



CECIL H. UNDERWOOD
GOVERNOR

BUREAU OF ENVIRONMENT
10 McJunkin Road
Nitro, WV 25143-2506

Michael P. Miano
COMMISSIONER

June 17, 1998

Ms. Judy Cooper
Director, Administrative Law Division
Office of the Secretary of State
Capitol Complex
Charleston, West Virginia 25305

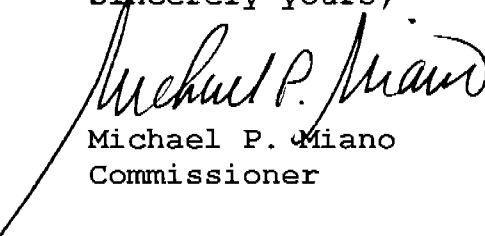
RE: 60CSR4 - Awarding of West Virginia Stream
Partners Program Grants Rule

Dear Ms. Cooper:

This is to advise that I am giving approval to file the above-referenced legislative rule with your office as notice of public hearing/comment period.

Your cooperation in this regard is very much appreciated. If you have any questions or require additional information, please contact Carrie Chambers in my office at 759-0515.

Sincerely yours,


Michael P. Miano
Commissioner

MPM:cc

cc: Carrie Chambers
Jennifer Pauer

BUREAU OF ENVIRONMENT
DIVISION OF ENVIRONMENTAL PROTECTION

BRIEFING DOCUMENT

Rule Title: §60CSR4

A. AUTHORITY: WV Code 20-13-4

B. SUMMARY OF RULE:

“The Stream Partners Program grants shall be awarded by consensus of the executive committee in accordance with legislative rules promulgated by the Division of Environmental Protection pursuant to article three [§29A-3-1 et seq.]” from West Virginia Stream Partners Legislation §20-13-4.

C. STATEMENT OF CIRCUMSTANCES WHICH REQUIRE RULE:

The purpose of the rule is to provide requirements and guidance concerning the awarding of grants to broad-based community organizations for watershed improvement projects.

D. FEDERAL COUNTERPART REGULATIONS -
INCORPORATION BY
REFERENCE/DETERMINATION OF
STRINGENCY:

*There is no federal counterpart
regulation.*

E. CONSTITUTIONAL TAKINGS DETERMINATION:

*In accordance with §22-1A-1 and 3(c), the
Director has determined that this rule will not result
in taking of private property within the meaning of
the Constitutions of West Virginia and the United
States of America.*

F. CONSULTATION WITH THE ENVIRONMENTAL
PROTECTION ADVISORY COUNCIL:

*This new rule will be reviewed by the Advisory Coun-
cil during its July 1998 meeting. Recommendations of
the Council and the Director's response to Council's
recommendations will be included in the August 3, 1998
filing with the Secretary of State's Office and the Legis-
lative Rulemaking Review Committee.*

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 60CSR4 - "Awarding of West Virginia Stream Partners Program Grant Rule

Type of Rule: ☒ **Legislative** ☐ **Interpretive** ☐ **Procedural**

Agency WV Division Environmental Protection

Address #10 McJunkin Road

Nitro, West Virginia 25143-2506

1. Effect of Proposed Rule NA

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 0	\$	\$ 0	\$	\$
PERSONAL SERVICES	0				
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

There will be no expenses as a result of this proposed rule. The Stream Partners grant money is already budgeted out of the General Revenue Fund. This rule just gives guidance to how these funds will be distributed.

3. Objectives of these rules:

This rule is to provide requirements and guidance concerning the awarding of grants to broad-based community organizations for watershed improvement projects.

Rule Title: "Awarding of West Virginia Stream Partners Program Grant Rule"

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: June 22, 1998

Signature of Agency Head or Authorized Representative

Gavin J. Chambers

FILED

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

JUN 22 2 59 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 4

AWARDING OF WEST VIRGINIA STREAM PARTNERS PROGRAM GRANTS RULE

§60CSR4-1. 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. -- WV Code 20-13-4

1.3. Filing Date.--

1.4. Effective Date.--

§60CSR4-2. Definitions.

2.1. "Broad-based community organization" means an organization comprised of local individuals from a cross section of the community. Examples include representatives from: industry, environmental organizations, agriculture, local government, tourism, recreation, land owners, etc.

2.2. "Grant" means the money awarded to the broad-based community organization. The amount of the grant to be decided by the review team, not to 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. "Review Team" means a team consisting of two members of each of the four agencies that jointly administer the program.

These agencies include: West Virginia Divisions of Environmental Protection, Forestry, Natural Resources, and the West Virginia State Soil Conservation Agency.

2.6. "Watershed" means a topographically (lay-of-the-land) defined drainage system which 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.

2.7. "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.

§60CSR4-3. Applicability.

3.1. In accordance with W.Va. Code 20-13-5, grants may be used by broad-based community organizations that includes citizens, industry, environmental groups, sportsmen, local government, and land owners from the geographic area immediately surrounding the identified stream, that are interested in improving the quality of life in the stream within the watershed.

3.2. In accordance with W.Va. Code 20-13-5, grants will be made for a period not greater than one (1) calendar year. Within that year the applicant must demonstrate the ability to achieve the specific 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 20% matching basis. The amount of the grant will be determined by a required watershed improvement project budget, not to exceed \$5,000.

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.

§60CSR4-4. In-kind Services.

4.1. Credit will be given for any in-kind services contributed to the watershed improvement project when determining the 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 wage in the area served by the applicant's program.

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

§60CSR4-5. 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, and 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 which include stream classification, its natural meanders, land uses, etc.;

5.1.e. Improved land use practices; and

5.1.f. Clean-up projects when done in conjunction with above-mentioned projects. Removal of in-stream or stream bank materials that are beneficial to fish and wildlife habitat and stream bank stabilization will not be funded.

5.2. 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 not to exceed 20% of the grant in total within the grant year;

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 501 (c) (3), of the IRS Tax Code guidelines, not to exceed 20% of the grant in total within the grant year;

5.2.d. Equipment and supplies for the watershed improvement project that will belong to the organization not to exceed 20% of the grant in total within the grant year;

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

5.2.f. Travel expenses for watershed association members to be approved by Stream Partners Program Coordinator and Administrator, for educational training programs, not to exceed 20% of the grant in total within the grant year; and

5.2.g. Office equipment and supplies to support the watershed association, outreach efforts and the watershed improvement project not to exceed 20% in total within the grant year.

§60CSR4-6. Unauthorized Uses of Grant.

6.1. Grant may not be used for expenditures deemed not related to the watershed improvement project.

6.2. Grant may not be used for the following:

6.2.a. Purchasing of office furniture;

6.2.b. Land acquisitions;

6.2.c. Lobbying for or against a candidate for

political office; and

6.2.d. Salaries exceeding 20% of the grant money in total within the grant year.

§60CSR4-7. Review, Evaluation, and Award.

7.1. Each application will be reviewed by a review team consisting of two members of each of the agencies that sponsor the program.

7.2. Each application will be scored and ranked utilizing the following criteria:

7.2.a. Show how the organization is a broad-based community organization, and the members represent diverse areas and organizations within the community. Also provide an overview of the organization's history [20 points];

7.2.b. Define the issues that affect the stream or streams within the watershed [15 points];

7.2.c. Explain the organizations vision, mission, long-term goals, short-term goals, and the effect the project will have on the community [20 points];

7.2.c. Describe the watershed improvement project that will enhance the quality of the stream and the watershed [25 points];

7.2.d. Supply a budget for the watershed improvement project which includes: how you plan to spend the grant, in-kind services, and the 20% match [10 points]; and

7.2.e. Explain plans to provide education and outreach to the community about the importance of watershed protection and restoration [10 points].

7.3. Grants will be awarded to the highest ranking applicants, up to \$5000 with the discretion of the review team.

§60CSR4-8.1. Grant Withdraw.

8.1. The review team reserves the right to withdraw a grant upon determination of unsatisfactory program compliance with either this rule or the specifications of the program.

§60CSR4-9. Unexpended Funds.

9.1. All unexpended funds remaining at the end of the grant year will be handled as follows:

9.1.a. If the applicant applies for a grant for the following grant period, and the Stream Partners Program review team approves said application, unexpended funds will be netted against the amount from which the applicant is eligible to receive; and

9.1.b. If the applicant does not apply for a grant for the following grant period, unexpended funds may be used for future watershed improvement projects under the following conditions:

9.1.b.1. The applicant files statement of the intended use of the grant;

9.1.b.2. The applicant sets a target date for the completion of the watershed improvement project by the end of the grant period;

9.1.b.3. The applicant submits a final report when the project is completed; and

9.1.b.4. The applicant submits a final budget of how the grant was spent.

§60CSR4-10. Reporting.

10.1. The grantee must provide a mid-grant year report, and a final report that will include the financial statement indicating how the grant money was spent, all in-kind services contributed and the 20% match.

10.2. The grantee must retain all receipts from expenditures of grant for three years.

10.3. Grantees that do not comply with the reporting requests will not be eligible for future funding.