

# STATEMENTS OF POLICY

## Title 25—ENVIRONMENTAL PROTECTION

### STATE CONSERVATION COMMISSION

[ 25 PA. CODE CH. 83 ]

#### Conservation District Fund Allocation Program— Statement of Policy

The State Conservation Commission (Commission) is amending Chapter 83, Subchapter B (relating to conservation district fund allocation program—statement of policy).

##### A. *Effective Date*

This amended statement of policy will be effective upon publication in the *Pennsylvania Bulletin*.

##### B. *Contact Persons*

For further information contact Karl G. Brown, Executive Secretary, State Conservation Commission, 2301 N. Cameron Street, Room 407, Harrisburg, PA 17110, (717) 787-8821. This statement of policy is available electronically through the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

##### C. *Statutory Authority*

This statement of policy is amended under the Conservation District Law (law) (3 P.S. §§ 849–864) and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20) which grants the Commission the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Commission.

##### D. *Background and Summary*

In July 2006, Senate Bill 1224 (Act 110) was signed into law creating authorization for a new Conservation District Fund (fund). This legislation amended the existing law and directed the Commission, in cooperation with the Department and the Pennsylvania Department of Agriculture (PDA), to create a new special nonlapsing fund. Under this legislation, the Commission was specifically authorized to establish procedures for advanced payments to county conservation districts and to provide funding for activities necessary to meet the requirements of the law.

The Commission's Conservation District Fund Allocation Program—Statement of Policy (CDFAP SOP) guides the distribution of specific funds from the Department and 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 Commission amended its CDFAP SOP to incorporate changes necessary to implement the provisions of the fund legislation. In amending the CDFAP SOP, the

Commission included all involved stakeholders: the Department, the PDA, the Commission and the Conservation District Managers Advisory Committee (CDMAC), which represented the county conservation districts. The CDMAC consists of a conservation district manager representative and an alternate, selected by their peers, from each of the seven conservation district regions. The proposal was published at 37 Pa.B. 2609 (June 9, 2007), with provision for a 30-day public comment period that closed on July 9, 2007.

##### E. *Summary of Comments and Responses on the Proposed Amendments*

No public comments were received during the public comment period; however, based on the administrative experience of the Commission as well as discussion with county conservation districts, modifications were made to the CDFAP SOP, which were agreed to by the Commission at its July 17, 2007, meeting. A summary of those modifications, which were made to assure clarity, consistency with the law, and to assist PDA in making allocations for advance payments, are as follows:

§ 83.31(c)—Deleted the word “program.”

§ 83.31(e)(4)—Replaced “agencies” with “organization” and the definition “cooperating organization” in § 83.32.

§ 83.32—Added the definition “associate director.”

§ 83.32—Added “or educational” to the definition of “conservation district technician and engineer” to better define the position's role in the district.

§ 83.32—Added the definition “fiscal year” for clarification.

§ 83.33(d)(1)—Added “and associate director.”

§ 83.33(d)(5)—Added this paragraph regarding Commission reimbursement of conservation district staff mileage and travel expenses for official administrative activities.

§ 83.33(e)—Replaced “contract” with “other program agreement.”

§ 83.36(a)(3)—Added “up to caps that may be established by the Commission.”

§ 83.36(a)(4) and (5)—These two paragraphs were added based on good financial practices and recommendations from the Comptroller's Office when providing advance payments.

§ 83.71(b)—Replaced “agency” with “organization.”

KATHLEEN A. MCGINTY,  
*Secretary*

*(Editor's Note: 25 Pa. Code is amended by amending §§ 83.31, 83.32, 83.41—83.46, 83.51—83.56, 83.61—83.65, 83.71—83.75 and 83.81 and 83.82; by adding §§ 83.33—83.39 and 83.73a; and by deleting § 83.66 to read as set forth in Annex A.)*

**Fiscal Note:** 7-SOP-513. No fiscal impact; (8) recommends adoption.

## Annex

## 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 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 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 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 will have the authority to reallocate district funding based on actual and anticipated district costs.

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

(d) State funds allocated to districts under this program 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 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 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 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.

*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 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 Department of Environmental Protection of the Commonwealth.

*Directors*—The district's board of directors as defined in 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 prevention of soil erosion and preservation of natural resources 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*—A Federal discharge permitting program established under section 402 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1342).

*PDA—Pennsylvania Department of Agriculture*—The Department of Agriculture of the Commonwealth.

*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.

(c) The following are not salary-related expenses: travel, lodging, vehicle insurance and office rent.

(d) When the Commission provides funds to a district for the purpose of supporting general administrative activities of districts and fulfilling requirements of the act and this subchapter, eligible costs include:

(1) Director and associate director mileage and travel expenses to district meetings or other official business.

(2) Publishing the annual report, bonding, liability or errors and omissions insurance.

(3) Postage, legal fees and audit fees.

(4) Expenses related to keeping full and accurate district records.

(e) The Commission may approve and reimburse staff mileage and travel expenses for official administrative activities as approved by the district board of directors when the Commission has determined adequate funding is available.

(f) 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.

(g) Other eligible expenses will be determined by the Commission.

(h) 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 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 pro-

gram. 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:

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

(2) 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.

(3) 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 (1) and (2) up to caps that may be established by the Commission.

(4) 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.

(5) 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.

<i>Report/Document</i>	<i>Due Date</i>
Team Sheets	January 31
Annual Report	March 31
Budget (current calendar year)	March 31
Financial Statement (previous calendar year)	March 31
Financial Audit Report	October 1
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 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 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 pay no more than 50% of the total cost of employment for a conservation district manager or other management position even when employed by more than one district. The maximum amount that a district can be reimbursed for the fiscal year per management staff position will be set annually by the Commission.

(d) No more than one conservation district management staff position per district may be cost shared unless the Commission determines that 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, fulfillment of requirements of the act and this subchapter. Eligible costs are those costs contained in § 83.33(d)—(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.

(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(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 in providing 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 October 1, 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) Funds allocated to districts under this program shall be utilized solely for employing conservation district technicians or 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. The percentage of cost share for conservation district technicians performing duties under Erosion and Sediment Control Program shall be at the following rates, based on the level of responsibilities:

- (i) Level I—35%
- (ii) Level II—50%
- (iii) Level III—65%

(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 engineers shall be at a rate of 50% of the total cost of employment, up to caps established by the Commission for entry, working and master-level positions established in the Agricultural Conservation Technical Assistance Program guidelines.

(ii) For purposes of the Agricultural Conservation Technical Assistance Program, the balance of the funds shall be from non-State sources, except as are provided to conservation districts under the Nutrient Management Act Program, the Biosolids Program and the Easement Program and may be utilized for the purpose of matching funds. Other State and Federal funds, as approved by the Commission on a case-by-case basis, may also be authorized for purposes of matching funds.

(3) Other program areas established in Technical Assistance Cost Share Program elements under this subchapter.

(i) Cost share shall be provided for technical staff positions performing duties under the approved program area approved by the Commission at a rate established by the Commission.

(ii) 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 engineer shall receive general supervision from a district director or an employee of the district designated by the board of directors.

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

(iv) The Commission, as funds are available, has the authority to increase a district technician's cost share allocation and reimburse the district up to an additional 10% for each conservation district technician, or engineer, in supplemental increments of up to 10%, if the following conditions in clauses (A) and (B) are met by a district employee. Caps for supplemental funding increases will be established by the Commission.

(A) For a conservation district technician under the Erosion and Sediment Control Program who has achieved certification as an erosion and sediment control technician, level 2, by the National Institute for Certification in Engineering Technologies or certified by the International Erosion Control Association as a Certified Professional in Erosion and Sediment Control and other professional certification programs recognized by the Commission or is a professional engineer with a minimum of 2 years experience in erosion and sediment control.

(B) For an agricultural conservation technician or engineer who has obtained and maintained certain Natural Resources Conservation Service Engineering Job Approval Ratings, professional certifications or specified training as prescribed by the Commission; or is a registered engineer with a minimum of 2 years experience in the design and installation of agricultural conservation best management practices.

(v) The Commission may determine the number of technicians or engineers to be cost shared per district contingent on the availability of funds.

(A) The 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.

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

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

(vii) If an evaluation of the district's performance reveals that a district is not performing satisfactorily at the authorized level, 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 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 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 a portion of 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) Administrative expenses of the district such as district employees' salaries which are defrayed through this subchapter, routine office rental or other routine overhead costs will not be reimbursable. Payment of these items is not includable in claims submitted to the Commission.

#### **§ 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.

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