

CHAPTER 30
WATERS COST-SHARE AND GRANT PROGRAMS
[Prior to 12/31/86, Conservation Commission[290] Ch 79]

DIVISION I
WATER RECREATION ACCESS COST-SHARE PROGRAM

571—30.1(452A) Title and purpose. This division shall provide rules for the water recreation access cost-share program. The purpose of this division is to define procedures for cost sharing between state and local public agencies to provide for the acquisition or development of public recreational boating accesses to Iowa waters.

571—30.2(452A) Availability of funds. Moneys derived from the excise tax on the sale of motor fuel used in watercraft under Iowa Code section 452A.79 are deposited as a “marine fuel tax” and are subject to appropriation by the general assembly to the department of natural resources. Each year, as part of its approval of the department’s capital improvement plan, the commission shall designate an amount to be available for this program.

571—30.3(452A) Eligibility of development projects. Development projects may include, but are not necessarily limited to, the following:

1. Construction of boat ramps or other conveyances by which recreational boaters are provided a means of placing boats in the water and removing them.
2. Docks as necessary to provide loading and off-loading of equipment and passengers.
3. Boat slips or other on-water boat storage facilities when available to the general public.
4. Parking lots for vehicles and trailers of boaters utilizing public ramps.
5. Roads to provide access to ramp(s) and parking.
6. Rest rooms designed and located so as to primarily serve needs of recreational boaters.
7. Localized dredging required to provide boat access to boatable waters.
8. Shoreline protection measures judged necessary to provide for safety and longevity of boating waters.
9. Signs and markers as needed to direct recreational boaters on use and regulations of access areas.
10. Fencing as needed to establish boundaries, prevent encroachments and control trespass.
11. Lights to provide for safe utilization of ramps and parking areas.
12. Support facilities such as sidewalks, utilities, landscaping, etc., which are necessary for safe and appropriate public use.
13. Canoe/small boat access sites/parking.
14. Renovation projects when they meet all other criteria as specified in this rule.
15. Contractual services for survey and engineering necessary for the design and construction of access facilities.
16. Diagnostic feasibility studies of basin restoration and watershed protection needs of public-owned lakes where water quality, water-based recreation and sport fishing have been diminished and when the lake is included in the department’s first or second priority lists for restoration.
17. Watershed protection and lake basin restoration measures of those lakes for which a diagnostic feasibility study has been completed and that meet the criteria of paragraph “16” of this rule. Measures funded shall be limited to those recommended in the diagnostic feasibility study.

571—30.4(452A) Eligibility of acquisition projects. Lands acquired with water access funds must be used for recreational boating/canoeing access. Costs for a department-approved appraisal report and the cost of surveys necessary to determine acreage and establish boundaries are also eligible for assistance on those projects approved for funding. Acquisitions of five acres in size for motorboat access sites and two acres in size for canoe access sites are considered typical. Applicant must provide specific justification to demonstrate how larger acreages relate to boat access needs.

571—30.5(452A) Projects not eligible. The following types of projects are not eligible for assistance from the water access fund:

1. Acquisition of land when the principal use of the land will be for something other than recreational boating access.
2. Any type of development which will not provide for improved or increased public access to or safety and longevity of boating waters.
3. The cost of land in excess of the approved appraised valuation.
4. Donated labor, materials, and equipment use, except as specified in rule 571—30.9(452A).
5. Force account labor and equipment use (sponsor's own labor and equipment), except as specified in 571—30.9(452A).
6. Any portion of a facility, as determined by area or time of usage, that is of a commercial nature and does not provide a direct service to recreational boaters.
7. Projects with a total grant request of less than \$1,000.
8. Any project or project costs incurred prior to notification of the sponsoring agency by the director that a grant had been approved. The only exception to this is when a waiver of retroactivity has been granted on a land acquisition project under 571—30.6(452A).

571—30.6(452A) Waiver of retroactivity. In case of extreme urgency involving land acquisition, a grant applicant may formally request a written “waiver of retroactivity” which, if granted by the director of the department of natural resources, will permit the applicant to acquire the real property immediately without jeopardizing its chances of receiving a grant. However, the granting of the waiver in no way implies or guarantees that any subsequent grant application covering the acquisition will be selected for funding by the planning committee. The request for the waiver must include justification regarding the urgency of the acquisition, a description of the land to be acquired, and a county map on which the land to be acquired is located. Acceptable justification would include situations in which land is to be sold at auction or by sealed bids or when the landowner requires immediate purchase.

571—30.7(452A) Establishing project priorities. The director shall appoint a six-member water access committee representing a cross section of department responsibilities for the purpose of reviewing and establishing priorities for cost sharing.

571—30.8(452A) Application procedures. Applications for funds shall be reviewed and 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.

[ARC 6789C, IAB 1/11/23, effective 2/15/23]

571—30.9(452A) Cost-sharing rates. All projects approved for assistance will normally be cost-shared at a 75 percent state/25 percent local ratio, except as provided in exceptions listed below.

Exceptions to the normal funding formula may occur under the following conditions:

1. Where a local public agency agrees under terms of a long-term agreement to assume maintenance and operation of a department of natural resources water access facility, the approved development or improvements needed on that facility will be funded at 100 percent.
2. Where feasible and practical, the department will provide funds to cover 100 percent of materials needed for a development project if the local subdivision agrees to provide 100 percent of the labor and equipment to complete that development.
3. Where joint use will be made of a project by commercial interests as well as by recreational boaters, only that portion of a project attributable to the use by recreational boaters will be cost-shared through this program.
4. When, at the discretion of the director, some alternate funding level is deemed appropriate.

571—30.10(452A) Joint sponsorship. Two or more local public agencies may join together to carry out a water access project. However, for the purposes of the grant program, the committee will accept

only one local agency as the prime project sponsor. Any written agreements between the local agencies involved in any joint venture will be made a part of any grant application. The application rating system will be applied only to the prime sponsor. The project agreement will be negotiated with the prime sponsor and reimbursements will be paid to it.

571—30.11(452A) Control of project site. In order for a project site to be eligible for a development grant, it must be under the physical control of the grant applicant, either by fee title, lease, management agreement, or easement. The term of a lease, management agreement, or easement must be commensurate with the life expectancy of the proposed development.

571—30.12(452A) Project agreements.

30.12(1) A cooperative agreement approved by the director between the department and the local grant recipient describing the work to be accomplished and specifying the amount of the grant and the project completion date will be negotiated as soon as possible after a grant has been approved. Maximum time period for project completion shall be two years for acquisition or development projects, unless an extension approved by the director is authorized. However, agreements covering land acquisition will be dependent upon receipt of a department-approved appraisal report since assistance will be based on the approved appraised valuation or the actual purchase price, whichever is the lesser. Approved development projects costing over \$25,000 must have plans certified by a registered engineer before an agreement will be issued.

30.12(2) Cooperative agreements between the department and the local project sponsor may be amended to increase or decrease project scope or to increase or decrease project costs and fund assistance. Any increase in fund assistance will be subject to the availability of funds. Amendments to increase scope or fund assistance must be approved by the director before work is commenced or additional costs incurred. A project sponsor may request amendment of the agreement for a previously completed project to allow commercial use under the conditions specified in rule 571—30.9(452A), paragraph “3.” The director shall have the authority to approve such amendments.

30.12(3) All approved projects, except those in which the project is owned by the state and managed by a local entity, having a grant request in excess of \$25,000 will be presented to the natural resource commission members for their information prior to project initiation. The commissioners may act to disapprove or modify projects.

571—30.13(452A) Reimbursement procedures. Financial assistance from the water access fund will typically be in the form of reimbursement grants which will be made on the basis of the approved percentage of all eligible expenditures up to the amount of the approved grant.

Reimbursement requests will be submitted on project billing forms provided by the department.

30.13(1) For acquisition projects, one copy each of the following additional documentation will be required.

- a. Deed.
- b. Invoices or bills for any appraisal or survey expense.
- c. All applicable canceled checks or warrants.
- d. A certificate of title prepared by the agency’s official legal officer.

30.13(2) For development projects, grant recipients shall provide documentation as required by the department to substantiate all project expenditures.

30.13(3) Reimbursements will be made on real estate contract payments using the following procedures:

a. The grant recipient will submit to the department a copy of the real estate contract which must stipulate that the grant recipient will get physical control of the property on or before the date the first contract payment is made.

b. The grant recipient will submit to the department a copy of any approval which it is required to obtain from any governing body to enter into a real estate contract.

c. The grant recipient will submit to the department an up-to-date title opinion from its official legal officer indicating that the landowner has and can convey clear title to the grant recipient.

d. The grant recipient will submit a project billing with photocopy of the canceled warrant when claiming reimbursement.

e. When final payment has been made and title obtained, the grant recipient will submit to the department a copy of the deed and a certificate of title from its official legal officer. Only one reimbursement request may be submitted if the total project cost is \$10,000 or less. If more than \$10,000, no more than two reimbursement requests may be submitted.

A final reimbursement request shall be submitted within 90 days following the completion date indicated on the cooperative agreement. Failure to do so may be cause for termination of the project with no further reimbursement to the grant recipient.

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. Final site inspections will be conducted by assigned department staff within 30 days of notification by project sponsor that a project is completed.

571—30.14(77GA,SF2381) Implementation of pilot program for state and local cooperative lake rehabilitation. Rescinded ARC 6789C, IAB 1/11/23, effective 2/15/23.

These rules are intended to implement Iowa Code section 452A.79.

571—30.15 to 30.50 Reserved.

DIVISION II
WATER TRAILS DEVELOPMENT PROGRAM AND LOW-HEAD DAM PUBLIC HAZARD PROGRAM

571—30.51(455A,461A,462A) Definitions. For purposes of this division, the following definitions shall apply:

“*Advisory committee*” means the water trails advisory committee.

“*Commission*” means the natural resource commission.

“*Coordinator*” means the staff person of the department responsible for implementing this division.

“*Department*” means the department of natural resources.

“*Director*” means the director of the department of natural resources.

“*Low-head dam*” means a uniform structure across a river or stream that causes an impoundment upstream, with a recirculating current downstream.

“*Navigable waters*” means all lakes, rivers, and streams, which can support a vessel capable of carrying one or more persons during a total of six months period in one out of every ten years.

“*Scoring committee*” means the water trails scoring committee, which consists of the coordinator, two department staff members appointed by the director, and two representatives and two alternates of the water recreation community selected by the director.

“*Sponsor*” means an eligible applicant, as described in these rules.

“*Water trail*” means a point-to-point travel system on a navigable water and a recommended route connecting the points.

[ARC 6789C, IAB 1/11/23, effective 2/15/23]

571—30.52(455A,461A,462A) Purpose and intent. The water trails development program and the low-head dam public hazard program provide funds to assist development of local water trails on navigable waters of the state of Iowa and to support safety projects for low-head dams in the state of Iowa. The programs will be available to fund two types of projects: those that enhance water trails development and recreation and those that are limited to projects that primarily enhance dam safety in order to reduce drownings.

571—30.53(455A,461A,462A) Program descriptions.

30.53(1) *Water trails development program.* The department will provide funds to cities, counties and nonprofit organizations in the state of Iowa to develop water trails eligible for designation throughout the state. The goal of the water trails development program is to assist and encourage the development of community-driven water trails that provide features described herein and appropriate river management through the design and spacing of accesses. At the same time, the program shall discourage unnecessary impacts to natural resources through construction. Water trails development program projects may be eligible to become designated water trails, as determined by the department, and may be eligible for inclusion in the department's marketing materials.

30.53(2) *Low-head dam public hazard program.* The department will provide funds to dam owners, including counties, cities, state agencies, cooperatives, and individuals, within Iowa to undertake projects that warn the general public about drowning hazards related to low-head dams or that remove or otherwise modify low-head dams to create a safer experience on Iowa's navigable waters. Low-head dam removal and modification projects, when possible, shall enhance or restore ecological and recreational functions of rivers, including but not limited to fish passage, aquatic habitat, and navigation.

571—30.54(455A,461A,462A) *Announcement of funding opportunity.* The coordinator shall announce, at least annually, the availability of funds for the programs, designate a time and place for receiving proposals, identify any additional requirements to those enumerated in this division for successful applications, and provide at least 90 days for sponsors to submit such proposals. Not more than quarterly, the department shall provide for additional application cycles if additional funds are made available or otherwise become available.

571—30.55(455A,461A,462A) *Grant requirements.* By submitting a proposal pursuant to this division, a sponsor will agree to the following terms and conditions:

30.55(1) *Maintenance and ownership.* The sponsor will assume the overall maintenance of the integrity of the project or shall otherwise make agreements with landowners and other interested parties for such long-term maintenance as may be required.

30.55(2) *Agreements.* Before funds are disbursed, the sponsor will enter into a project agreement with the department. The agreement shall detail and further define the relationship of the parties.

30.55(3) *Resource impacts.* The sponsor will install safeguards and otherwise ensure that the proposed project will have minimum or negligible impacts on natural resources.

30.55(4) *Timely commencement of projects.* Funds must be completely expended within two years of the award. If the sponsor is not able to complete a project within the original time period, the sponsor must seek and receive an extension from the department to be eligible for funds beyond the original time period for completion.

30.55(5) *Reports.* The sponsor shall be responsible for the filing of a midterm report about the status of the project. The report shall include a description of funds expended and any issues encountered or problems that may delay or otherwise cause the project not to be completed. The sponsor shall submit a final report, which shall include the complete budget outlay for the completed project; samples of the completed project, if applicable; and a narrative of the project.

30.55(6) *Expenditures.* The sponsor shall expend all funds in accordance with the sponsor's governance documents, which may include applicable provisions of the Code of Iowa.

30.55(7) *Record keeping.* The sponsor shall keep all project records for three years after the final report is completed. These records are to be available for audit by the state.

30.55(8) *Grant amendments.* For any deviation from the project outlined in the original application, the sponsor must receive approval from the coordinator in advance via electronic mail or in writing.

30.55(9) *Permits and licenses.* The sponsor must obtain any and all required licenses and permits from federal, state, and local authorities before commencing any activity pursuant to a grant award.

30.55(10) *Control of project site.* The sponsor must demonstrate that the project site or sites are under the physical control of the sponsor or its partners, either by fee title, lease, management agreement,

or easement. The term of a lease, management agreement, or easement must be commensurate with the life expectancy of the proposed improvements.

571—30.56(455A,461A,462A) Application procedures. For proposals to be considered for funding, the sponsor shall submit them in the following manner:

30.56(1) The sponsor will submit an application on the forms provided by the department postmarked by the date provided in the grant opportunity announcement. The forms shall include in the project narrative a statement of grounds for eligibility.

30.56(2) The sponsor will support any claim of cost share through a signed letter from the organization providing the cost share.

571—30.57(455A,461A,462A) Proposal evaluation.

30.57(1) Proposals will be evaluated by the scoring committee. The scoring committee shall evaluate both water trails development program proposals and low-head dam public hazard program proposals.

30.57(2) 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.

[ARC 6789C, IAB 1/11/23, effective 2/15/23]

571—30.58(455A,461A,462A) Sponsor eligibility.

30.58(1) *Water trails development program.* The water trails development program is limited to local divisions of Iowa government and to nonprofit organizations recognized and incorporated pursuant to the laws of Iowa.

30.58(2) *Low-head dam public hazard program.* The low-head dam public hazard program is available to dam owners, including counties, cities, state agencies, cooperatives, and individuals.

571—30.59(455A,461A,462A) Project eligibility.

30.59(1) *Water trails development program.* The scoring committee will evaluate proposals for water trails development projects to determine whether the projects will achieve, or achieve progress related to, the goal of creating water trails that may ultimately be eligible for designation on navigable waters in the state of Iowa. The following types of projects may be eligible:

a. Accesses. Construction of low-impact water access points or other conveyances by which recreational users are provided a means of legally placing vessels in the water and removing them.

b. Land acquisition for water trail development. Purchases of easements or fee title lands that will be used for water trail navigation, such as access, portage, camping, or other uses related to navigation on a water trail.

c. Dam warning signage. Warning signs, supporting structures, and navigational aids such as buoys at and near low-head dams.

d. Navigation and interpretive signage. Various water trail signs and markers, as needed, to instruct recreational users about safe uses, regulation of access areas, and surrounding area characteristics.

e. Portages. Construction of portage trails where a portage would aid navigation or around dangerous water areas, such as dams, unnavigable waters, or any other sections of water that are potentially dangerous or life-threatening.

f. Related construction and development. Construction and development of items related to water trail navigation, including dam modification/removal; amenities such as access roads or parking areas, canoe racks or bike racks for shuttling purposes, and restrooms, picnic areas, and campsites that are easily accessible from waterways of primary use by water travelers; and contracted costs of developing any of the water trails navigational amenities listed. Direct labor costs to the sponsor may count toward in-kind match according to prevailing local wages, up to \$10.50 per hour.

g. Promotion. Informational publications of water trails for public access and online materials available to the public.

h. Education. Education projects related to water safety and appropriate etiquette, with a primary focus on water trails recreation.

i. Materials and equipment. Actual material cost of trail maintenance tools, gravel, fencing supplies, gates, bridges, culverts, riprap, and other materials necessary for trail, portage and access maintenance.

30.59(2) Low-head dam public hazard program. The scoring committee will evaluate proposals for projects that enhance safety at low-head dams on or adjacent to navigable waters in Iowa. The scoring committee will evaluate the following three categories of proposals:

a. Small projects. Small projects shall include proposal requests of up to \$20,000. Eligible projects for consideration for award as small projects shall include: warning signage and supporting infrastructure; feasibility, environmental, or preliminary design or engineering studies related to removal of hazardous structures; and construction costs related to portage trails and modification or removal of hazardous dams.

b. Medium-sized projects. Medium-sized projects shall include proposal requests of \$20,001 to \$50,000. Eligible projects for consideration of award as medium-sized projects shall include: warning signage and supporting infrastructure; and construction and engineering costs related to portage trails and modification or removal of hazardous dams.

c. Large projects. Large projects shall include proposal requests of more than \$50,000. Eligible projects for consideration of award as large projects shall include construction and engineering costs related to modification or removal of hazardous dams.

571—30.60(455A,461A,462A) Cost-share requirements.

30.60(1) Water trails development program. Grant proposals for water trails development projects do not require cost share; however, cost share is strongly encouraged through the selection criteria. Any claim of cost share shall be supported through a signed letter from the organization providing the cost share.

30.60(2) Low-head dam public hazard program. Proposals requesting funds to be used for warning signs, supporting structures, and navigational aids such as buoys at and near low-head dams shall receive priority and shall be selected pursuant to the dam owner's contribution of at least 20 cents for every 80 cents awarded by the department. For the remainder of funds, proposals for other low-head dam public hazard projects shall provide at least 50 percent of the funds required to complete small, medium-sized, and large projects. Cost-share funds may include local, private, federal or other state funds. Any claim of cost share required by this subrule shall be supported through a signed letter from the organization providing the cost share. The department strongly encourages sponsors to provide more cost share than is required by these rules, and the scoring committee will provide additional consideration to those proposals that exceed cost-share requirements.

571—30.61(455A,461A,462A) Evaluation criteria.

30.61(1) Water trails development program.

a. The scoring committee shall evaluate grant proposals for water trails development program projects based on the following criteria:

- (1) Feasibility of the proposed project;
- (2) Level of private resources or local resources or both available to the project; and
- (3) The project's contribution to developing a designated water trail or designated wilderness water trail.

b. The scoring committee shall publish its ranking system, which shall be based on the criteria described above, with the application forms. The department shall post this ranking system on its website, www.iowadnr.gov, at least 30 days prior to proposal due dates.

c. Designated water trails.

(1) For purposes of this rule, designated water trails shall include those bodies of water with the following minimum treatment:

1. Provide signs to users about possible dangers and portages;

2. Possess adequate portage around obstructions and dams, or have modified obstructions and dams to make them safe to navigate, or ensure that the water trail begins or ends a safe distance upstream and downstream from the obstruction or dam;

3. Have accesses spaced and developed appropriately to the natural resource integrity of the water body from public roadways to the water trails;

4. Provide periodic kiosks with information for users;

5. Identify access to camping, lodging or other overnight accommodations; and

6. Have adequate promotion through maps, brochures and other media, which include information about the access points, difficult areas, distance between accesses, nearby cities, ADA amenity information, safety information, and other information related to use of the water trail.

(2) For purposes of this rule, designated wilderness water trails, because they are located in areas of special scenic, ecological, geological, habitat or wildlife value, shall be a type of designated water trail that encourages only low-impact human uses and keeps signage and accesses to a minimum, but still provides critical information and access.

30.61(2) *Low-head dam public hazard program.* The scoring committee shall consider the following criteria when evaluating cost-share proposals for low-head dam public hazard program projects:

a. Improvements to public safety;

b. Demonstrated beneficial impacts to the overall stream health, fish migration and habitat, aesthetics, and recreational impacts; and

c. Contribution of private resources or local resources or both beyond the minimum requirements provided by these rules.

571—30.62(455A,461A,462A) Disbursement of awards.

30.62(1) *Water trails development program.* Grants for water trails development projects will be announced not later than 90 days after the grant proposals are due. The earliest disbursement date is July 1 of the following state fiscal year.

30.62(2) *Low-head dam public hazard program.* Grants for low-head dam public hazard projects will be announced not later than 90 days after the grant proposals are due. All funds shall be obligated not later than July 1 of the next fiscal year.

571—30.63(455A,461A,462A) Water trails advisory committee. The advisory committee shall provide input to the water trails development program and the low-head dam public hazard program. The advisory committee appointed by the director shall be comprised of a minimum of six members of the water recreation community, including canoe and kayak enthusiasts and club leaders, interested conservation associations, canoe and kayak livery owners, and county conservation board staff in Iowa. Members of the advisory committee shall serve for two years.

The meetings of the advisory committee shall be held at least four times per calendar year and shall be arranged by the coordinator. The advisory committee will provide expertise to the scoring committee and assist the department in the development of any water trails or low-head dam public hazard master planning that the department may undertake.

These rules are intended to implement Iowa Code chapters 455A, 461A, and 462A and 2008 Iowa Acts, Senate File 2380 and House File 2700.

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