

The following rule will be published in the North Carolina Register on 9/1/2020.

The comment period ends 11/2/2020. Written comments may be submitted during the open comment period to Vernon Cox, 1614 Mail Service Center, 27699-1614, or Vernon.cox@ncagr.gov.

A public hearing is scheduled for 9/17/2020 at 1:00 pm at <http://ncagr.webex.com/ncagr/j.php?MTID=mcd1c926e2118ab0e5c71c5b64a5cb88c> Meeting number (access code): 171 780 3338; Meeting password: JAA4me Phone Access: (415) 655-003

Session Law 2020-18 expands the powers and duties of the Soil and Water Conservation Commission to develop and implement a program for granting job approval authority to Soil and Water Conservation District staff and employees of the Division of Soil and Water Conservation of the Department of Agriculture and Consumer Services to plan, design, and certify the installation of best management practices approved for cost-share funding pursuant to programs identified in G.S. 139-4(d)(9).

02 NCAC 59D .0201 is proposed for adoption as follows

SECTION .0200 JOB APPROVAL AUTHORITY

02 NCAC 59D .0201 CRITERIA AND PROCEDURES FOR GRANTING JOB APPROVAL AUTHORITY

- (a) “Eligible individuals” means Soil and Water Conservation District employees, county employees working as staff for a Soil and Water Conservation District and employees of the North Carolina Department of Agriculture and Consumer Services Division of Soil and Water Conservation.
- (b) Eligible individuals seeking Job Approval Authority (JAA) from the Commission shall receive agreement from their immediate supervisor. District staff shall also receive agreement from the chair of the Soil and Water Conservation District for whom they are employed.
- (c) Eligible individuals seeking JAA for a best management practice as defined by 02 NCAC 59D .0102(6) shall submit application to the Division for evaluation of technical competency. The minimum technical competency requirements for each practice shall be listed in the applicable program’s Detailed Implementation Plan (DIP) as defined in 02 NCAC 59D .0102(14).

- (d) Eligible individuals who submit documentation of JAA issued by the USDA Natural Resources Conservation Service as part of the application described in Paragraph (c) of this Subchapter shall be granted equivalent JAA by the Commission, unless JAA has subsequently been rescinded due to factors identified in Paragraph (g) of this Subchapter.
- (e) The Commission shall consider an eligible individual who is duly licensed as a professional engineer by the North Carolina Board of Examiners for Engineers and Surveyors as having JAA for any best management practice to which they affix their seal and signature to all designs and technical documents.
- (f) The Commission may rescind an individual's JAA for any or all best management practices if the individual fails to comply with the associated technical standards, submits false data or is dishonest in the use of their JAA, taking into consideration the severity of the non-compliance, the extent and significance of any false data submitted, and the individual's history of non-compliance.
- (g) Individuals no longer employed by the County, District, or Division shall have previously issued JAA reinstated if they are re-employed as an eligible individual and have subsequently complied with the requirements described in Paragraphs (b) and (c) of this Subchapter.

Authority G.S. 106-840; 106-850; 139-3; 139-4(d)(9) and 14;