

Agricultural Nonpoint Source Abatement & Control Grant Program

– AMENDMENT REQUEST PROCEDURE –

Purpose:

This new procedure streamlines the process of reviewing requests to amend Agricultural Nonpoint Source Abatement & Control Program contracts. State Committee staff will have the authority to approve site-specific or project-specific amendments in consultation with local agency personnel. Policy-oriented amendments will be forwarded to the State Committee for consideration.

Process:

1. The SWCD completes the amendment request form and submits it to their regional State Committee staff representative (Associate Environmental Analyst or Water Quality Specialist.)
2. The regional representative reviews the request to determine whether it is eligible for staff approval. If it is, they may approve the request, decline it or forward it to the State Committee for further consideration. (If declined, the SWCD may appeal the decision by resubmitting the request.) If the request is not eligible for staff approval, the regional representative reviews it and records their recommendation.
3. The regional representative submits all amendment requests with their decision or recommendation to the grant program coordinator. Approvals will be recorded in the State Committee meeting minutes. Requests forwarded to the State Committee will be scheduled for discussion at a future meeting.

Staff-Approved Amendments:

State Committee staff have the option of approving the following types of amendments, if the required conditions are satisfied. All approvals must be in writing and must be submitted to the grant program coordinator for appropriate action. The same rules apply to amendments of active contracts and changes prior to contract approval.

Time Extensions:

Time extensions in increments of appropriate length up to a maximum of 24 months from the original contract end date. Requirements:

- The District requests the amendment using the amendment form.
- The District has filed the most recent interim report on the project.
- The District's board has approved submittal of the extension request.
- The reason for the delay is beyond the control of the District or the landowners.
- If the amendment extends the contract past 5 years, a formal written justification to the SWCC Director must be included with the request to be forwarded to the Office of the State Comptroller.

Landowner Changes:

The substitution of landowners, where the result is an equal or greater number of landowners.

Requirements:

- The District requests the amendment using the amendment form.
- The District has filed the most recent interim report on the project.
- The farmers who are declining to participate are doing so voluntarily for a good reason.
- The new farmers are in the same watershed, and by including them the project will have equal or greater water quality benefits.
- The new farms are a high priority.
- The new farms will implement the same BMPs, or perform the same level of tiered planning, using the same amount of grant funds budgeted in the contract.
- If the new farm requires a change of BMPs, the requirements for approving a BMP change must be followed (State Committee Decision 10/28/04).

BMP Changes:

Substitution of one BMP for another. Requirements:

- The District requests the amendment using the amendment form.
- The District has filed the most recent interim report on the project.
- The landowner was included in the contract.
- The new BMP will address the same pollutants as the original project in the same watershed, and by changing BMPs the project will have equal or greater water quality benefits.
- The amount of state funds allocated for BMPs will not increase, and the amount of sponsor and landowner match will not decrease.
- The District has consulted with other agency staff working on the project.

The assignment of unused funds after completion of all deliverables under the contract for additional BMPs (implementation project) or additional tiered planning (planning project).

Requirements:

- The District requests the amendment using the amendment form.
- The District has filed the most recent interim report on the project.
- The landowner was included in the contract.
- The new BMP or planning activity will address the same pollutants as the original project in the same watershed.
- The amount of funds assigned does not exceed \$15,000.
- Contingency funds will not be used for the proposed additions.
- If contingency funds were utilized during completion of original deliverables, that amount must be deducted from the available balance.

Budget Changes:

Reassignment of funds to different categories in contract budget. Requirements:

- The District requests the amendment using the amendment form.
- The District has filed the most recent interim report on the project.
- Funds may be moved from one expense category to another, but the source must remain the same (e.g., move within state funds, sponsor contribution or landowner contribution). In other words, funds may only be moved vertically on the SW-2 form, not horizontally.
- The state funds requested will not increase, and the sponsor and landowner contributions will not decrease.

Time extensions will require a formal contract amendment. Other changes will usually only require filing the District's request with the Comptroller. The State Committee may insert any additional criteria they feel are necessary to assure compliance with Committee goals and the intent of funding sources.