Regulatory Analysis

Notice of Intended Action to be published: 571—Chapter 33
"Resources Enhancement and Protection Program: County, City, Private Open Spaces and Conservation Education Grant Programs"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455A.19
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 455A, subchapter II

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

January 8, 2025 10 a.m.	Lake Darling Conference Room 6200 Park Avenue, Suite 200 Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Michelle Wilson, REAP Coordinator
Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.446.0535
Email: michelle.wilson@dnr.iowa.gov

Purpose and Summary

As part of 2024 Iowa Acts, Senate File 2385, effective July 1, 2024, the Resource Enhancement and Protection (REAP) Conservation Education Program funds are now administered by the Department and REAP Coordinator instead of by the Conservation Education Program Board. Due to this change, the Department is proposing this rulemaking to create a review and selection committee that will assist the REAP Coordinator in the award of Conservation Education Program grants and disbursement of funds.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no classes of persons who will bear the costs of the proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Citizens of Iowa, political subdivisions, and nongovernmental organizations will benefit from the proposed rulemaking.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Since 1989, REAP has been providing grant dollars to political subdivisions and nongovernmental organizations for the purpose of creating outdoor spaces for the citizens of Iowa. $350,000 is awarded annually through REAP Conservation Education Program grants and disbursement of funds.

- **Qualitative description of impact:**

REAP funds are awarded to political subdivisions and nongovernmental subdivisions to build trails and parks. Funds awarded help build amenities and create spaces that are open and free for all citizens of Iowa to enjoy. These spaces provide opportunities to enhance tourism and economic development to an area, amplifying the impact and the use. REAP Conservation Education Program funds assist teachers, naturalists, higher education, and nongovernmental organizations in education of Iowans about natural resources and their role in protecting and conserving Iowa's soil, air, water, plants, and animals.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

In order to create a simple and easy path for compliance during grant submittal periods, the Department has deployed an IT cloud-based solution, linked on the Department's website, so that eligible entities can submit grant applications and the review and selection committee has quick access to documents in order to conduct scoring and selection. Beyond the IT solution, the Department's main costs are to employ staff to support and run the grant programs.

- **Anticipated effect on state revenues:**

Creating communities that have opportunities for families to enjoy their limited leisure time is critical. Homeowners and business owners want to move and build in areas that offer these spaces. Creating these spaces and amenities helps make Iowa the place people want to live, which generally supports local economic activity and associated jobs and tax revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Since 1989, the Department has administered grant programs for these accounts, distributing funds to eligible entities to provide for natural resource acquisition and management of public lands, upgrading or creating new public park facilities. REAP has affected all 99 counties either through grant-funded projects or the annual county allocation and per capita allocation dollars. The benefits of this program far exceed any cost to the Department in the administration of the program.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The proposed rulemaking is intended to be straightforward without a lot of nuance in order for the applicants to easily submit proposals for the review and select committee to evaluate and submit for award. The proposed rulemaking is intended to convey in the easiest terms the submission process, upon award, for reimbursement of costs to meet state audit requirements.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

None; the proposed rulemaking was mandated by state law and is narrowly tailored to statutory requirements.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

No impact on small business is expected.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 33.4(3) as follows:

33.4(3) Application deadlines are the same for county, city, and private open space grant programs. Conservation education program application deadlines are offered annually but not on the same schedule as the county, city, and private open space grant programs. Applications for all REAP grant programs will be reviewed and projects selected for funding at least once per year. The department shall publish on its website the date and time for submitting a funding proposal, providing at least 90 days' notice. Applications must be submitted to the department as described on the website.

ITEM 2. Amend rule 571—33.19(455A) as follows:

571—33.19(455A) Conservation education program policy.

33.19(1) *Grants and agreements.* The conservation education program ~~board~~ shall constitute a long-term integrated effort to support conservation education ~~for Iowa educators and students~~ through formal and nonformal education projects and programs by means of competitively awarded grants and cooperative agreements. ~~To support this policy, the board may establish guidelines from time to time to direct applicants to priority areas for funding and shall give preference to grants that meet these guidelines. The board may provide funding for activities that expand the impact of the project and provide accessibility for widespread adoption of programs for implementation by others. The board may provide funding for tracking of project implementation and evaluation.~~

~~**33.19(1)** *Conservation education program board.* The board will review and amend, as needed, the review and selection criteria for competitive grants and policies of conduct.~~

33.19(2) *Definitions.* The following definitions shall apply to this division:

~~*"Board"* means REAP conservation education program board.~~

"Conservation education programs" means programs developed for formal (K-12 students), nonformal (preschool, adult and continuing education) and higher education (postsecondary and adult) programs, within the subject areas of natural resource conservation and environmental protection.

"Dissemination grant" means funds deployed for the purposes of executing projects previously funded by REAP conservation education program funds that were successful in execution and have transferability to other educators and conservation programs.

"Dissemination plan" means the required documentation for projects greater than $10,000 funded by the REAP conservation education program funds. A dissemination plan contains specific details of the project, including expected outcomes essential for the uptake and use by educators and conservation programs.

"Educator" means any person who teaches environmental/conservation education. This may apply to certified teachers, governmental or private naturalists, education specialists, or others so determined by the ~~board~~ department.

"Environmental/conservation education materials" means materials that are developed or produced that provide knowledge, skills, processes and strategies that enhance Iowa citizens' understanding of natural resources conservation and environmental issues.

"Stipends for Iowa educators who participate in innovative conservation education programs" may include tuition costs; acceptable food and lodging costs; substitute teacher costs; mileage expenses or separate allowances when applicable for educators to attend ~~board-approved~~ approved environmental/conservation education workshops, in-service programs and conferences; and other costs as approved by the ~~board~~ department.

ITEM 3. Amend rule 571—33.20(455A) as follows:

571—33.20(455A) Eligibility for funds. In years in which funds are made available, grant applications may be submitted by institutions of higher learning; government agencies, including local school districts; ~~nonpublic~~ private schools and home schools; area education agencies; daycares; and organizations~~; and individuals with an Iowa residence~~. Preference shall be given to Iowa ~~participants~~ residents.

33.20(1) *Fund distribution.* The total available funds will be distributed as follows:

a. The first $50,000 will be awarded to public/private pre-K through 12 education disseminated as small grant awards not to exceed $10,000 per request and no less than $1,000 per request.

b. The next $50,000 will be awarded to dissemination grants, if a dissemination project is provided by the department for the year.

c. The remaining $250,000 will be awarded for large grant awards not to exceed $80,000 per request. Large grant awards require a minimum of 33 percent matching funds either as an in-kind or cash match.

d. If all funds are not allocated through paragraphs 33.20(1)*"a"* and *"b,"* the remaining funds will be allocated to qualifying projects in paragraph 33.20(1)*"c."*

33.20(2) *Expenditure guidelines.*

a. Eligible program types. Applicants can apply for funding that supports hands-on interactive types of educational experiences, such as workshops, trainings, field trips, or classroom activities, or passive education experiences, such as interpretive or wayside signs, brochures or video programming, or education center exhibits.

b. Personnel expenses. Requests for personnel expenditures shall not exceed 40 percent of the total grant request and can only be used for staff directly engaged with the educational offering. Administrative support personnel are not eligible grant fund expenses. An awardee will provide documentation on actual hours worked in order to receive the 40 percent reimbursement costs for personnel. This does not include educator stipends, funding provided to individuals in order to attend a workshop, conference or training, all of which are allowable expenses under this grant program.

c. Travel expenses. Reimbursement is for in-state travel only; mileage, lodging, and food expenses will be reimbursed at the current state rate as found on the department of administrative services website.

d. Noneligible expenses. Grant funds cannot be used for technology or infrastructure development or construction whose singular function is not primarily and consistently dedicated to the program or exhibit for which grant funds are requested. Additionally, grant funds cannot be used for food and beverage costs or reimbursements.

ITEM 4. Rescind rule 571—33.21(455A) and adopt the following **new** rule in lieu thereof:

571—33.21(455A) Competitive grant project planning and review committee.

33.21(1) *Review committee.*

a. The director shall appoint a five-person review and selection committee to evaluate project applications. This committee shall include one representative of the department appointed by the director; one representative of the department of education science consultant or designee, one representative of the Iowa conservation education council, one representative of the Iowa association of naturalists, and one representative of the Iowa association of county conservation boards. Additionally, there shall be at least one alternate identified and designated by the director from each

represented organization. Terms of appointment to the committee shall be on a three-year staggered term basis.

b. An individual who is a member, volunteer, or employee of an entity that has submitted a project shall not serve on the scoring committee during that award cycle. Instead, one of the alternates shall review and score in the individual's place.

33.21(2) *Competitive grant project selection criteria.*

a. Under the competitive grant program, a project planning and review committee shall establish criteria and scoring systems to be utilized in project evaluation. The criteria and scoring systems shall be submitted to the natural resource commission for approval.

b. The department shall publish on its website the date and time for submitting a funding proposal and the criteria and scoring system, providing at least 90 days' notice. Applications must be submitted to the department as described on the website.

c. Upon recommendation of the planning and review committee, the natural resource commission shall award the grants.

33.21(3) *Dissemination plan.*

a. After completion of the project awarded through the large grants, and prior to final request for reimbursement, the awardee shall complete a dissemination plan as provided on the department's website. Projects funded with conservation education program funds are intended to be replicable by other educators or conservation programs in Iowa.

b. Annually, the review and selection committee will review dissemination plans; select successful projects per criteria developed and approved by the natural resource commission; and offer additional award opportunities, not to exceed $10,000 per awardee, of up to $50,000 of conservation education program funds for other educators or conservation education programs to implement.

33.21(4) *Nonapplication of copyright.* Program materials developed from REAP funds for conservation education materials shall bear the REAP logo. However, materials developed under this grant shall not be copyrighted by the grantee unless the department gives permission. A digital copy of all program materials developed shall be supplied to the department as part of the dissemination plan.

ITEM 5. Rescind and reserve rule **571—33.22(455A)**.

ITEM 6. Rescind and reserve rule **571—33.23(455A)**.

ITEM 7. Rescind and reserve rule **571—33.24(455A)**.

ITEM 8. Rescind and reserve rule **571—33.25(455A)**.

ITEM 9. Rescind and reserve rule **571—33.26(455A)**.

ITEM 10. Rescind and reserve rule **571—33.27(455A)**.

ITEM 11. Rescind and reserve rule **571—33.28(455A)**.

ITEM 12. Rescind and reserve rule **571—33.29(455A)**.

ITEM 13. Rescind and reserve rule **571—33.30(455A)**.