

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

571—27.1(456A) Purpose. The purpose of the Federal Land and Water Conservation Fund, hereinafter referred to as the LWCF, is stated in Section 1(b) of the Land and Water Conservation Fund Act of 1965, as amended (78 stat. 897):

“The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.”

Section 6 of the Act contains the basic requirements and conditions for fulfilling the above:

“The Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to provide financial assistance to the States from monies available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interest in land or waters, or (3) development.”

Section 6 of the Act further provides that:

“If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.”

The Iowa department of natural resources, hereinafter referred to as the department, acting through its director, will administer the LWCF for the same purpose at the state and local levels.

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.

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 and project applications shall include documentation of these planning processes.

571—27.4(456A) Assistance ceiling. Local entities are eligible to receive annual assistance from the LWCF in accordance with the following schedule:

Population of Area of Jurisdiction	LWCF Assistance Ceiling
0-1,000	\$ 50,000
1,001-5,000	75,000
5,001-10,000	100,000
10,001-25,000	125,000

Population of Area of Jurisdiction	LWCF Assistance Ceiling
25,001-50,000	150,000
50,001-75,000	175,000
over 75,000	200,000

Exceptions to the above limits: The maximum grant for local entities with populations in excess of 25,000 shall be \$125,000 for any swimming pool or golf course project. The maximum grant limit for local entities with populations of up to and including 10,000 shall be \$125,000 for any land acquisition project.

The assistance ceiling may be waived upon approval by the director under the following circumstances:

1. The project being proposed for LWCF assistance is regional in nature or is expected to serve a minimum of 100,000 people.
2. The proposed project cannot be staged over a multiyear period so that a separate grant application might be submitted each year.

No grant shall be approved which exceeds the allotment for the review period.

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. The following information applies to local projects only. Grant applications and amendment requests which increase the existing grant amount 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.

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 or area with the exception that an application may include development of a like nature only on several sites (e.g., tennis courts).

27.5(5) Application timing. The following applies only to state projects. Grant applications and amendments to existing approved projects which exceed 10 percent of the original grant amount 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(6) Application acceptance. Applications for state projects will be accepted from the Iowa department of natural resources and any other state agency which submits an eligible project application. [ARC 6789C, IAB 1/11/23, effective 2/15/23]

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

27.6(1) Review and selection committee.

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 of the department, one member appointed by the director with input from the Iowa association of county conservation boards, and one member appointed by the director of the department 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 and amendment requests shall be selected for funding at the local level. A review and selection committee for state projects shall be composed of four staff members of the department as appointed by the director.

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 which, 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) Application rating system for local projects. The committee will apply a numerical rating system to each grant application which is considered for fund assistance. The following criteria, with a weight factor for each, will be considered:

Criteria	Weight Factor
Relationship to SCORP priorities	5
Direct recreation benefits	1
Local need	1
Quality of site	1

Each criterion will be given a score of from 1 to 10 which is then multiplied by the weight factor. The following additional criteria will be considered in the rating system:

a. Prior assistance. Any applicant who has never received a grant will be given a bonus of five points. Any applicant who has received prior assistance which is more than its fair share will be assessed penalty points. Fair share will be computed by dividing 50 percent of Iowa's total apportionment from the LWCF by the total state population and multiplying this amount by the population of the applicant agency. Penalty points will be assessed in accordance with the following schedule:

Prior Assistance in Excess of Fair Share	Penalty Points
0 to \$2.50 per capita	0
\$ 2.51 to 12.50 per capita	1
12.51 to 22.50 per capita	2
22.51 to 32.50 per capita	3
32.51 to 42.50 per capita	4
over 42.50 per capita	5

b. Bonus points. Additional points will be added to the total score for the following:

- (1) Projects which have special features for the elderly and handicapped above the normal access requirements for this population will receive three points.
- (2) Projects which include the use of recycled content materials will receive two points.
- (3) Projects which serve an area of greater minority population than the state average of 2.6 percent will receive points as follows:

Minority population greater than:	3.5 percent	1 point
	4.0 percent	2 points
	4.5 percent	3 points

(4) Projects which show evidence that the specific project has been through the normal channels of review and approval by proper local decision makers, thereby ensuring that public support and a commitment to develop and operate the facility are present and that the project under consideration is a part of (or does not conflict with) broader plans which exist, may receive up to three bonus points.

All points will be totaled for each application and those applications receiving the highest scores will be selected for fund assistance to the extent of the allotment for each review period. However, no application shall be selected which has received a score of less than 60. Such applications shall be returned to the applicant.

27.6(4) Application rating system for state projects. The committee will apply a numerical rating system to each grant application which is considered for fund assistance. The following criteria, with a weight factor assigned for each, will be considered:

Criteria	Weight Factor
SCORP priority	4
Quality of site	1
Renovation/rehabilitation project	1
Direct recreation benefits	1

Each criterion will be given a score from 0 to 10, which is then multiplied by the weight factor. Additional points will be added to the total score for the following:

Projects which have special features for the elderly and handicapped above the normal access requirements for this population will receive three points.

Projects which include the use of recycled content materials will receive two points.

Projects which serve an area of greater minority population than the state average of 2.6 percent will receive points as follows:

Minority population greater than:	3.5 percent	1 point
	4.0 percent	2 points
	4.5 percent	3 points

27.6(5) Applications not selected for fund assistance. Rescinded IAB 12/8/04, effective 1/12/05.
[ARC 6789C, IAB 1/11/23, effective 2/15/23]

571—27.7(456A) Public participation. All regional planning agencies will be advised of the time and place of review sessions. Written comments will be accepted prior to each review session. A time period for public comment will be allowed immediately prior to each review session.

Potential applicants will be advised of any changes in the project evaluation and selection processes and criteria; but in any event, state agencies, regional planning agencies, county conservation boards and the Iowa League of Cities will be advised of the availability of program funding at least once every two years.

571—27.8(456A) Commission review. The natural resource commission will review all committee recommendations each review period at the next following commission meeting. The commission may reject any application selected for funding or approve any application not selected by the committee.

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 to increase or decrease project scope or to increase or decrease project costs and fund assistance. Amendments to increase project costs and fund assistance due to cost overruns will not be approved. A percentage of each year's appropriation may be reserved for amendments.

571—27.11(456A) Timely commencement of projects. Grant recipients are expected to carry out their projects in an expeditious manner. Projects for which grants are approved by the administering federal agency between January 1 and May 31 shall be commenced during the same calendar year. Projects for which grants are approved by the administering federal agency between June 1 and December 31 shall be commenced by June 1 of the following year. Failure to do so may be cause for termination of the project and cancellation of the grant.

571—27.12(456A) Project period. A project period which is commensurate with the work to be accomplished will be assigned to each project. Project period extensions will be granted only in a case of extenuating circumstances.

571—27.13(456A) Reimbursements.

27.13(1) Grant amount. Grant recipients will be reimbursed 50 percent of all eligible costs incurred on a project up to the amount of the grant.

27.13(2) Project billings. Grant recipients shall submit billings for reimbursements on forms provided by the department.

27.13(3) Project billing frequency. No more than two project billings plus a final project billing shall be allowed.

27.13(4) Final project billing. A final project billing shall be submitted within 90 days following the end of a project period. Failure to do so may be cause for termination of the project with no further reimbursement to the grant recipient.

27.13(5) Documentation. Grant recipients shall provide documentation as required by the department to substantiate all costs incurred on a project.

27.13(6) Reimbursement withheld. Ten percent of the total reimbursement due any grant recipient for a development project will be withheld pending a final site inspection or until any irregularities discovered as a result of a final inspection have been resolved.

571—27.14(456A) Ineligible items. The following items are ineligible for assistance from the LWCF:

27.14(1) Donated labor, materials, and equipment use.

27.14(2) Force account labor and equipment use. (A grant recipient's own personnel and equipment.)

27.14(3) Donated real property.

571—27.15(456A) Record keeping 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.

These rules are intended to implement Iowa Code sections 456A.27 to 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]

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