

§ 113A-232. Conservation Grant Fund.

(a) Fund Created. – The Conservation Grant Fund is created within the Department of Environmental Quality. The Fund shall be administered by the Department.

(a1) Fund Purpose. – The purpose of the Conservation Grant Fund is to stimulate the use of conservation easements, to steward properties held by deed or conservation easement by the State, to improve the capacity of private nonprofit land trust organizations to successfully accomplish conservation projects, to better equip real estate related professionals to pursue opportunities for conservation, to increase landowner participation in land and water conservation, and to provide an opportunity to leverage private and other public funds for conservation easements.

(b) Fund Sources. – The Conservation Grant Fund shall consist of any funds appropriated to it by the General Assembly and any funds received from public or private sources. Unexpended funds in the Fund that were appropriated from the General Fund by the General Assembly shall revert at the end of the fiscal year unless the General Assembly otherwise provides. Unexpended funds in the Fund from other sources shall not revert and shall remain available for expenditure in accordance with this Article.

(c) Recodified as G.S. 113A-235(a) by Session Laws 2020-78, s. 7.4(a), effective July 1, 2020.

(c1) Grant Eligibility. – Conservation properties, as described in G.S. 113A-235, State conservation land management agencies, local government conservation land management agencies, and private nonprofit land trust organizations are eligible to receive grants from the Conservation Grant Fund. Private nonprofit land trust organizations must be certified under Section 501(c)(3) of the Internal Revenue Code to aid in managing the land.

(d) Use of Revenue. – Revenue and investment income generated by the Conservation Grant Fund may be used only for the following purposes:

- (1) The costs of the Department in administering the Fund and stewardship program operations.
- (2) Expenses related to grants, contracts, and agreements made in accordance with this Article, including any of the following:
 - a. Reimbursement for total or partial transaction costs for a donation of real property or an interest in real property from an individual or corporation, when the Department determines either of the following:
 1. The donor has insufficient financial ability to pay all costs or insufficient taxable income to allow these costs to be included in the donated value.
 2. The donor has insufficient tax burdens to allow these costs to be offset by charitable deductions.
 - b. Management support, including initial baseline inventory and planning.
 - c. Monitoring compliance of conservation easements, the related use of riparian buffers, natural areas, and greenways, and the presence of ecological integrity.
 - d. Education and studies on conservation properties, including information materials intended for landowners and education for staff and volunteers.
 - e. Stewardship of conservation properties.
 - f. Transaction costs for recipients, including legal expenses, closing and title costs, and unusual direct costs, such as overnight travel.
 - g. Administrative costs.
 - h. Award of grants under G.S. 113A-234.

- i. Legal expenses incurred in protecting and seeking remedies for damages to Department-held conservation properties.
 - j. Acquisition of conservation properties and easements.
- (3) To establish an endowment account, the interest from which will be used for a purpose described in this subsection. The principal of this account shall not be used for the purchase of real property or an interest in real property. (1997-226, s. 6; 1997-443, s. 11A.119(b); 2002-155, s. 2; 2003-340, s. 1.4; 2014-3, s. 14.14(d); 2015-241, s. 14.30(u); 2020-78, s. 7.4(a), (b).)