

CHAPTER 74  
FOREST LAND ENHANCEMENT PROGRAM (FLEP)

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**571—74.1(461A) Purpose.** The purpose of this chapter is to define procedures by which federal, state, or private moneys designated for cost-share forestry practices on private lands may be utilized for that purpose.

**571—74.2(461A) Definitions.**

*“Department”* means the department of natural resources and its designated representatives.

*“FLEP”* means the forest land enhancement program.

*“Forest stewardship committee”* means a committee of individuals from state, federal, county, and private institutions who serve as an advisory board to the department on forest stewardship issues.

*“Private lands”* means lands not owned by federal, state, county, or local governments.

*“Private moneys”* means any money from an individual or entity that is not a unit of federal, state, county, or local government.

**571—74.3(461A) Project scope.** This program will provide forestry cost-share assistance to private landowners primarily through the forest land enhancement program (FLEP). The primary source of funding shall be federally allocated funds; however, other public or private funds may be utilized if available. These funds will be used for conservation tree and shrub planting such as reforestation, wildlife habitat establishment, forest riparian buffer establishment, timber stand improvement and other forestry enhancement projects on private lands as approved by the department and the forest stewardship committee.

**571—74.4(461A) Availability of funds.** Funds to institute FLEP landowner cost-share assistance will primarily be derived through federal allocations pursuant to Title VIII, Subtitle A, Section 8002, of the Farm Security and Rural Investment Act of 2002, which amends the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2102). Availability of funds will vary based upon the federal allocation from the USDA Forest Service. Funding through the 2002 Farm Security and Rural Investment Act should be available through 2007. Allocations from other available public or private sources may be used for the purpose of this program at the discretion of the department.

**74.4(1) Allotments.** Funds available for cost-share assistance shall be dependent upon the allocation designated to the department from the USDA Forest Service.

**74.4(2) Additional funding.** To maximize forestry conservation practices, the department may accept contributions from any governmental or private entity or individual for the purpose of approved cost-share forestry practices on private lands.

**571—74.5(461A) Forest land enhancement program areas.** This rule delineates eligibility and procedures for cost-share assistance for forestry practices.

**74.5(1) Eligibility.** FLEP funds are available statewide except that funds from a specific funding entity may be earmarked for cost-share assistance in a specific geographic region of the state. To be eligible for cost-share assistance, individual landowners must have a forest stewardship plan approved by the department and enter into a written agreement with the department specifying the obligations of each party.

**74.5(2) Applications.** Applications will be accepted only from those eligible as noted above.

*a.* Applications must be on forms furnished by the department.

*b.* Applications must be signed by the landowner and by the department.

**74.5(3) Project review and selection.** Project applications will be reviewed separately for each department forestry district. Department district foresters in each district will recommend what projects are approved and the total amount of cost-share funds to be allocated to the landowner. The department will have final approval over projects.

**74.5(4) *Contract agreements.*** The department is authorized to enter into agreements with landowners to carry out the purposes of this program.

*a.* Agreement forms will be provided by the department. They shall state the terms of the agreement including, but not limited to, conservation practices to be implemented, total project cost, and cost-share dollars allocated for the specified practices.

*b.* The approved forest stewardship plan shall be considered a part of the contract.

*c.* Cost-share assistance will not be provided unless both parties have signed an agreement.

*d.* Contract periods will not be approved for any period less than ten years in duration.

*e.* Contracts may be amended by mutual agreement of both parties.

**74.5(5) *Specifications and guidelines.*** Forestry practices must conform with the department's Forestry Practices Manual: Technical Guide.

**74.5(6) *Cost-share rates.*** The department, with input from the state forest stewardship committee and in accordance with USDA Forest Service policies, shall set cost-share rates and payment maximums for each authorized forest conservation practice.

**74.5(7) *Reimbursements.*** Cooperators shall submit billings for reimbursements on forms provided by the department.

*a.* Billings shall be submitted immediately after project completion and within 18 months of project approval.

*b.* Billings shall include documentation on all costs incurred for the project.

*c.* Reimbursements shall not be made unless the landowner has fulfilled obligations as specified in the contract.

*d.* Billings shall be approved or disapproved by the department's district forester or assistant district forester after inspection of the project.

**571—74.6(461A) Cost reimbursement.** Whenever a landowner has been found to be in violation of a contract specified in this chapter, the department may cancel the contract, and the landowner shall reimburse the department for the full amount of any payments received from FLEP. The requirements and procedures for recovering expended funds in the event of a violation of the contract shall be established in the contract.

These rules are intended to implement Iowa Code subsections 455A.13(1) and 456A.24(13).

[Filed 5/9/03, Notice 3/5/03—published 5/28/03, effective 7/2/03]