

**Chapter 196. Coastal Impact Assistance Program Competitive Grants Program.**

**3 AAC 196.010. Applicability.** The provisions of this chapter apply, subject to the availability of appropriations under the State of Alaska Coastal Impact Assistance Program (CIAP), to the allocation and distribution by the department of money to fund projects proposed through an open solicitation process available to eligible entities. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 44.33.020

**3 AAC 196.020. Eligible applicants.** The following entities are eligible to submit a proposal under this solicitation provided they currently have an office located within the State of Alaska and have the financial and administrative capability to manage a grant:

- (a) State Agencies
- (b) Incorporated Municipalities
- (c) Incorporated non-profit entities with articles of incorporation and a certificate of incorporation in good standing under AS 10.20
- (d) Quasi-governmental organizations under state or federal authority, such as soil and water conservation districts of Alaska.
- (e) Post-Secondary Educational Institutions
- (f) Coastal Resource Districts

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(g) Federally Recognized Tribes

(h) Unincorporated Communities

- (1) To be eligible to receive a grant under this chapter, an unincorporated community must have a village council or incorporated nonprofit entity that will agree to receive and spend the grant money for the applicable purpose specified in this chapter. If an unincorporated community has more than one of the organizations described in this subsection, and each is eligible to receive a grant, the department will determine which organization is to receive the grant money. In making this determination, the department will consider factors relevant to achieving the purpose of the grant, including
- (A) the administrative capability of each village council or incorporated nonprofit entity, including past performance on any previous grant awards;
  - (B) for each incorporated nonprofit entity, that the entity has articles of incorporation and a certificate of incorporation in good standing under AS 10.20;
  - (C) the ability of each village council or incorporated nonprofit entity to manage its debt and other finances, including whether amounts due to the United States Internal Revenue Service are timely paid;
  - (D) the degree to which each village council or incorporated nonprofit entity is representative of the community; and
  - (E) the purpose for which each village council or incorporated nonprofit entity intends to spend the grant money. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

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Editor's note: Information on the Coastal Impact Assistance Program (CIAP) and the CIAP Plan is available on the Internet at <http://dnr.alaska.gov/coastal/CIAP/ciap.htm>. The plan may be reviewed at the Anchorage office of the Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs, and the Juneau office of the Department of Natural Resources, Division of Coastal and Ocean Management.

**3 AAC 196.030. Eligible grant proposals.** (a) All proposals considered under this solicitation must meet one of the following five themes:

(1) Waste Management and Clean Up

(A) Marine debris clean-up projects (e.g., projects to collect, transport and dispose of marine debris from shorelines, etc).

(B) Clean harbor projects to improve water quality at harbors (e.g., sewage pump-out stations and waste oil collection facilities, etc.).

(C) Waste management projects (e.g., projects to collect, consolidate, transport, and dispose of household hazardous waste present in remote communities, etc.).

(2) Data Collection, Data Analysis, Planning, and Mapping

(A) Community-based assessment and monitoring of environmental and habitat variables in order to evaluate and/or mitigate impacts of development (e.g., water quantity and quality monitoring; collection of traditional knowledge regarding changes in natural ecosystems; data collection and/or analysis; habitat mapping for baseline information, long-term monitoring, and/or detection of change in order to evaluate impacts of development, etc.).

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(B) Collection and/or analysis of baseline data on fish or wildlife and/or their habitat that is needed to evaluate or develop mitigation strategies for potential impacts from oil and gas, mining, and other development activities.

(C) Projects that would analyze or prepare for the impacts of climate change or natural hazards on communities.

(3) Habitat Restoration and Rehabilitation Projects

(e.g., stream bank restoration projects, prescribed burning to restore moose habitat, replacement of culverts that impede fish passage, wetland restoration projects, etc.).

(4) Mitigation Projects

Projects to mitigate impacts from development activities and/or climate change.

(5) Community Environmental Education Projects, Not to Exceed \$35,000.

Eligible projects would educate the public about environmental issues/topics (e.g., educational materials, signage, targeted conferences, etc.). Projects proposed under this category will be evaluated separately from the other project categories. Up to \$1,500,000 will be allocated to this category.

(Eff. \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

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Economic Development, Division of Community and Regional Affairs, and the Juneau office of the Department of Natural Resources, Division of Coastal and Ocean Management.

**3 AAC 196.040. Application Requirements.** In order for a proposal to be considered under this solicitation, the application must:

- (a) be complete, e.g., all five sections of the grant application must be completed;
- (b) be submitted by email, fax, or postmarked or hand delivered by the application deadline prescribed by the department;
- (c) be submitted by an eligible applicant located within the state of Alaska;
- (d) include documentation of the applicant's financial and administrative capability to manage a grant for the project;
- (e) be for a project consistent with one of the five CIAP Authorized Uses as prescribed by the Energy Policy Act of 2005; and
- (f) be for a project no more than 4 years in duration.

**3 AAC 196.050. Application process.** (a) An application for a grant under this chapter must be completed on a form prescribed by the department.

(b) The department will solicit applications for grants under 3 AAC 196 by publishing notice of the solicitation in a newspaper of general circulation, posting the notice on the Alaska Online Public Notice System established under AS 44.62.175 and on the department's website, and, when appropriate in the judgment of the department, publishing the notice in an additional form or manner that the department prescribes. The department will provide

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applications on request to an applicant.

(c) The department will conduct a preliminary review of all applications to ensure they meet the requirements of 3AAC 196.040 (a)-(f).

(Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 196.060. Project review and selection process.** (a) Applications that meet the requirements of 3 AAC 196.040 (a)-(f) will be forwarded for scoring to a CIAP Project Review Committee consisting of representatives from the Departments of Commerce, Community and Economic Development, Environmental Conservation, Fish and Game, and Natural Resources.

The following criteria will be used to rate and rank projects:

(1) Project Description (Design, Goals and Results (0-30 Points))

(A) Proposals that clearly explain the project goals and identify measurable outcomes will be rated higher.

(B) Projects that will have tangible and lasting results and that address the goals within the time allowed for completion will be rated higher.

(C) For on-going projects, proposals that demonstrate an ability to provide for continuing financial and administrative support will be rated higher.

(2) Demonstrated Need and Potential Benefit (0-20 points)

(A) Projects that clearly identify a demonstrated need will be rated higher.

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(B) Projects that will likely result in a lasting benefit for the community, region, or the state or will result in a product that can be used by other similarly-situated communities or agencies elsewhere in Alaska will be rated higher.

(C) Projects that effectively share the results of the project with appropriate entities to maximize the project's benefits will be rated higher.

(3) Cost Effectiveness (0-15 Points)

(A) Projects in which the costs are reasonable will be rated higher.

(B) Projects where the administration and overhead do not exceed 16 % of the total project costs will be rated higher.

(4) Agency and Public Collaboration or Support (0-10 Points)

(A) Proposals that include consultation and/or collaboration with appropriate other entities (e.g., state agencies, community, or public) will be rated higher.

(B) Proposals that include evidence of support (e.g., project identified as an agency priority, resolution, letter of support from governing body, commitment of in-kind or financial resources, etc.) from these other entities will be rated higher.

(5) Project Readiness (0-10 Points)

(A) Projects that are well thought out and prepared to be implemented will be rated higher.

(B) Projects that have demonstrated a likelihood of receiving required permits or required landowner support will be rated higher.

(C) For projects that will require additional funding, those that have secured funding sources will be rated higher.

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(6) Grant Administration and Implementation (0-10 points)

(A) Proposals that demonstrate that the applicant has the capability to manage the administration of the grant, including maintenance of an accurate accounting system and reporting, will be rated higher.

(b) After all scoring is completed by the review committee, the scores for each application will be averaged and the applications will be listed in ranked order for review and final funding recommendations to the Governor's Ocean Policy Cabinet. Final project selections will be made by the Governor's Ocean Policy Cabinet to ensure a broad range of projects that address both state and public needs and provide maximum program benefits.

(c) Final project selections will be divided into two tiers. Tier 1 projects will use all of the funds allocated directly to the state. Tier 2 projects would be available for funding only if a Tier 1 project is canceled or deferred. The Governor's Ocean Policy Cabinet may choose to fund a project at a lesser amount than proposed. Final project selections will be integrated into the amended CIAP Plan.

(d) Project applicants may be asked for additional information that is not included as part of the originally submitted application.

(e) All applicants will be notified of the results of the application review process. Projects will be identified as either Tier 1 or Tier 2 projects and will be integrated into an amended State of Alaska CIAP plan, which will then be submitted for federal approval. The Tier 1 projects will expend all of the funds available. Tier 2 projects will be included in the plan for federal approval but will only be funded if a Tier 1 project is canceled or deferred.

(Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

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Editor's note: Detailed information on the CIAP project review and selection process is available in the CIAP Plan which may be found on the Internet at <http://dnr.alaska.gov/coastal/CIAP/ciap.htm>.

The plan may be reviewed at the Anchorage office of the Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs, and the Juneau office of the Department of Natural Resources, Division of Coastal and Ocean Management.

**3 AAC 196.070. Acceptance of grant offer; grant conditions.** (a) Following federal approval of the amended CIAP plan, and subject to the receipt of appropriations under the State of Alaska Coastal Impact Assistance Program, the department will negotiate with the recipient to develop a grant agreement. A recipient of a final award determination does not have a vested right or other entitlement to a grant until a mutually acceptable definitive written agreement is negotiated and is executed by the department.

(b) In a grant agreement, the department will incorporate any audit requirements made applicable by 2 AAC 45.010.

(c) In a grant agreement, the department may require applicants to procure, maintain, and demonstrate liability, hazard, or workers' compensation insurance, may designate required policy limits, and may provide that the state will be an additional insured under a policy.

(d) During the term of a grant agreement, the grantee shall maintain and provide, at the department's request, all grant-related records, reports, invoices, documents, or other information required under the grant agreement.

(e) The department may withhold payment under the grant for the grantee's failure to comply with this chapter. (Eff. \_\_/\_\_/\_\_, Register \_\_; am \_\_/\_\_/\_\_, Register \_\_)

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**Authority:** AS 44.33.020

**3 AAC 196.080. Appeals.** (a) Within 20 days of receipt of written notice that the department has denied or deferred a grant application or revoked a grant, the applicant or grantee may appeal that decision to the commissioner. The appeal must be in writing and must identify each part of the decision to which the applicant objects.

(b) Within 30 days of receipt of an appeal of a decision, the commissioner will review the application and any relevant supplemental material and will notify the applicant or grantee of the final determination affirming, reversing, or modifying the decision, and of the reasons for the final determination.

(c) If the applicant fails to file an appeal within the time set out in (a) of this section, the department's decision constitutes the final determination of the department. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 44.33.020

**3 AAC 196.090. Technical assistance.** The department may provide technical assistance in project planning, administration, and implementation of a grant if assistance is requested by a grantee. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 44.33.020

**3 AAC 196.100. Waiver of sovereign immunity.** The department will not pay a grant awarded under this chapter to a village council or a community defined in 3 AAC 195.900(2)(D)

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unless the department receives, on a form approved by the Department of Law, a waiver of sovereign immunity from suit adopted by the governing body for claims related to the grant award. (Eff. \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_, am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 196.110. Definitions.** In this chapter, unless the context requires otherwise,

(1) "commissioner" means the commissioner of commerce, community, and economic development;

(2) "community" means

(A) a borough within the meaning given in AS 29.71.800(3);

(B) a city within the meaning given in AS 29.71.800(4);

(C) a municipality within the meaning given in AS 29.71.800(13);

(D) the Annette Island Reserve established by 25 U.S.C. 495 for the

Metlakatla Indian Community; or

(E) an unincorporated community;

(3) "department" means the Department of Commerce, Community, and Economic Development;

(4) "governing body" means

(A) a governing body within the meaning given in AS 29.71.800(10), for a municipality defined in AS 29.71.800(13);

(B) the council for the community defined in (2)(D) of this section; or

(C) a village council or the board of directors of an incorporated nonprofit

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entity, for an unincorporated community;

(5) "village council" means

(A) a council organized under 25 U.S.C. 476 (sec. 16 of the Indian Reorganization Act);

(B) a traditional village council recognized by the United States as eligible for federal aid to Indians; or

(C) a council recognized by the commissioner under 3 AAC 190.110 - 3 AAC 190.150

(Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 44.33.020