



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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6/26/2014 8:54:11 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY Environmental Protection - Secretary's Office

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 60-04

RULE NAME Awarding of WV Stream Partners Program Grants Rule

CITE AUTHORITY W.Va. Code 22-1-1

**COMMENTS LIMITED TO
Oral And Written**

**DATE OF PUBLIC HEARING
Friday, July 25, 2014 6:00 PM**

**LOCATION OF PUBLIC HEARING
DEP Office Kanawha City
601 57th St SE
Charleston WV 25304**

**DATE WRITTEN COMMENT PERIOD ENDS
Friday, July 25, 2014 6:30 PM**

**WRITTEN COMMENTS MAY BE MAILED TO
Jennifer Pauer
601 57th St SE
Charleston, WV 25304**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 60-04



Rule Id: 9520



Document: 25921



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY Environmental Protection - Secretary's Office

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes **TITLE-SERIES** 60-04

RULE NAME Awarding of WV Stream Partners Program Grants Rule

CITE AUTHORITY W.Va. Code 22-1-1

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

We are making minor edits to the WV Stream Partners Programs Legislative Rule. During the 2013 Executive Committee Meeting the members agreed it would be beneficial to the program if the volunteers were not bound by the requirement that in-kind match and volunteer labor be valued only at minimum wage.

Section 4.2 of the Rule has been edited to alleviate this restriction. This change will not involve additional costs to the program or the grant recipients. It will only enhance the programs success by making the in-kind match value more realistic while allowing services to be recorded at their true value.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Environmental Protection - Secretary's Office

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes **TITLE-SERIES** 60-04

RULE NAME Awarding of WV Stream Partners Program Grants Rule

CITE AUTHORITY W.Va. Code 22-1-1

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

This will have no impact on the cost of the program it will only increase the in-kind value of volunteer services provided as match to the state funds for a better record of the true value of volunteer stream restoration efforts.

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 60-04



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Environmental Protection - Secretary's Office
RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 60-04
RULE NAME Awarding of WV Stream Partners Program Grants Rule

CITE AUTHORITY W.Va. Code 22-1-1

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0		
PERSONAL SERVICES	0		
CURRENT EXPENSES	0		
REPAIRS AND ALTERATIONS	0		
ASSETS	0		
OTHER	0		
ESTIMATED TOTAL REVENUES	0		

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Environmental Protection - Secretary's Office

RULE TYPE Legislative AMENDMENT TO EXISTING RULE **Yes** **TITLE-SERIES** 60-04

RULE NAME Awarding of WV Stream Partners Program Grants Rule

CITE AUTHORITY W.Va. Code 22-1-1

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

NA

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY Environmental Protection - Secretary's Office
RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 60-04
RULE NAME Awarding of WV Stream Partners Program Grants Rule

CITE AUTHORITY W.Va. Code 22-1-1

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

This rule will only increase the value of in-kind services the program provides as match to state funds.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY Environmental Protection - Secretary's Office

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 60-04

RULE NAME Awarding of WV Stream Partners Program Grants Rule

CITE AUTHORITY W.Va. Code 22-1-1

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Our proposal is for minor edits to the WV Stream Partners Programs Legislative Rule. During the 2013 Executive Committee Meeting the members agreed it would be beneficial to the program if the volunteers were not bound by the requirement that in-kind match and volunteer labor be valued only at minimum wage.

Section 4.2 of the Rule has been edited to alleviate this restriction. This change will not involve additional costs to the program or the grant recipients. It will only enhance the programs success by making the in-kind match value more realistic while allowing services to be recorded at their true value.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 60-04



Rule Id: 9520



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TITLE 60
LEGISLATIVE RULE
~~DIVISION~~ DEPARTMENT OF ENVIRONMENTAL PROTECTION
~~DIRECTOR'S~~ SECRETARY'S OFFICE

SERIES 4
AWARDING OF WEST VIRGINIA STREAM PARTNERS
PROGRAM GRANTS RULE

§60-4-1. General.

1.1. Scope. -- The purpose of this rule is to provide Stream Partners Program grant requirements and guidance concerning the awarding of grants to broad-based community organizations for watershed improvement projects.

1.2. Authority. -- W. Va. Code § 20-13-4.

1.3. Filing Date. --.

1.4. Effective Date. --.

§60-4-2. Definitions.

2.1. "Broad-based community organization" means an organization comprised of local individuals from a cross section of the community that live on or near the stream. Example organizations include those with a representation of a cross section from industry, environmental organizations, agriculture, local government, tourism, recreation, and landowners.

2.2. "Grant" means the money awarded to the broad-based community organization by the State of West Virginia. The amount of the grant shall not exceed \$5,000.

2.3. "Grantee" means the broad-based community organization that has been awarded the grant to complete a watershed improvement project.

2.4. "In-kind services" means goods and services donated to the organization to help complete the watershed improvement project and to match 20% of the awarded grant.

2.5. "Executive Committee" means a committee consisting of the directors and secretary or his or her designee from each of the four agencies that jointly administer the program. These agencies include: the West Virginia ~~Divisions~~ Department of Environmental Protection, the West Virginia Divisions of Forestry and Natural Resources and the West Virginia Soil Conservation Agency.

2.6. "West Virginia Stream Partners Program Coordinator" means a staff member of one of the administering agencies who coordinates the program on behalf of the Executive Committee.

2.7. "Watershed" means a topographically (lay-of-the-land) defined drainage system that directs rainfall, spring outflows, and other surface water sources to a common collection area such as a hollow watercourse, a stream, or a river. Watersheds can and do vary in size from several acres to thousands of

square miles.

2.8. "Watershed improvement project" means a project that enhances the identified stream or streams and educates the citizens in the area of that stream or streams about the benefits of restoring, protecting and enhancing the quality of life within the watershed.

§60-4-3. Applicability.

3.1. In accordance with W. Va. Code § 20-13-5, grants may be used by broad-based community organizations as defined in subsection 2.1 of this rule.

3.2. Grants will be made for a period of one calendar year. Within that year the grantee must demonstrate the ability to achieve the specific watershed improvement project that enhances the identified stream within the watershed.

3.3. In accordance with W. Va. Code § 20-13-4, grants will be awarded on a twenty per cent (20%) matching basis. The amount of the grant will be determined by a required watershed improvement project budget, not to exceed \$5000.

3.4. In accordance with W. Va. Code § 20-13-5, applicant must evidence a commitment to educate the citizens in the area of the identified stream about the benefits of restoring, protecting, and enhancing the stream within the watershed in a responsible manner.

§60-4-4. In-kind Services.

4.1. Credit will be given for any in-kind services, cash contributions, and other grants contributed to the watershed improvement project when determining the twenty per cent (20%) match of the grant.

4.2. ~~Volunteer services will be valued at the minimum hourly wage unless the applicant can demonstrate that such services would normally be valued above that minimum wage in the area served by the applicant's program.~~ Volunteer services furnished by watershed association members, third-party professionals, technical personnel, consultants, and other skilled and unskilled labor may be counted as in-kind services. Rates for all volunteer services must be consistent with those paid for similar work in the labor market in which the entity competes for the kind of services involved.

4.3. Donated equipment will be valued at its fair market value pro-rated over the life of the grant year.

§60-4-5. Authorized Uses of Grant Funds.

5.1. Grants may be used for the following types of watershed improvement projects:

5.1.a. Fish and wildlife habitat enhancement;

5.1.b. Stream bank stabilization, erosion and sediment control;

5.1.c. Education on the importance of protecting streams within the watersheds;

5.1.d. Water monitoring and watershed assessments include but are not limited to, stream

classification, its natural meanders, and land uses;

5.1.e. Improved land use practices; and

5.1.f. Clean up projects when done in conjunction with above-mentioned projects.

5.2. The Executive Committee shall authorize use of grant funds during the grant selection process by approving submitted budgets. All changes to these budgets must be in writing and approved by the Stream Partners Program Coordinator. Authorized uses of grant within the watershed improvement project may include the following:

5.2.a. Production, copying and mailing of public information and educational materials to promote the protection of streams within the watershed;

5.2.b. Implementation and materials for the completion of the watershed improvement project;

5.2.c. General operating expenses of the organization, which can include acquiring and maintaining non-profit status in accordance with ~~Federal~~ Section 501(c)(3) of the IRS Tax Code guidelines;

5.2.d. Equipment for the watershed improvement project that will belong to the organization;

5.2.e. As match for State, federal, and local watershed projects funds;

5.2.f. Travel expenses for watershed association members for educational training programs;

5.2.g. Office equipment and office supplies to support the watershed association's outreach efforts and the watershed improvement project; and

5.2.h. Salaries not to exceed twenty percent (20%) of the grant total within the grant year.

§60-4-6. Review, Evaluation, and Award.

6.1. Each application will be scored utilizing the following criteria:

6.1.a. Application Style: Legibility of the application, completed and signed cover sheet, and all questions answered and easy to find;

6.1.b. Membership and History: A description of how the organization is a broad-based community organization. Also provide an overview of the organization's history;

6.1.c. Issues: A review of the issues that affect the stream or streams within the watershed;

6.1.d. Long and Short-Term Goals: A plan showing the organization's vision, mission, long-term goals, short-term goals, and the effect the project and organization will have on the community;

6.1.e. Watershed Improvement Project: A description of the watershed improvement project that will enhance the quality of the stream and the watershed;

6.1.f. Budget: A budget for the watershed improvement project that includes: how the applicant plans to spend the grant, in-kind services, cash contributions, and other grants that constitute the twenty per cent (20%) match;

6.1.g. Outreach: A plan to provide education and outreach to the community about the importance of watershed protection and restoration; and

6.1.h. Past History/ New Organizations:

6.1.h.1. For ~~E~~existing groups: record-keeping ability, completion of documentation of grant expenditures, watershed improvement project, ability to foster partnerships and obtain in-kind/cash contributions.

6.1.h.2. For ~~N~~ew organizations: ability to get organized, planning procedures, and partnership building.

6.2. Grants, up to \$5000, will be awarded to the highest ranking applicants by Executive Committee.

§60-4-7. Grant Conditions.

7.1. The Executive Committee reserves the right to withdraw a grant upon determination of unsatisfactory program compliance with these rules.

§60-4-8. Unexpended Funds.

8.1. Unexpended funds may be used for future watershed improvement projects under the following conditions:

8.1.a. The grantee files a statement of the intended use of the unexpended portion of the grant;

8.1.b. The grantee sets a target date for the completion of the watershed improvement project; and

8.1.c. The grantee submits a final report and a budget, including grant expenditures, in-kind services, cash contributions, and other grants.

§60-4-9. Reporting.

9.1. The grantee must provide a mid-term report and a final report, including a budget, indicating how the grant money was spent and all in-kind services, cash contributions, and other grants that constitute the twenty per cent (20%) match.

9.2. The grantee must submit copies of all grant expenditures and should retain all receipts from expenditures of the grant for a minimum of three (3) years.

9.3. Grantees that do not comply with the reporting requirements shall not be eligible for future funding. The Executive Committee may deny future funding to grantees who do not comply with reporting requirements.

§60-4-10. West Virginia Stream Partners Program Coordinator Duties.

10.1. The West Virginia Stream Partners Program Coordinator will track the activities, progress, and milestones of the grantees and their watershed improvement projects and disseminate this information to the Executive Committee to be incorporated into the grant selection process.