

STATE CONSERVATION COMMISSION

Statement of Policy for the Conservation District Fund Allocation Program

The State Conservation Commission (Commission), under the authority contained in the Conservation District Law (3 P. S. §§ 849--864) has amended its statement of policy for the Conservation District Fund Allocation Program (25 Pa. Code, Chapter 83, Subchapter B) as set forth in Annex A.

A. Effective Date

This amended statement of policy was effective upon adoption by the Commission at its November 12, 2014 public meeting.

B. Contact Persons

For further information contact Karl G. Brown, Executive Secretary, State Conservation Commission, 2301 N. Cameron Street, Room 311, Harrisburg, PA 17110, (717) 787-8821.

C. Statutory Authority

This statement of policy was amended under the Conservation District Law (law) (3 P. S. §§ 849--864).

D. Background and Summary

The Commission's Conservation District Fund Allocation Program--Statement of Policy (CDFAP SOP) guides the distribution of specific funds from the Department of Environmental Protection (DEP) and the Pennsylvania Department of Agriculture (PDA) for transfer to county conservation districts. It is the vehicle through which the Commission disburses funds to districts for conservation district manager's cost share, technical assistance cost share, administrative assistance and other special project funds.

The revisions to the CDFAP SOP provide additional flexibility for use of these funds by conservation districts while still maintaining the Commission's required oversight for use of these funds. The revisions allow the Commission to allocate non-specific program element funds to districts if the funds are available. These funds may be used by the district for any program element under this sub-chapter. The district may use its non-specific program element funds to fund more than one manager up to fifty percent (50%) and/or as many technician positions as they would like to fund up to one hundred percent (100%). These funds may also be used for special projects and reserve accounts with Commission approval.

E. Summary of Comments and Responses on the Proposed Amendments

The Commission provided districts with a 20-day comment period to review and comment on the proposed revisions. During the comment period, the Commission received two written comments and one written question. Both comments thanked the Commission for the opportunity to review the SOP, stated that they had no comments, and are in agreement with the suggested changes.

FINAL

One district questioned the meaning of “general district programs” as referenced in the SOP. The Commission responded to the district that a general district program is any program developed by a district to meet its mission or goals and objectives, or any program developed under strategic or long term planning initiatives. General district programs are programs that are implemented solely by the district and are not contingent upon an agreement with another entity. The district was satisfied with this response.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subchapter C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 83. STATE CONSERVATION COMMISSION

**Subchapter B. CONSERVATION DISTRICT FUND ALLOCATION
PROGRAM--STATEMENT OF POLICY**

GENERAL PROVISIONS

§ 83.31. Purpose.

(a) The act provides for the General Assembly of the Commonwealth, State and Federal Agencies, Commissions and other public and private entities to appropriate moneys into a special fund known as the Conservation District Fund for allocation to local conservation districts. Funds allocated to conservation districts from this fund shall be used for activities necessary to meet the requirements of the act and costs associated with implementing programs delegated, contracted or approved by the Commission.

(b) It is the intention of the Commission to provide conservation districts with funds to be used for the employment of conservation district managers for the districts, to provide administrative funding assistance to districts, to finance Commission mandated or authorized activities, and to provide financial assistance for technical staff and programs of districts under the act, if the district complies with the terms and conditions of this chapter.

(c) The Commission will annually allocate the available funding to one or more of the program elements identified in this subchapter and if funds are available, provide an allocation of non-specific program element funds to districts for use under this subchapter. The Commission will provide for the fair and equitable distribution of the funds to districts. Total funding available for allocation to one or more of the program

FINAL

elements will be determined by the Commission in consultation with the PDA, the Department and other funding sources on an annual basis as funding is available.

(1) The Commission may provide an allocation of non-specific program element funds to a district and allow the district the flexibility to designate its use for any program element provided for under this subchapter, including reserve accounts established consistent with this subchapter. These non-specific program element funds will be paid in accordance with the program element as allocated by the district.

(2) The Commission will have the authority to reallocate district funding based on actual and anticipated district costs.

(3) The Commission will provide advanced payments for conservation districts consistent with the authority of the act and this subchapter.

(d) Funds allocated to districts under this subchapter will be utilized solely for employing conservation district managers, conservation district management staff, conservation district technicians and engineers and to finance administrative expenses related to program elements and special project expenses of this subchapter approved by the Commission.

(e) The following program elements may be funded under the Conservation District Fund Allocation Program:

(1) *Conservation District Management Cost Share Program.* The purpose of the Conservation District Management Cost Share Program is to provide cost share assistance to conservation districts for their employment of a conservation district manager or other management staff to provide overall administration of the district's programs.

(2) *Administrative Assistance Funding Program.* The purpose of the Administrative Assistance Funding Program is to provide financial assistance for administrative purposes to conservation districts. The funds shall be used to help defray district administrative expenses related to actions required or authorized by the act or an action of the Commission and enhance the conservation district's ability to provide administrative support to other program areas where the conservation district has accepted administrative responsibilities. Activities include general administrative support for conservation districts programs, activities for the administration of the Agricultural Conservation Easement Conservation District Administrative Support Program and administrative support of other programs supported by other funding sources and approved by the Commission.

(3) *Technical Assistance Cost Share Program.* The purpose of the Technical Assistance Cost Share Program is to provide cost share assistance to districts for their employment of technical staff to carry out district functions that require specialized training or abilities. Funding under this program shall be utilized to

support positions at conservation districts employed to carry out responsibilities under the Erosion and Sediment Control Program; the National Pollutant Discharge Elimination System Permitting Program; and the Agricultural Conservation Technical Assistance Program. Funding may also be utilized for other technical related program and staff positions determined necessary and approved by the Commission.

(4) *Special Project Funding Program.* The purpose of the Special Projects Funding Program is to provide State, Federal or private funds to districts or cooperating organizations in return for proper execution of special programs or projects approved by the Commission.

(5) *Others.* Other programs or projects as approved by the Commission

§ 83.32. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Act--The Conservation District Law (3 P. S. §§ 849--864).

Agricultural Area Security Law (3 P. S. §§ 901--915)--This act creates a State agricultural conservation easement purchase program for the purchase of conservation easements on eligible farms administered by the PDA and local county farmland preservation boards assisted by county conservation districts.

Agricultural Conservation Easement Conservation District Administrative Support Program – This program provides funds for certain administrative, technical and other expenses incurred by county conservation districts to support the activities of the county agricultural land preservation board. These funds are provided to help accelerate the purchase of Agricultural Conservation Easements and fulfill the goals of Pennsylvania’s Agricultural Conservation Easement Purchase Program.

Agricultural Conservation Technical Assistance Program--A cost share program to support the employment and training of agricultural conservation technicians and engineers serving as a resource and technical advisor providing increased levels of direct technical services and assistance to production agriculture cooperators and other landowners. Technical assistance and services may include assessing natural resource problems and developing, updating or implementing conservation plans and other natural resource plans such as nutrient management, integrated pest management and pasture, crop and forest management plans for delegated or other technical assistance activities of a program assumed by the conservation district. Training opportunities include, but are not limited to, the Agricultural Technical Boot Camp Training Program.

Associate director--A person appointed by the conservation district board consistent with section 6(2) of the act (3 P. S. § 854(2)).

Commission--The State Conservation Commission created by the act.

FINAL

Conservation district manager--A person employed by the district to perform those duties determined by the district, if those duties comply with this subchapter.

Conservation district management staff--A person employed by the district other than the conservation district manager to perform those duties determined by the district as providing overall administration of district programs that comply with this subchapter.

Conservation district technician and professional engineer--A person employed by the district to perform those technical or educational duties determined by the district or the Commission that are of a specialized nature and require a specific educational background or specialized training.

Cooperating organization--An organization approved by the Commission to assist in carrying out the act.

Department--The Pennsylvania Department of Environmental Protection.

Directors or Board of Directors--The governing body of a conservation district appointed under the provisions of the act

District--A conservation district as defined in the act.

Erosion and Sediment Control Program--A State program to help provide for the conservation of soil, water and related resources and for the control and to minimize the potential for accelerated soil erosion and the management of post construction stormwater established under the erosion control rules and regulations in Chapter 102 (relating to erosion and sediment control) adopted under the authority of The Clean Streams Law (35 P. S. §§ 691.1--691.1001).

Fiscal year--The State fiscal year being July 1 through June 30.

National Pollutant Discharge Elimination System Permitting Program-- The National system for the issuance of permits under section 402 of the Federal Clean Water Act (33 U.S.C.A. § 1342) including a state or interstate program which has been approved in whole or in part by the EPA, including the regulations codified in Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), Chapter 102 (relating to erosion and sediment control) and as specified in other Department rules and regulations.

Non-Specific Program Element Funds – Funds allocated to the district by the Commission that give the district flexibility to allocate these additional funds to any or all program elements in this subchapter.

PDA--Pennsylvania Department of Agriculture--The Pennsylvania Department of Agriculture

Special project--A specific program or planned undertaking approved by the Commission.

§ 83.33. Eligible expenses.

(a) The Commission will determine the nature, extent and eligibility of expenses to be funded.

(b) When the Commission funds a staff position under this subchapter, the total cost of employment for those staff positions shall include salary and salary-related expenses provided by the conservation district, such as Social Security, workers' compensation, unemployment compensation, liability insurance, disability insurance, medical/life insurance, Medicare, hospitalization, dental plan, vision plan, other health plans, retirement, professional fees, separation costs and other expenses the Commission determines to be appropriate. The following are not salary-related expenses: travel, lodging, vehicle insurance and office rent.

(c) When the Commission provides funds to a district for the purpose of supporting general administrative activities of the district and fulfilling requirements of the act and this subchapter, eligible costs include the following if not reimbursed by another program or funding source:

(1) Director, associate director and staff travel expenses, including mileage, meals and lodging, to district meetings or other official business of the district.

(2) Publishing the annual report

(3) Postage, telephone charges, telephone equipment, computer equipment, fax machines and other communication and technology equipment.

(4) Expenses related to keeping full and accurate district records as determined by the Commission.

(5) Office rent and mortgage payments

(6) Bonding, liability insurance, errors and omissions insurance, vehicle insurance, legal fees, and audit fees.

(d) When the Commission, agency or other funding source provides funding to a conservation district for a program approved by the Commission, the agency or other funding source shall define program activities and acceptable expenses through a delegation agreement, other program agreement or criteria established within the specific guidelines of the funding source.

(e) Other eligible expenses as determined by the Commission.

(f) When non-specific program funding is allocated to a district, the district may place a portion of the funds into a dedicated “reserve account” under the Administrative Assistance Funding Program to be used as follows.

(1) Reserve accounts shall be established for specific defined purposes, such as: non-reoccurring employment related expenses (i.e. separation costs, leave payout); capital improvement expenses; major equipment replacement expenses (i.e. vehicles, no-till equipment, HVAC systems, copiers); cash-flow related expenses; education scholarship program obligations or any other purposes approved by the Commission.

(2) The District Board shall develop and adopt a written description of the reserve account that includes its specific purpose, reasonable rules governing its use, specific limits on the account’s size and details on its replenishment.

(3) All district reserve accounts established using funds provided under this subchapter must be approved by the Commission prior to their establishment or if at any time the district desires to change the purpose of the reserve account.

(4) All reserve accounts shall be included as a part of the district’s annual audit and year ending financial statement. Both the audit and year ending financial statement shall include all funds held or controlled by the district.

(g) Salary and salary-related expenses for specific programs delegated or contracted to the district by the Commonwealth will be eligible expenses when the Commission specifically approves payment.

§ 83.34. Application procedures.

(a) An application for funding, in a format approved by the Commission, shall be completed by the district for any staff position, project or activity authorized by the Commission and this subchapter.

(b) The application for funding shall be approved by the Board of Directors and signed by the chairperson or a designee and submitted to the Commission within the time frames established by the Commission.

(c) When an application for funding is submitted for a staff position, a copy of the job description for each staff position shall be included in each application for funding.

(d) When multicounty proposals for staff positions or programs authorized by the Commission or this subchapter are the most feasible and cost-effective manner for delivering program objectives or services, the Commission may authorize two or more conservation districts to apply for funding. Applications must include letters of intent from all cooperating districts, signed by the chairperson or a designee of that cooperating district, indicating that each cooperating conservation district board took official action to support the proposed application and the date of that action.

(e) In prioritizing and selecting applications to be funded under the Technical Assistance Cost Share Program element, the Commission may consider the district's application consistency with goals and other relevant information established in program guidelines.

(f) Upon Commission approval of an application, the district will be notified of the amount available for funding.

§ 83.35. Procedures for allocating funds

(a) The district shall submit documentation of the eligible staff position's salary and salary-related costs for the actual and anticipated calendar periods on forms approved by the Commission.

(b) The State or Federal government may provide funds to the district for activities devoted to a program of the State or Federal government in addition to the funding provided by the Commission through this program. A district may not receive State or Federal funds, the combination of which exceeds 100% of the cost of administering a program.

(c) If extenuating circumstances regarding the allocation warrant special consideration, the Commission will have the discretion to adjust the allocation provided to a particular district.

(d) Funds provided will be available on a fiscal year basis for costs incurred for the positions at the beginning of the fiscal year or from the time the district fills the position during that fiscal year.

(e) The Commission may exercise its judgment in approving applications for funding and in determining the distribution of these funds.

(f) The Commission may impose restrictions or special conditions upon the issuance of these funds.

(g) The Commission will have sole authority to determine the level of funding that individual conservation districts are eligible to receive under any element of this program.

§ 83.36. Procedures for advance payments.

For purposes of disbursing funds to conservation districts, the Commission may process an advanced payment as follows:

(a) When an application for funding of a staff position has been approved by the Commission, the Commission may advance up to 25% of the approved application amount. Subsequent payment to the district will be made on an "actual cash expended" basis not to exceed approved funding caps for the positions. The district shall request reimbursement of the remaining allocation amount on forms approved by the

FINAL

Commission in accordance with §§ 83.37 and 83.38 (relating to reimbursement requirements and procedures; and reporting requirements).

(b) When annual funding for administrative assistance for general conservation district program administration has been approved by the Commission, a district shall receive an initial grant, the amount to be determined by the Commission, if funding is available for the fiscal year and the requirements of § 83.55(a) and (b) (relating to reporting procedures) for administrative assistance are met. Additional administrative funds may be granted to districts if they become available, provided the requirements of § 83.55(a) and (b) are met.

(c) When annual funding for administrative assistance for other program elements under this subchapter include eligible expenses for both staff positions and administrative activities and have been approved by the Commission, the Commission may advance funding consistent with paragraphs (a) and (b) up to caps that may be established by the Commission.

(d) Upon receipt of advance payment funds, the district shall promptly deposit these funds in an interest bearing account in a bank or other financial institution insured by the FDIC, FSLIC or equivalent insurer. The advance payment funds and any interest earned thereon shall be expended by the district to fulfill the objectives of the approved program element for which the advance payment was received.

(e) For each program element when advance payment funds are received, the district shall keep a separate accounting of the advance payments and the interest earned thereon.

§ 83.37. Reimbursement requirements and procedures.

(a) The following reports and documents shall be provided to the Commission or its designee on or before the dates listed. Other reports required by the Commission and this subchapter shall be provided on or before dates established by the Commission.

Report/Document	Due Date
Team Sheets	January 31
Annual Report	March 31
Budget (current calendar year)	March 31
Financial Statement (previous calendar year)	March 31
Financial Audit Report (previous calendar year)	December 31
Quarterly Reports (program elements and special projects)	January 15, April 15, July 15, October 15

(b) The Commission or its designee may not process a district's claim for reimbursement until that district's required reports and documents related to a

FINAL

Conservation District Fund Allocation Program element or an approved special project are received by the Commission.

(c) Final payment for activities conducted under program elements or approved special projects under this subchapter will not be provided to a district until all program elements or special project activities have been completed as described in the program guidelines or the special project work plan and the required reports have been submitted to the Commission in a manner consistent with § 83.38 (relating to reporting requirements).

(d) When a conservation district receives funding under this subchapter and is unable to meet a reporting deadline as noted in subsection (a), the conservation district may request an extension to that deadline as outlined in Commission policy.

(e) Funding claims will be reviewed and forwarded by the Commission or its designee to the comptroller for payment within 15 working days after an acceptable claim and the required reports are received in the Commission or designee's office.

§ 83.38. Reporting requirements.

(a) A district having staff positions or special projects approved for funding by the Commission shall file quarterly claims indicating applicable cost of employment or costs of the special project for the period.

(b) Claims shall be filed no later than 15 days after the close of the quarter. Quarters end on September 30, December 31, March 31 and June 30.

(c) At the same time, the district shall submit a quarterly report of activities for the program element or special project.

(1) Quarterly reports for cost share program elements must include a report of activities and accomplishments that have resulted from the employment of the conservation district manager, technician or engineers or the monthly board meeting minutes for the quarter if they include activities and accomplishments of the conservation district manager, technicians or engineers.

(2) Quarterly reports for special projects must include a report indicating the status of the project or accomplishments consistent with the project work plan.

(d) When available, the district shall use the Conservation District E-commerce System for submission of forms and reports required by the Commission or delegated and contracted programs to the greatest extent possible.

(e) If a position is employed by more than one district, the host district shall maintain records and file reports for the position.

(f) Quarterly claims and activity reports shall be submitted in a manner and on forms approved by the Commission.

§ 83.39. Record retention requirements.

(a) The district shall maintain in its file a record of the activities of all positions (district manager, technicians and professional engineers) and special projects funded under this subchapter.

(b) A conservation district receiving funds under any program element under this subchapter shall maintain in accordance with generally accepted accounting principles the books, records, receipts, financial statements and other documents pertaining to any program element or special project under this program. These records shall be retained a minimum of 3 years, commencing at the end of the fiscal year of funding. The records shall be made available to the Commission, PDA and the Department or their agents upon request.

CONSERVATION DISTRICT MANAGEMENT COST SHARE PROGRAM

§ 83.41. General requirements.

(a) This program is known as the Conservation District Management Cost Share Program.

(b) The conservation district manager or other management staff position shall be the employee of the district and not the employee of the Commonwealth. A person serving as a conservation district manager or in another management staff position may not serve in a clerical capacity with the district unless the Commission gives special approval.

(c) The Commission will cost share no more than 50% of the total cost of employment for a conservation district manager or other management position(s) even when employed by more than one district. Cost share provided for a conservation district manager or other management positions shall be a combined total of an annual allocation set by the Commission and any portion of non-specific program element funds allocated to the district.

(d) One or more conservation district management staff positions per district may be cost shared if adequate funds are available.

(e) The Commission will have the authority to adjust the conservation district management annual cost share for unforeseen circumstances.

§ 83.42. Application procedures.

Application for funding for this program element shall be completed in a manner consistent with § 83.34 (relating to application procedures).

§ 83.43. Reporting requirements.

Reporting requirements for this program element shall be completed in a manner consistent with § 83.38 (relating to reporting requirements).

§ 83.44. Reimbursement procedures.

Reimbursement procedures for this program element shall be completed in a manner consistent with § 83.37 (relating to reimbursement requirements and procedures).

§ 83.45. Procedures for allocating funds.

The conservation district management staff position's actual salary and salary-related costs for the new July 1 through December 31 calendar period and anticipated salary and salary-related costs for the new January 1 through June 30 calendar period shall be the basis for computing the new fiscal year allocation.

§ 83.46. Record retention requirements.

Record retention requirements for this program element shall be completed in a manner consistent with § 83.39 (relating to record retention requirements).

ADMINISTRATIVE ASSISTANCE FUNDING PROGRAM

§ 83.51. General requirements and eligibility.

- (a) This program is known as the Administrative Assistance Funding Program.
- (b) Funds made available to this program shall be utilized to help defray costs directly related to the following:
 - (1) Administration of general district programs and fulfillment of requirements of the act and this subchapter. Eligible costs are those costs contained in § 83.33(c)-(f) (relating to eligible expenses).
 - (2) Administrative or other expenses approved by the Commission and incurred by conservation districts when the conservation districts have agreed to provide administrative support to the county agricultural land preservation board for duties carried out by the board under the Agricultural Area Security Law. Eligible costs are those costs described in the Agricultural Conservation Easement Conservation District Administrative Support Program established in program guidelines and approved by the Commission.

(3) Administrative or other expenses approved by the Commission and incurred by conservation districts when the conservation district accepts administrative responsibility and activities of other county, State or Federal programs. Eligible costs are those costs contained in § 83.33(d).

(c) Funds made available to this program may be utilized to establish reserve account(s) for a specific purpose approved by the Commission. Eligible uses are described in § 83.33(f).

§ 83.52. Procedures for allocating funds.

(a) A district shall annually receive funds in a manner consistent with § 83.35 (relating to procedures for allocating funds), the amount to be determined by the Commission, if funding is available for the fiscal year and the requirements of § 83.55(a) and (b) (relating to reporting procedures) are met.

(b) Additional administrative funds may be granted to districts if they become available, provided the requirements of § 83.55(a) and (b) are met.

(c) Contingent on the availability of funds, the Commission, at its discretion, also has the option to reimburse conservation districts for:

(1) Extraordinary travel and administrative expenses in excess of the initial administrative assistance grant.

(2) Additional eligible expenses for administrative support, or other services to a county, State or Federal program when the conservation district accepts administrative responsibility and program implementation activities.

(3) The Commission may also reimburse a district for the travel expenses of a district director, associate director or staff person to attend a meeting or conference at the request of the Commission.

§ 83.53. Application procedures for reimbursement.

Application for funding shall be completed for this program element in a manner consistent with § 83.34 (relating to application procedures).

§ 83.54. Reimbursement procedures.

(a) When extraordinary travel and administrative expenses in excess of the initial grant are to be reimbursed, a reimbursement claim form shall be submitted by districts to the Commission semiannually indicating costs to be reimbursed for the period. The claims shall be filed no later than 15 days after December 31 and June 30.

(b) The Commission may reimburse all or a portion of the reimbursable expenses submitted by districts.

(c) Reimbursement claims shall be made by conservation districts, and processed by the Commission, consistent with the reimbursement procedures contained in § 83.37 (relating to reimbursement requirements and procedures).

§ 83.55. Reporting procedures.

(a) Within 15 days following the end of the fiscal year on June 30, each participating district shall file an "Administrative Assistance Program Financial Statement" noting how the general administrative funds were utilized.

(b) A district shall, by December 31, submit a financial audit for the previous calendar year unless an extension of time is requested by the district and approved by the Commission. The standards and guidelines for the financial audit and extension of time request will be established by the Commission.

(c) A conservation district accepting funds for administrative activities of programs other than general conservation district programs or fulfillment of requirements of the act and this subchapter shall provide a quarterly report of activities and accomplishments that have resulted from the expenditure of these funds as required by the Commission or guidelines established for that program.

§ 83.56. Special requirements.

General administrative funds not used for the purposes authorized by the Commission shall be reconciled and deducted from the following year's grant to that district.

TECHNICAL ASSISTANCE COST SHARE PROGRAM

§ 83.61. General requirements.

(a) This program is known as the Technical Assistance Cost Share Program.

(b) The conservation district technician or engineer funded under the Technical Assistance Cost Share Program is the employee of the district and not the employee of the Commonwealth. A person serving as a conservation district technician or professional engineer shall receive general supervision from a district director or an employee of the district designated by the board of directors.

(c) The Commission will pay no more than the established cost share rate of the total cost of employment for the conservation district technician or professional engineer even when employed by more than one district.

(d) Funds allocated to districts under this program shall be utilized solely for employing conservation district technicians or professional engineers to provide technical assistance and services assumed by the district including, but not limited to, the following:

(1) The Erosion and Sediment Control Program and the National Pollutant Discharge Elimination System Permitting Program as specified in the delegation agreement with the Department.

(i) The maximum Commission cost share allocation for conservation district technicians performing duties under Erosion and Sediment Control Program shall be at the following rates, based on the level of responsibilities:

- (A) Level I--35%
- (B) Level II--50%
- (C) Level III--65%
- (D) No Delegation – 0%

(ii) Where the Commission allocates non-specific program element funds to the district, the district may allocate these funds to cost share these positions up to 100%.

(iii) The Commission, as funds are available, has the authority to increase a district technician's cost share allocation up to an additional 10% for each conservation district technician, or professional engineer under the Erosion and Sedimentation Control Program, if any of the following conditions are met. The technician or professional engineer:

- (A) has achieved certification as an erosion and sediment control technician, level 2, by the National Institute for Certification in Engineering Technologies.
- (B) is certified by the International Erosion Control Association as a Certified Professional in Erosion and Sediment Control.
- (C) is a professional engineer with a minimum of 2 years experience in erosion and sediment control and post construction stormwater management.
- (D) has achieved other professional certification programs recognized by the Commission.

(2) The Agricultural Conservation Technical Assistance Program established in program guidelines and approved by the Commission.

(i) Cost share provided for agricultural conservation technicians and professional engineers may be a combination of an annual allocation set by the Commission and non-specific program element funds allocated to

the district. These positions may be cost shared up to 100% of the total cost of employment.

(ii) For purposes of the Agricultural Conservation Technical Assistance Program, the balance of funds not defrayed under this subchapter may include State sources, such as those funds provided to districts under the Nutrient Management Act Program, the Chesapeake Bay Programs the Agricultural Conservation Easement Conservation District Administrative Assistance Program, and other State and Federal funds, as approved by the Commission on a case-by-case basis.

(iii) The Commission, as funds are available, has the authority to increase a district technician's cost share allocation up to an additional 10% for each conservation district technician, or professional engineer, if any of the following conditions are met. The technician or professional engineer:

(A) has obtained and maintained certain Natural Resources Conservation Service Engineering Job Approval Ratings.

(B) has professional certifications or specified training as prescribed by the Commission.

(C) is a professional engineer with a minimum of 2 years experience in the design and installation of agricultural conservation best management practices.

(3) Other program areas established in Technical Assistance Cost Share Program elements under this subchapter and approved by the Commission.

(i) Where non-specific program element funds are allocated to the district, other technical staff positions may be cost shared up to 100%. These positions may include: additional erosion and sediment control technician(s), agricultural conservation technicians, forester(s), environmental educators, professional engineers, and watershed specialists.

(4) The Commission may allocate funds for additional technicians or professional engineers to be cost shared per district contingent on the availability of funds.

(i) The maximum Commission cost share rate for additional conservation district erosion and sediment control technicians shall be based on the level of responsibility assumed by the district in the Erosion and Sediment Control Program as specified in the delegation agreement with the Department.

(ii) The cost share rates for additional agricultural conservation technicians or professional engineers within a single county will be established at the sole discretion of the Commission.

(iii) The Commission has the authority to reduce the cost share rate for additional conservation district technicians or professional engineers where more than one technician or professional engineer is cost shared in the conservation district.

(5) If an evaluation of the district's performance reveals that the district is not performing to the required program output measures or program goals the Commission has the authority to reduce the allocation or the level of cost share for the technicians, or both.

§ 83.62. Application procedures.

Application for funding for this program element shall be completed in a manner consistent with § 83.34 (relating to application procedures).

§ 83.63. Reporting requirements.

Reporting requirements for this program element shall be completed in a manner consistent with § 83.38 (relating to reporting requirements).

§ 83.64. Procedures for allocating funds.

(a) For Technical Assistance funding, the technician's or professional engineer's actual salary and salary-related costs for the new July 1 through December 31 calendar period and anticipated salary and salary-related costs for the new January 1 through June 30 calendar period shall be the basis for computing the new fiscal year allocation.

(b) The Commission will determine, on the basis of criteria established by the Commission, which technical personnel will receive cost share.

(c) The allocation may be prorated if sufficient funds are not available to provide the desired rate of cost share for the approved technicians or professional engineers.

§ 83.65. Reimbursement procedures.

Reimbursement requirements and procedures for this program element shall be completed in a manner consistent with § 83.37 (relating to reimbursement requirements and procedures).

§ 83.66. (Reserved).

SPECIAL PROJECTS FUNDING PROGRAM

§ 83.71. General requirements.

(a) The Commission may allocate to districts, State, Federal or other funds, as available, to reimburse districts for their costs to carry out special projects approved by the Commission. These projects shall be limited to a reasonable period of time for the accomplishment of project objectives but State funding will not be assured for longer than 1 State fiscal year. Eligible projects will be determined on individual merit by the Commission based on criteria established within the specific guidelines of the funding source.

(b) The Commission may authorize special project grants to any district or cooperating organization for purposes consistent with this subchapter and the act.

§ 83.72. Application procedures.

(a) Districts may apply for available funds. The Commission will establish a deadline for the filing of the applications. Applications must be in writing and be made on forms prescribed, prepared and furnished by the Commission. Applications must set forth the information and be accompanied by the data that is necessary for the Commission to determine the applicant's eligibility to be considered for a special project.

(b) Project proposals shall be submitted to the Commission in a format provided by the Commission that describes the purpose, schedule and scope of activities, expected results, and projected completion dates, required personnel, special services, physical resources and estimated costs for the completion of the project and the district's financial resources to cost share the project.

(c) Applications will be reviewed by the Commission and preliminarily ranked based on guidelines adopted by the Commission. Additional information may be required of districts submitting projects regarding the intent and purpose of the project.

§ 83.73. Procedures for allocating funds.

(a) The Commission will approve the amount of funds available for special projects.

(b) Projects containing objectives that are consistent with the current priorities of the Commission may receive higher priority for funding and may be cost shared at a higher rate.

(c) The Commission will approve special projects for funding. Districts will be notified immediately following approval or denial by the Commission.

(d) It is the goal of the Commission to require a project sponsor to provide a portion of the funding for special projects. The Commission may require the project sponsor to provide matching funds or in-kind services, at the Commission's discretion. The Commission is authorized to provide up to 100% cost share for special projects.

(e) Funds may be reallocated at any time in the event a project cannot be completed or is abandoned for any reason.

§ 83.73a. Reporting requirements.

Reporting requirements for this program element shall be completed in a manner consistent with § 83.38(b), (c)(2) and (f) (relating to reporting requirements).

§ 83.74. Reimbursement procedures.

(a) Reimbursement requirement and procedures for this program element shall be completed in a manner consistent with § 83.37(b) and (c) (relating to reimbursement requirements and procedures).

(b) The following administrative expenses of the district are reimbursable under a special project of this subchapter:

(1) District employees' salaries which are not defrayed through this subchapter or other funding sources and are built into the special project scope of work.

(2) Office rental, mortgage payments or other overhead costs which are built into the special project and are not defrayed under this subchapter or other funding sources.

§ 83.75. Special requirements.

After receiving initial approval, districts shall provide additional information required by the Commission.

FORFEITURE AND SPECIAL PROVISIONS

§ 83.81. Forfeiture.

(a) The Commission will reallocate funds previously approved by the Commission for a district, if that district fails to comply with this subchapter and other practices and procedures established by the Commission.

(b) A recipient of Conservation District Funding Allocation Program funds that fails to abide by §§ 83.71--83.82 (relating to special projects funding program), shall be in default. In the event of a default, the Commission may cancel the special project agreement and reallocate the special project funds previously approved by the Commission.

§ 83.82. Special provisions.

The Commission may delegate authority to the PDA, the Department or other Commonwealth agency staff to act on its behalf.

FINAL

[Pa.B. Doc. No. 08-260. Filed for public inspection February 15, 2008, 9:00 a.m.]