

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-.04

Rule Title: Disbursement of Funds.

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-.04 Disbursement of Funds.

INTENDED ACTION: New Rule.

SUBSTANCE OF PROPOSED ACTION: To establish procedures for the disbursement of funds under the Alabama Reservoir Management Grants Program administered by the Department.

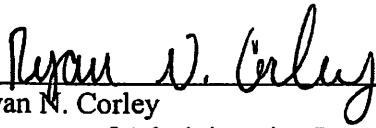
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Alabama Department of Conservation and Natural Resources (DCNR) at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Alabama 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-.04 Disbursement of Funds.

(1) Upon review and approval of the application, the Department will determine the exact amount of the grant award and prepare a grant agreement.

(2) The grant agreement will be forwarded to the applicant to be signed by a local government official, authority official or officer of the local entity.

(3) The applicant may request advance funds through the application process; however, known needs must be documented before advance funds can be approved. Following approval by the Department, the advance funds will be forwarded to the applicant.

(4) Any local entity receiving grant funds will be reimbursed for actual expenses incurred from the implementation of the approved project or program. Each semi-annual report shall report on the status of the project to be funded by the grant and shall include information necessary for review by the Department for reimbursement of actual costs. Each report must be submitted fifteen (15) days from the end of the previous semester. Semesters shall run October 1st through March 31st, and April 1st through September 30th of each year.

(5) The Commissioner, or his designee, may terminate a grant award in whole or in part and demand refund of grant funds when there is substantial non-compliance with the terms of the award or these rules; a determination made by the Department that the grant was obtained by fraudulent means; when it is found that grant monies have been used for non-allowable costs; or a determination made by the Department that gross abuse or corrupt practices have been used in the administration of the grant project by the recipient.

(a) The Commissioner, or his designee, will give written notice to the recipient (via certified mail, return receipt requested) of its intent to terminate a Fund grant, in whole or in part, at least 30 days prior to the intended date of termination.

(b) The Commissioner, or his designee, will afford the grant recipient an opportunity for consultation prior to any termination. After such opportunity for consultation, the Department may, in writing (via certified mail, return receipt requested), terminate the Fund grant in whole or in part.

(c) In event of such termination, the local entity shall be ineligible to make application for further participation in the grant program until the grantee complies with the terms of the grant award or these rules.

(6) The amount of each grant awarded under this chapter shall be at the sole discretion of the Commissioner, or his designee.

(7) Grant funds not awarded due to insufficient requests or applications, shall remain in the State Reservoir Management Grant Fund and shall be available for award in future grant years.

(8) The Department may award up to 75 percent of the yearly grant funds available to invasive aquatic species projects and up to 25 percent of the yearly total for marine debris/navigational aid or regulatory sign projects.

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-.04

Rule Title: Disbursement of Funds.

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:

This rule establishes the procedures for the disbursement of reservoir management and reservoir debris management grants to qualified local entities for use in controlling invasive aquatic species in State Reservoirs; removing debris from navigable waters; and installing, maintaining, and repairing navigational aids or regulatory signs that are officially designated by Alabama State Law Enforcement Agency.

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

There are no additional costs associated with this rule. The Alabama Reservoir Management Grants Program is intended to aid qualified local entities in controlling invasive aquatic species in State Reservoirs; removing debris from navigable waters; and installing, maintaining, and repairing navigational aids or regulatory signs that are officially designated by Alabama State Law Enforcement Agency. Qualified local entities are required to contribute funds equal to 50 percent of

the total amount of the grant award.

3. EFFECT OF THIS RULE ON COMPETITION:

There will likely be no effect 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:

This rule should have a minimal impact, if any, on the cost of doing business. There should be no impact on the cost-of-living.

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

There should be no negative impact on employment in the geographical area. Qualified local entities awarded grant money may employ additional people or entities to carry out the grant projects.

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

Revenue for implementing this rule comes from the State Reservoir Management Grant Fund in the State Treasury. The fund is subject to appropriations by the Legislature and gifts, grants, and other donations received by the Department for the State Reservoir Management Grant Program or Fund.

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:

Both the short-term and long-term economic impact is that qualified local entities may receive aid in controlling invasive aquatic species in State Reservoirs; removing debris from navigable waters; and installing, maintaining, and repairing navigational aids or regulatory signs that are officially designated by Alabama State Law Enforcement Agency. The State of Alabama and the public will benefit from this rule.

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

This rule requires those wishing to be awarded

grant money to submit applications for grants from the Program. To be considered, they must be a qualified local entity able to contribute matching funds equal to 50 percent of the total amount of the grant award and meet the other grant requirements and award criteria. There must also be funds available in the State Reservoir Management Grant Fund in the State Treasury.

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

This rule will improve the environment and public health by aiding in controlling invasive aquatic species in State Reservoirs; removing debris from navigable waters; and installing, maintaining, and repairing navigational aids or regulatory signs that are officially designated by Alabama State Law Enforcement Agency.

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

Without this rule, qualified local entities may face difficulties gathering enough funds for controlling invasive aquatic species in State Reservoirs; removing debris from navigable waters; and installing, maintaining, and repairing navigational aids or regulatory signs that are officially designated by Alabama State Law Enforcement Agency.