

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-.07

Rule Title: Eligibility Requirements.

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 Yes per attached APA-6

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-.07 Eligibility Requirements.

INTENDED ACTION: New Rule.

SUBSTANCE OF PROPOSED ACTION: To establish eligibility requirements for the Alabama Reservoir Managements Grants Program administered by the Department.

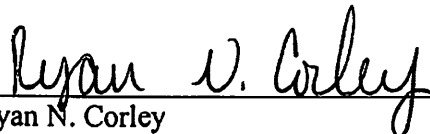
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Alabama Department of Conservation and Natural Resources (DCNR) at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Alabama 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-.07 Eligibility Requirements.

- (1) In order to be considered for a grant award under the Program, all applications shall include the following information:
 - (a) A specific description of the project for which grant funds are requested, including the specific locations where work will be completed.
 - (b) A description of all existing activities related to the scope of work that have been or are planned on the State Reservoir where the project will be conducted.
 - (c) A statement that the grant is needed to achieve or surpass the goals established in either the reservoir management plan for projects designed to address invasive aquatic species or the reservoir debris management plan for projects designed to address marine debris.
 - (d) A summary of all costs incurred, or to be incurred, in planning and implementing the project.
 - (e) A copy of the Local Public-Private Partnerships agreement into which local entities have entered or will enter to accomplish the purposes of this rule.
 - (f) Applicants may not apply for any grant funds under this program if they have any open grants under this program that have been open greater than two years.
 - (g) Applicants must ensure that any projects undertaken through grant funds received under this program do not conflict or interfere with any right or obligation of an owner or operator of such State Reservoir or otherwise create any duty or liability for such owner or operator.
 - (h) Applications which have not met their obligations under the terms of any previous grant agreements or accounted for any unused grant funds from a previous grant awarded under this rule during the previous 36 months shall be denied by the Department.
 - (i) Applicants must contribute matching funds equal to 50 percent of the total amount of the grant award.
 - (j) Applicants must obtain written concurrence for the project from the owner or operator, or both, of the applicable State Reservoir.

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-.07

Rule Title: Eligibility Requirements.

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.