



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Conservation Agency TITLE-SERIES: 63-03
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 63-03 State Conservation Committee Grant Program

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code §19-21A-3(4); 19-21A-4(g)(8); 19-21A-4(g)(11))

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This rule establishes requirements and procedures of the State Conservation Committees grant program which provides financial assistance to promote approved conservation projects; outlines applicant eligibility and application process; the review, evaluation and awarding of grants; reporting requirements; and the public notification of awards. The State Conservation Committee delegates administration of the grant program to the West Virginia Conservation Agency.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule establishes requirements and procedures of the State Conservation Committees grant program which provides financial assistance to promote approved conservation projects; outlines applicant eligibility and application process; the review, evaluation and awarding of grants; reporting requirements; and the public notification of awards. The State Conservation Committee delegates administration of the grant program to the West Virginia Conservation Agency.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This rule establishes procedures and processes for the conservation grant program.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

Funding available for the grant program will vary each fiscal year based on the agency's budget.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

Funding available for the grant program will vary each fiscal year based on the agency's budget.

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

Grant program will provide financial assistance to grantees for the implementation of approved conservation projects. Amount will vary and will be identified in the grant program application.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There are no fees associated with this proposal.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Belinda G Withrow -- 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 63
LEGISLATIVE RULE
STATE CONSERVATION COMMITTEE**

**SERIES 3
STATE CONSERVATION COMMITTEE GRANT PROGRAM**

§63-3-1. General.

1.1. Scope. -- This rule establishes requirements and procedures of the State Conservation Committee's grant program which provides financial assistance to promote approved conservation projects; outlines applicant eligibility and application process; the review, evaluation and awarding of grants; reporting requirements; and the public notification of awards. The State Conservation Committee delegates administration of the grant program to the West Virginia Conservation Agency.

1.2. Authority. -- W.Va. Code §19-21A-3(4);19-21A-4(g)(8);19-21A-4(g)(11)

1.3. Filing Date. -- ~~April 7, 2020~~

1.4. Effective Date. -- ~~April 7, 2020~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on ~~April 7, 2025~~ August 1, 2030.

§63-3-2. Definitions.

For the purposes of this rule, the following definitions apply:

2.1. Applicant -- An individual or organization that has applied for financial assistance through the grant program.

2.2. Approved Conservation Project -- Projects or activities designated as eligible for financial assistance by the State Conservation Committee on a periodic basis.

2.3. Best Management Practices (BMPs) -- A practice or practices that contribute to the wise use and sustainability of natural resources.

2.4. Conservation District -- A subdivision of the state organized under W.Va. Code §19-21A-5.

2.5. Conservation District Board -- A board comprised of elected or appointed Conservation District supervisors who serve as a Conservation District's governing body, W.Va. Code §19-21A-7.

2.6. Conservation District Supervisor -- One of the members of the governing body of a Conservation District, elected or appointed in accordance with the provisions of W.Va. Code §19-21A-6.

2.7. Grant Award -- A written agreement between the applicant and the West Virginia Conservation Agency awarding financial assistance and detailing requirements.

2.8. Grant -- the financial assistance awarded to an applicant by the West Virginia Conservation Agency.

2.9. Grantee -- the individual or organization that has been awarded the grant to complete an approved conservation project.

2.10. Grant Program -- The program(s) administered by the West Virginia Conservation Agency to provide grants to individuals and organizations to promote approved conservation projects.

2.11. In-Kind -- Goods, services and labor donated to or provided by grantee as approved by the West Virginia Conservation Agency to help complete the approved conservation project.

2.12. Program Document -- A document that outlines the administrative and program participation rules for the West Virginia Conservation Agency grant program(s).

2.13. Program Year -- The 12-month period between July 1 and June 30.

2.14. State Conservation Committee (SCC) -- The state agency charged with conserving the soil resources of this state, reducing soil erosion, preserving natural resources, controlling flooding and protecting public lands, W.Va. Code §19-21A-4.

2.15. West Virginia Conservation Agency (WVCA) -- The administrative agency of the State Conservation Committee, W.Va. Code §19-21A-4(e).

§63-3-3. Administration

3.1. Upon approval by the State Conservation Committee and based on available funding, the grant program(s) shall be administered by the West Virginia Conservation Agency.

3.2. Program document(s) shall be developed by the West Virginia Conservation Agency to serve as policy and establish procedures for grant program(s) implementation.

3.3. The West Virginia Conservation Agency shall follow State Conservation Committee policies in the administration of grant funds.

3.4. The West Virginia Conservation Agency shall follow the West Virginia State Auditor's Rules and Procedures in the processing of grant payments.

3.5. The State Conservation Committee shall consider recommendations from the Conservation Districts related to the grant program, including recipient and subrecipient monitoring.

§63-3-4. Eligibility

4.1. The State Conservation Committee shall determine and approve eligibility criteria.

4.2. Projects must be implemented on land and/or waterways within West Virginia and shall address soil and or water conservation and support the SCC/WVCA/Conservation Districts conservation mission.

§63-3-5. Applications

5.1. Applications for the grant program(s) shall be made available to the public in advance of the application period with eligibility criteria and detailed instructions of how to apply.

5.2. The State Conservation Committee shall set appropriate technical standards for implementation of best management practices.

5.3. Practices shall be maintained for the lifespan of the practice as set by the State Conservation Committee.

5.4. The State Conservation Committee reserves the right to determine standards, revise and amend standards as necessary and modify standards based on new research and/or technology.

§63-3-6. Review and Evaluation

6.1. The State Conservation Committee shall establish a committee that shall include the president of the West Virginia Association of Conservation Districts, or his/her designee, for the review and evaluation of grant program applications.

6.2. The State Conservation Committee shall establish criteria for evaluating and ranking grant applications, including establishment of a tie breaker.

6.3. WVCA staff, when available, will provide technical assistance and validation of applications from a technical standpoint.

§63-3-7. Awards

7.1. Grant awards will be based upon available funding and will be administered by the West Virginia Conservation Agency.

7.2. Grant awards shall be provided in writing to successful applicants and shall contain the amount awarded, project timeframe, reporting requirements and other associated terms and conditions.

7.3. Acceptance of the grant award is contingent upon signature by both parties and compliance with required documentation including a waiver of liability.

7.4. All projects are subject to on-site photography, use in West Virginia Conservation Agency or conservation district promotional materials, site visits and placement of signage.

7.5. The West Virginia Conservation Agency shall take reasonable actions to verify that the applicant is not barred from receiving state grants.

7.6. Grants may require cost share from grantee. In the event of cost share in-kind contributions may be allowed.

7.7. Grantees shall comply with the provisions of W.Va. Code §12-4-14, and legislative rules promulgated regarding accountability of persons receiving state funds or grants.

§63-3-8. Reporting

8.1. The State Conservation Committee shall establish all reporting standards.

8.2. The State Conservation Committee shall establish all grant monitoring standards.

8.3. The West Virginia Conservation Agency shall provide periodic progress reports, and final reports to the State Conservation Committee.

§63-3-9. Notification and Disclosure of Grant Award or Denial.

9.1. Grant awards will be public record.

9.2. Notification and Disclosure shall include:

9.2.a. Sending written notification of the decision via first-class mail to applicants;

9.2.b. And posting the award on the WVCA's public access site.

9.3. All documentation associated with the grant program is subject to FOIA as allowed by law.