

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
ADMINISTRATIVE CODECHAPTER 220-1-5
GENERAL PROVISIONS ALABAMA RESERVOIR MANAGEMENT GRANTS PROGRAM

TABLE OF CONTENTS

220-1-5-.01	Purpose
220-1-5-.02	Definitions
220-1-5-.03	Grant Application Requirements
220-1-5-.04	Disbursement Of Funds
220-1-5-.05	Grant Recordkeeping
220-1-5-.06	Specific Grant Requirements
220-1-5-.07	Eligibility Requirements
220-1-5-.08	Grant Award Criteria

220-1-5-.01 Purpose.

The purpose of this chapter is to establish 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 within State Reservoirs; and installing, maintaining, and repairing navigational aids or regulatory signs that are officially designated by Alabama State Law Enforcement Agency.

Author: Christopher M. Blankenship

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

History: New Rule: Published March 31, 2022; effective April 14, 2022.

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 or 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: Published March 31, 2022; effective April 14, 2022.

220-1-5-.03 Grant Application Requirements.

(1) Requests for funding shall be submitted to the Department on application forms specified by the Department.

(2) Applications for grants from the Program for the control of invasive aquatic species must be submitted to the Department no later than October 1 of the year to be considered for funding from that fiscal year's grant awards.

(3) Applications for grants from the Program for debris removal or for navigational or regulatory signs may be submitted to the Department at any time during the year to be considered for funding from that fiscal year's grant awards.

(4) Applicants must show how the project relates to and follows the requirements of their approved reservoir management plan for projects designed to address invasive aquatic species.

(5) Applicants must, prior to applying for a grant under this program, obtain and submit with the application, written concurrence for the project from the owner or operator, or both, of the applicable State Reservoir.

(6) Applicants must contribute matching funds equal to 50 percent of the total amount of the grant award. Matching funds must be included on the budget request submitted within the grant application and will be included in the grant agreement signed between both parties. Applicants may use grant funds obtained under this rule as match for any state or federal program that addresses the purposes of this program.

Author: Christopher M. Blankenship

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

History: New Rule: Published March 31, 2022; effective April 14, 2022.

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: Published March 31, 2022; effective April 14, 2022.

220-1-5-.05 Grant Recordkeeping.

(1) Each recipient of grant funds shall maintain accurate records of all expenditures associated with the project funded by grants awarded pursuant to this chapter and shall assure that these records are available for inspection and/or audit upon request by the Department. Records shall be kept for a period of at least five years from the execution of the grant agreement.

(2) Recordkeeping information, as required by the Department, shall be listed in the grant agreement and shall be included with each semi-annual report submitted by the recipient. Such requirements established by the Department shall not be inconsistent with accounting and record-keeping methods such entities may be required to follow by the Alabama Department of Examiners of Public Accounts.

Author: Christopher M. Blankenship

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

History: New Rule: Published March 31, 2022; effective April 14, 2022.

220-1-5-.06 Specific Grant Requirements.

(1) Upon receipt and approval of the grant application, the Department will determine the amount of the grant award and prepare the grant agreement. Payment of grant awards will be contingent upon receipt and approval of the grant agreement.

(2) All Local Public-Private Partnerships that choose to apply jointly shall enter into a binding agreement that designates a lead applicant and describes how the funds will be disbursed and used. The applicant shall submit all required documents on behalf of the local entities which are party to the agreement. Such applications and submittals shall be equivalent to those required if each local government were applying individually.

(3) Applicants shall provide the Department with information on any previous state or federal grants received for the purpose of work related to the grant application received by the jurisdiction during the previous 36 months. This information shall include the grant amount, the grant period, and other information or data as set forth in the application forms.

Author: Christopher M. Blankenship

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

History: New Rule: Published March 31, 2022; effective April 14, 2022.

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: Published March 31, 2022; effective April 14, 2022.

220-1-5-.08 Grant Award Criteria.

(1) Grants awarded under this chapter shall be made in accordance with the requirements of this part and shall be used to develop, implement, and enhance the requirements and objectives of the Alabama State Reservoir Management Development Act of 2021. In determining the grant award recipients, the Commissioner will consider the following:

(a) Amount of grant funds available.

(b) The ability of local entity to operate at the funding level provided in the grant period.

(c) The quality of each proposed project in terms of meeting program objectives as reflected in each application. After the initial grant year, actual performance of the Grantee in administering grants in prior years will be considered.

(d) The cost to the program in relation to the quality and quantity of projects proposed.

(e) The demonstrated capability of the Grantee to establish and implement an effective mechanism to assure that the project can be completed in accordance with the regulations of this chapter.

Author: Christopher M. Blankenship

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

History: New Rule: Published March 31, 2022; effective April 14, 2022.