

APA-1
Revised 7/2019

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency: Conservation and Natural Resources

Rule No.: 220-1-5-.02

Rule Title: Definitions.

New Amend Repeal (of Existing Rule) Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

REC'D & FILED

JAN 20 2022

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Alabama Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer Ryan W. Corley
Secretary of Administrative Procedure

Date 1/20/2022

Department of Conservation and Natural Resources
Alabama Department of Conservation and Natural Resources (DCNR)

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-1-5-.02 Definitions.

INTENDED ACTION: New Rule.

SUBSTANCE OF PROPOSED ACTION: To define specific terms used within the new Alabama Reservoir Managements Grants Program chapter.

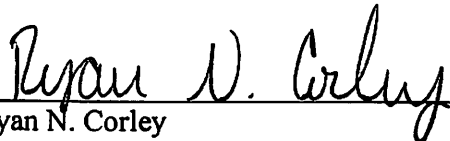
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Alabama Department of Conservation and Natural Resources (DCNR) at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Alabama Department of Conservation and Natural Resources (DCNR), and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Monday, March 7, 2022.

If ADA accommodations are needed, please contact Daisy Perry at (334) 242-3165 or daisy.perry@dcnr.alabama.gov. Requests should be made as soon as possible but at least seven days prior to the date of a personal appearance to present views regarding the proposed rules.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, March 7, 2022.

CONTACT PERSON AT AGENCY: Charlanna Skaggs, General Counsel, Alabama Department of Conservation and Natural Resources (DCNR), 4th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3165.



Ryan N. Corley
Secretary of Administrative Procedure

Christopher M. Blankenship

220-1-5-.02 Definitions.

(1) When used in this chapter, the following terms have the meaning given below:

(a) "Department" means the Department of Conservation and Natural Resources.

(b) "Local Entity" means one of the following:

1. A county.
2. An incorporated municipality.
3. An unincorporated municipality.
4. A public entity of a county or municipality.
5. A public-private partnership.
6. A state agency.

(c) "Eligibility" means the standard or criteria by which a local government or applicant qualifies for grant funds, as determined by the Department. These standards shall include, but are not limited to, completeness of the grant application; plans for controlling invasive aquatic species or debris removal projects; current status of related efforts underway within the applicant's jurisdiction; and consistency with local management planning.

(d) "Qualified Local Entity" means the local entity with an existing reservoir and/or debris management plan.

(e) "Local Public-Private Partnership" means any partnership between a county, incorporated municipality, unincorporated municipality, or any other public entity of a county or municipality and a private organization.

(f) "State Reservoir" means a quantity of any public spring, brook, creek, stream, river, pond, swamp, lake, reservoir, impoundment, sound, tidal estuary, bay, waterway, aquifer, or any other body or accumulation of water, surface water, or ground water, natural or artificial, that does any of the following:

1. Is contained within the borders of this state.
2. Flows through or to this state or any portion thereof.

3. Borders upon this state of any portion thereof, including those portions of the Gulf of Mexico over which the state has jurisdiction.

(g) "Grant agreement" means the binding contract between the Department and the applicant.

(h) "Grant Application" means the initial request from the local entity for a grant from the Department.

(i) "Grant period" means twenty-four months from the time the grant agreement is properly executed by all parties or the time period specified in the grant documents.

Author: Christopher M. Blankenship

Statutory Authority: Code of Ala. 1975, § 9-2-170.

History: New Rule: 1/20/2022

**ECONOMIC IMPACT
STATEMENT FOR APA RULE
(Section 41-22-23(f))**

Control No. 220 Department or Agency Conservation

Rule No: 220-1-5-.02

Rule Title: Definitions.

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

3. EFFECT OF THIS RULE ON COMPETITION:

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING

THIS RULE:

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: