



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 6 -- NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

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 section 20-13-4

HOUSE OR SENATE BILL NUMBER
HB 2283

SECTION
64-3-1 (f)

PASSED ON
03/31/2015

**THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE**

Friday, May 01, 2015

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: 26575

**TITLE 60
LEGISLATIVE RULE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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. -- July 29, 2014

1.4. Effective Date. -- May 1, 2015

§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 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 furnished by organization 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 organization 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 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 organization members for educational training programs;

5.2.g. Office equipment and office supplies to support the organization'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 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 new 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.