

CHAPTER 27
LAND AND WATER CONSERVATION FUND PROGRAM
[Prior to 12/31/86, Conservation Commission[290] Ch 72]

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/5/29

571—27.1(456A) Purpose. The purposes of the federal Land and Water Conservation Fund, hereinafter referred to as the LWCF, are as stated in Section 1(b) of the Land and Water Conservation Fund Act of 1965 (54 U.S.C. §200301). The Iowa department of natural resources, hereinafter referred to as the department, acting through its director, will administer the LWCF for the same purposes at the state and local levels. All state and local projects will comply with the federal statute and program guidelines.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

571—27.2(456A) Apportionment distribution.

27.2(1) Iowa apportionment. The state expects to receive an annual apportionment from the LWCF. This annual apportionment, after deducting any amount necessary to cover the department's costs of administering the program and state outdoor recreation planning costs, shall be divided into two shares for state and local entity grants with the local entity share being not less than 50 percent.

27.2(2) Local share. The local share of the annual LWCF apportionment shall be available for local entity grants on an annual basis.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

571—27.3(456A) Eligibility requirements. The following eligibility requirements shall apply to local entities:

27.3(1) Participation in the LWCF shall be limited to county conservation boards and incorporated cities.

27.3(2) A local entity shall have assessed outdoor recreation supplies, demands and needs and shall have allowed for input by affected citizens within the service area of any proposed project. Applications shall include documentation of these planning processes.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

571—27.4(456A) Assistance ceiling. Local entities are eligible to receive annual assistance from the LWCF of up to \$250,000 per proposal. No grant shall be approved that exceeds the allotment for the review period.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

571—27.5(456A) Grant application submission.

27.5(1) Form of application. Grant applications for both state and local projects shall be on forms and follow guidelines provided by the department. Projects selected for funding with land and water conservation assistance must be in accordance with state comprehensive outdoor recreation plan (SCORP) priorities.

27.5(2) Application timing. For local projects, grant applications shall be reviewed and selected for funding on an annual basis as provided in subrule 27.2(2). 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. State projects will be reviewed, evaluated and submitted to the National Park Service for approval as soon as practicable upon notification of Iowa's apportionment.

27.5(3) Local funding. An applicant shall certify that it has committed its share of project costs. Cash donations must be on deposit and a bond issue must have been passed by the electorate if such passage is necessary if either or both is a source of local funding.

27.5(4) Development project application. An application for a development project grant shall include development on only one project site with the exception that an application may include development of a like nature only on several sites.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

571—27.6(456A) Project review and selection.

27.6(1) Review and selection committee for local projects.

a. A five-member review and selection committee, hereinafter referred to as the committee, shall be composed of three staff members of the department as appointed by the director, one member appointed by the director with input from the Iowa association of county conservation boards, and one member appointed by the director with input from the Iowa league of cities and the Iowa parks and recreation association. Additionally, there shall be at least two alternates designated by the director with input from both associations and the league of cities. The committee shall determine which grant applications shall be selected for funding at the local level.

b. Conflict of interest. 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.

27.6(2) Consideration withheld. The committee will not consider any application that, on the date of the selection session, is not complete, or for which additional pertinent information has been requested and not received.

27.6(3) Open project selection process for local projects. The department will create an open project selection process in program guidelines published at least 90 days prior to a grant application due date. The project selection process rating system will include, at minimum, the following components: objective criteria and standards based on local need and priorities identified in SCORP, process for public participation, assurances that the distribution of LWCF assistance is accomplished in a nondiscriminatory manner and conformance to LWCF eligibility and evaluation criteria.

27.6(4) Open project selection process for state projects. State projects are chosen by the department based on priorities and funding.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

571—27.7(456A) Public participation for local projects. All grant applicants will be advised of the time and place of the grant review session. A time period for public comment will be allowed at the review session.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

571—27.8(456A) Director's review. The director will review, amend, reject, or approve committee recommendations after each review period for local projects. Appeals of the director's decision may be made to the commission.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

571—27.9(456A) Federal review. All applications selected for fund assistance shall be submitted to the administering federal agency for final review and grant approval.

571—27.10(456A) Grant amendments. Projects for which grants have been approved may be amended. Amendments to increase project costs and fund assistance due to cost overruns will not be approved.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

571—27.11(456A) Timely commencement of projects and project period. Grant recipients are expected to carry out their projects in an expeditious manner. Physical work on the project shall commence within one calendar year of the federal award date. Failure to do so may be cause for termination of the project and cancellation of the grant. Project period is assigned by federal statute.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

571—27.12(456A) Reimbursements.

27.12(1) Grant amount. Grant recipients are reimbursed up to 50 percent of all eligible costs incurred on a project up to the amount of the grant.

27.12(2) Project billings. The following information applies to local grants only. Grant recipients shall submit billings for reimbursements on forms provided by the department or through a cover letter. No more than two project billings shall be allowed. A final billing shall be submitted within 90 days following project completion.

27.12(3) Documentation. Grant recipients shall provide documentation as required by the department to substantiate all costs incurred on a project.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

571—27.13(456A) Recordkeeping and retention. A grant recipient shall keep adequate records relating to its administration of a project, particularly relating to all incurred costs. These records shall be available for audit by appropriate personnel of the department, the state auditor's office and the U.S. Department of the Interior.

[ARC 7904C, IAB 5/1/24, effective 6/5/24]

These rules are intended to implement Iowa Code sections 456A.27 through 456A.33, 456A.34, and 456A.35.

[Filed emergency 5/3/78—published 5/31/78, effective 5/3/78]

[Filed 9/5/78, Notice 5/31/78—published 9/20/78, effective 10/31/78]

[Filed 12/7/79, Notice 10/3/79—published 12/26/79, effective 1/30/80]

[Filed 11/5/82, Notice 9/29/82—published 11/24/82, effective 12/29/82]

[Filed 5/6/83, Notice 2/2/83—published 5/25/83, effective 6/29/83]

[Filed 4/5/85, Notice 1/30/85—published 4/24/85, effective 6/29/85]

[Filed emergency 3/6/86—published 3/26/86, effective 3/7/86]

[Filed 7/14/86, Notice 3/26/86—published 7/30/86, effective 9/3/86]

[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]

[Filed emergency 2/2/90 after Notice 11/29/89—published 2/21/90, effective 2/2/90]

[Filed 8/14/92, Notice 5/27/92—published 9/2/92, effective 10/7/92]

[Filed emergency 2/17/00—published 3/8/00, effective 2/17/00]

[Filed emergency 12/8/00—published 12/27/00, effective 12/8/00]

[Filed 11/17/04, Notice 9/29/04—published 12/8/04, effective 1/12/05]

[Editorial change: IAC Supplement 4/13/16]¹

[Filed ARC 6789C (Notice ARC 6630C, IAB 11/2/22), IAB 1/11/23, effective 2/15/23]

[Filed ARC 7904C (Notice ARC 7232C, IAB 12/27/23), IAB 5/1/24, effective 6/5/24]

¹ 27.6(3) "b"(3) and 27.6(4) editorially corrected IAC Supplement 4/13/16.