

**02 NCAC 59F .0104 APPROVING STATE AGREEMENTS**

(a) Final approval for all NC-CREP agreements shall be the responsibility of the Division. Thirty-year and permanent agreements require recording of a conservation easement or conservation lease in the appropriate county registry. The intent is to provide that the NC-CREP Enrollment Area shall be protected for the life of the signed agreement. The Division shall provide a mechanism to acquire and record easements and leases for NC-CREP. The Division shall provide a survey where needed to develop legal description of the easement area. Conservation easements and leases entered into shall be consistent with the requirements of the Department of Administration and with 01 NCAC 06B .0210.

(b) For approval under NC-CREP, the Division must receive:

- (1) the State CREP form signed by the local District and the applicant;
- (2) a copy of landowner's deed(s) to the land to be enrolled;
- (3) a completed conservation easement(s) or lease(s);
- (4) latitude and longitude coordinates locating the easement or lease site; and
- (5) descriptions (maps, surveys, directions to site, etc.) identifying the easement or lease site.

(c) Under a CREP 30-year or permanent conservation easement or lease, the title of the land still resides with the landowner. The landowner may use the land under the conservation easement or lease in a manner that does not violate the conditions and terms of the easement or lease. The conservation easement or lease does not restrict the owner from selling or devising the land, however the easement or lease shall run with the land and remain an encumbrance thereon. The State must be allowed access to monitor the NC-CREP conservation easement or lease area.

*History Note: Authority G.S. 106-840; 106-850(a); 139-4;  
Temporary Adoption Eff. October 1, 2000;  
Eff. August 1, 2002;  
Amended Eff. December 1, 2006; July 1, 2004;  
Transferred from 15A NCAC 06G .0104 Eff. May 1, 2012;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*