:

(1)	Sum of Parameter Points	=	Total Points	
(2)	Percentage Total Points Each	x	Total Dollars Available	=
	District			Dollars Available to Each District

(3) The minimum district allocation shall be specified in the Detailed Implementation Plan.

(4) If a district requests less than the dollars available to that district in Subparagraph (b)(2) of this Rule, then the excess funds shall be allocated to the districts who did not receive their full requested allocation using the same methodology described in Subparagraph (b)(2) of this Rule.

(d) In the initial allocation, 95 percent of the annual appropriation shall be allocated to district accounts administered by the Division. The Division shall retain five percent of the annual appropriation as a contingency to be used to respond to an emergency or natural disaster. If the contingency funds are not needed to respond to an emergency, then they shall be available for allocation after March 1.

(e) The Commission may recall funds allocated to a district that have not been encumbered to an agreement at any time if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(f) At any time a district may submit a revised strategic plan to request additional funds from the Commission.

(g) Agreements that encumber funds under the current fiscal year must be submitted to the Division by 5:00 p.m. on June 30.

(h) For the Agricultural Water Resources Assistance Program, districts shall be allocated funds based on their respective data for each of the following parameters:

- (1) Relative rank of the number of farms (total operations) that are in the respective district as reported in the Census of Agriculture. (20%)
- (2) Relative rank of the total acres of land in farms that are in the respective district as reported in the Census of Agriculture. (20%)
- (3) Relative rank of the Market Value of Sales that are in the respective district as reported in the Census of Agriculture. (15%)
- (4) Relative rank of the amount of agricultural water use in the respective district as reported in the North Carolina Agricultural Water Use Survey (25%). Data from the most recent three surveys will be averaged to determine each district's rank.
- (5) Relative rank of population density as reported by the state demographer. (20%)
- (6) The Commission may consider additional factors, such as data sources changes to the Subparagraphs in this Paragraph, as recommended by the Division when making its allocations.

(i) Based upon funding availability, the Commission shall allocate cost share funds from the Statewide and regional allocation pools. To receive fund allocations, each district designated eligible by the Commission shall submit applications to respective pools when solicited by the Division. The Division shall rank each application and recommend to the Commission for its approval an amount to allocate to each district corresponding to the highest-ranking applications.

*History Note: Authority G.S. 106-840; 106-850; 106-860; 139-4; 139-8; 139-60; Eff. May 1, 1987;*

*Temporary Amendment Eff. September 23, 1996;*  
*Recodified form 15A NCAC 06E .0005 Eff. December 20, 1996;*  
*Temporary Amendment Expired June 13, 1997;*  
*Amended Eff. March 1, 2008; July 1, 2004; April 1, 1999; January 1, 1998;*  
*Transferred from 15A NCAC 06E .0105 Eff. May 1, 2012;*  
*Readopted Eff. January 1, 2020.*