

**§ 143B-135.238. Grant requirements.**

(a) Eligible Applicants. – Any of the following are eligible to apply for a grant from the Fund for the purpose of protecting and enhancing water quality:

- (1) A State agency.
- (2) A local government unit.
- (3) A nonprofit corporation whose primary purpose is the conservation, preservation, or restoration of our State's cultural, environmental, or natural resources.

(b) Criteria. – The criteria developed by the Trustees under G.S. 143B-135.242 apply to grants made under this Part.

(c) Matching Requirement. – The Board of Trustees shall establish matching requirements for grants awarded under this Part. This requirement may be satisfied by the donation of land to a public or private nonprofit conservation organization as approved by the Board of Trustees. The Board of Trustees may also waive the requirement to match a grant pursuant to guidelines adopted by the Board of Trustees.

(d) Restriction. – No grant shall be awarded under this Part for any of the following purposes:

- (1) To satisfy compensatory mitigation requirements under 33 USC § 1344 or G.S. 143-214.11.
- (2) To any project receiving State funds authorized by G.S. 143-215.71 for the nonfederal share of a grant under the Environmental Quality Incentives Program.

(e) Withdrawal. – An award of a grant under this Part which will require a construction contract is withdrawn if the grant recipient fails to enter into a construction contract for the project within one year after the date of execution of the grant contract, unless the Trustees find that the applicant has good cause for the failure. If the Trustees find good cause for a recipient's failure, the Trustees must set a date by which the recipient must take action or forfeit the grant. (1996, 2nd Ex. Sess., c. 18, s. 27.6(a); 2003-340, s. 1.3; 2005-454, s. 6; 2006-178, s. 1; 2007-185, s. 1; 2014-100, s. 14.8(c); 2015-241, s. 14.30(k1), (r1); 2020-18, s. 12(b); 2023-70, s. 8.)