

**571—33.50(455A) Private cost-sharing program.** At least 10 percent of the funds placed in the open spaces account shall be made available for cost sharing with private entities for cost sharing at a maximum level of 75 percent.

**33.50(1) Protection defined.** Protection is defined as the purchase of all or a portion of the rights associated with ownership of real property so as to ensure that open space values associated with that property are protected in perpetuity. Protection methods, in order of preference, include, but are not limited to, fee title acquisition, purchase of easements, or other mechanisms that provide long-term assurance of open space protection. Title for acquired properties shall be vested in the state of Iowa, and projects must be consistent with priorities established in the department of natural resources publication “Land Acquisition Programs and Priorities.”

**33.50(2) Eligibility to participate.** Any trust, foundation, incorporated conservation organization, private individual, corporation or other nongovernmental group able to provide funds or interest in land sufficient to equal at least 25 percent of a proposed protection project may submit or cause to have submitted a project for funding consideration. Except however, a private organization established to benefit a specific governmental entity is not eligible to submit a project. Governmental entities are also not eligible to submit a project.

**33.50(3) Grant amount.** The department will provide grants for up to 75 percent of the appraised cost of the land plus incidental acquisition costs. Costs in excess of these must be borne by the grantee.

**33.50(4) Project review and selection committee.** The director shall appoint a committee to review and score projects. The committee shall include the following: three persons representing the private sector selected from a pool of potential names as submitted by the various private eligible groups; administrator of the conservation and recreation division of the department, or the administrator’s designee; and the bureau chiefs of the department’s forestry bureau and parks and preserves bureau or their designees. The committee shall elect its own chairperson from its members. The director shall request a list of candidates for the private sector members from groups eligible to participate in this program.

The committee will report to the director the order in which proposed projects were ranked using criteria as specified in 33.50(5).

**33.50(5) Project selection criteria.** The committee shall evaluate and rank the resource enhancement and protection (REAP) private cost-share grant applications, scoring each criterion from 1 to 10, low to high, and using the following multipliers for each criterion:

*a.* The committee shall use a multiplier of three for each of the following:

(1) Level of significance. The relative rarity of the natural resources found on the project site, including but not limited to native vegetation and the documented presence of species of greatest conservation need as defined by the Iowa Wildlife Action Plan developed by the department, which may be amended from time to time, or other uncommonly occurring but native resources.

(2) Resource representation. The quality of the project site, including but not limited to the size and diversity of the project area and the vegetation and wildlife it supports.

(3) Level of threat. Specific factors and immediate threats to the project area that constitute urgency for acquisition and development, including but not limited to urban expansion, residential development, agricultural activities, or clearing.

(4) Relation to public land. The proximity to existing wildlife management areas, existing parks, and other public recreation or greenbelt areas already under public ownership and management.

(5) Relationship to relevant regional and statewide programs. A demonstrated relationship to the state comprehensive outdoor recreation plan, the Iowa open spaces protection plan, or the county resource enhancement plan. The committee may evaluate other relevant local, state and federal plans at its discretion.

*b.* The committee shall use a multiplier of two for each of the following:

(1) Rare or unique species communities. The documented presence of species of greatest conservation need as defined by the Iowa Wildlife Action Plan developed by the department, which may be amended from time to time, in addition to subparagraph 33.50(5) “a”(1).

(2) Public benefits. A demonstrated benefit to the public, including but not limited to expanded recreational or educational opportunities and incorporation of land improvements that may have a positive impact on the ecosystem, such as bank stabilization, wetland development, or filter strips.

c. The committee shall use a multiplier of one for each of the following:

(1) Tourism and economic development potential. Impact on local tourism, including any enhancements to the economy in the vicinity of the project.

(2) Geographic distribution. Project site is located in a city or county that has not received a REAP grant.

(3) Multiple use potential. Project site provides more than one public use, e.g., the project provides hunting, fishing and hiking opportunities to the public.

(4) Additional funds. Level of funds obligated in excess of the minimum cost-share requirements.

(5) Quality of public communication plan. Project sponsor's effort to inform and advise constituents and users about the importance of the proposed project and plans to promote the proposed project to expected user groups.

**33.50(6) *Department rejection of applications.*** The director may remove from consideration by the project review and selection committee any application for funding the acquisition of property that the department determines is not in the state's best interest for the department to manage. The department's basis for determining such interest may include, but not be limited to, inaccessibility to the project area, environmental contamination and unacceptable use restrictions, management cost, the proximity to other governmental entities which may impose use restrictions or special tax assessments on the area, or lack of conformance with priorities established in the department's "Land Acquisition Programs and Priorities" document. Examples of use restrictions can include prohibitions on hunting, trapping, timber harvest, vegetation management, and easements which affect the range of public use and activities which could otherwise be allowed.

**33.50(7) *Certification of availability of funds.*** Applicants must certify at the time of application that sufficient funds, land, letter of credit, or other acceptable financial instrument is available from private sources to cover the private share of the project.

**33.50(8) *Project submission.*** Rescinded IAB 12/26/90, effective 1/30/91.

**33.50(9) *Acquisition responsibilities and process.*** The grantee is responsible for obtaining an appraisal that is approvable by the department and for obtaining the director's written approval of that appraisal.

The grantee is responsible for negotiating an option to purchase the property with the seller. If the option contains any requirements for action by the department or restrictions on the use of the land, those requirements or restrictions must be approved by the director and the commission before they are incorporated into the option.

The grantee is responsible for closing the transaction, recording the transaction with the appropriate county recorder, and providing the department with a copy of the deed naming the department as owner and a title vesting certificate. The commission may, under special conditions, allow title to be vested in the name of a city or county. Necessary assurances may include the placement of special conditions on that title, the existence of an approved, long-term management agreement or other measures as deemed appropriate by the commission. The department may provide assistance at the request of the grantee, or at the director's recommendation.