

CHAPTER 47
SNOWMOBILES

DIVISION III
SNOWMOBILE REGISTRATION REVENUE COST-SHARE PROGRAM

571—47.30(321G) Definitions.

“*Commission*” means the natural resource commission.

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

“*Local cost-share portion*” means those funds available for use by incorporated organizations or other public agencies through cost-sharing, grants, subgrants or contracts.

“*Primary trail*” means the trail a sponsor signs every year and grooms on a regular rotation.

“*Secondary trails*” means the trails a sponsor signs every year but does not groom consistently. Secondary trails include trails that are signed and maintained by mowing.

“*Sponsor*” means the incorporated organization or public agency receiving funding through the snowmobile cost-share program to acquire, develop, maintain, or otherwise improve snowmobile areas and trails.

“*State share*” means those funds that may be used by the state for administration or for other miscellaneous expenses related to the respective program such as law enforcement.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.31(321G) Purpose and intent. This program provides funds from snowmobile registrations to political subdivisions and incorporated private organizations for the acquisition of land and for the development and maintenance of snowmobile trails and facilities. This chapter is intended to clarify procedures used in implementing agreements under Iowa Code section 321G.7 between the department and sponsors and the authority of the director of the department. All areas, trails, and facilities established or maintained using revenues under this program shall be open to use by the general public.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.32(321G) Distribution of funds. The local cost-share portion of the state snowmobile fund established in Iowa Code section 321G.7 and this rule shall be distributed in accordance with this chapter and upon execution of agreements under Iowa Code section 321G.7. The local cost-share portion of the registration fund shall be at least 50 percent of registration revenue. The remaining revenues shall be known as the state share. State share funds shall not exceed 50 percent of the total revenue generated for the program per fiscal year.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.33(321G) Application procedures.

47.33(1) Forms. Applications for cost-share moneys shall be made on forms available from the department. The application must be completed and signed by the elected officer of the applying sponsor.

47.33(2) Deadlines for application submission.

a. Applications for snowmobile fund moneys must be received by the department no later than 4:30 p.m. on May 1 or the following business day if May 1 occurs on a Saturday or Sunday.

b. Applications received after the dates given in 47.33(2)“*a*” will be returned to the submitting sponsor and shall not be considered for cost-share moneys during the current review and selection process, unless the application deadline is waived or extended by the director.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.34(321G) Review and selection committee.

47.34(1) The committee responsible for reviewing and selecting projects to receive funding from the local cost-share portion of snowmobile registration revenues shall be comprised of two representatives appointed by the president of the Iowa State Snowmobile Association and three department representatives appointed by the director.

47.34(2) The review and selection committee shall meet at the department central office in Des Moines. Applications eligible for funding will be reviewed and funding recommendations will be submitted to the director for approval.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.35(321G) Director's review of approved projects. The director shall review, amend, reject or approve committee selections and may reject any application recommended by the committee for funding. Appeals of the director's decision may be made to the commission. A project is considered approved and the grant period shall begin and end as specified in the cooperative agreement from the program administrator. Applicants shall be notified of their grant status within 30 days after the review and selection committee meeting.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.36(321G) Selection criteria. For application reviews and for the groomer review and selection process, the following evaluation criteria shall be considered:

1. Primary and secondary trail miles and connectivity to other trail systems.
2. Maintenance and management of existing trails.
3. Projects located in high trail demand areas.
4. Projects located in areas having sustained and adequate snow cover each year.
5. The applicant's historical record on grant expenditures, grooming records, trail marking, and compliance with cooperative agreements.
6. Sponsor level of in-kind contributions and program volunteer efforts.
7. Trail development plan.
8. Level of available program funds.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.37(321G) Eligibility of projects. Items listed in this chapter or approved by the director that can reasonably be utilized in the construction or maintenance of snowmobile riding areas or trails shall be eligible for funding.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.38(321G) Use of funded items. Manufactured products or machinery purchased by sponsors with state assistance under this program shall be used only for the purpose of establishing or maintaining riding areas, trails, or facilities, and as emergency rescue equipment where applicable.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.39(321G) Disposal of equipment, facilities or property.

47.39(1) Without prior written approval of the department, sponsors shall not dispose of any manufactured products, machinery, facilities, or property if the department paid all or a portion of the actual cost. Sponsors shall, in the case of equipment or facilities, reimburse the department a percentage of the disposal price received, that percentage being the percent of the original purchase price paid by the snowmobile fund.

47.39(2) Real property and equipment shall be disposed of as stipulated in the cooperative agreement under which they were acquired. Reimbursements from the sale of real property and equipment shall be credited to the snowmobile registration account.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.40(321G) Record keeping. Sponsors receiving funds under this program shall keep adequate records relating to the administration of the grant, particularly relating to all incurred costs. These records shall be available for audit by appropriate personnel of the department and the state auditor's office.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.41(321G) Sponsors bonded. Prior to receiving prepayment from this grant program, all nonpublic sponsors must produce proof that their elected officers are covered under a fidelity bond, personal or surety, to the sponsor in a sum of no less than the total prepayment amount for each office.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.42(321G) Items eligible for funding.

47.42(1) Grooming equipment.

a. The project sponsor shall have a minimum of 100 miles of groomed snowmobile trail before the department awards funding for a groomer purchase or lease.

b. If the purchase and lease of groomers and drags are approved by the grant review and selection committee and the department, the department or sponsors may acquire or lease snow grooming equipment with snowmobile program funds.

c. After written approval by the department and upon trade-in to the department of a used groomer by a sponsor for replacement purposes, the trade-in value may be applied to the new groomer purchase.

d. The sponsor is responsible for groomer and drag operation and maintenance as required in the equipment agreement.

e. Upon sale or trade-in of a used groomer with no replacement, the snowmobile fund shall refund to the sponsor the percentage of the trade-in value that matches the percent originally invested in the groomer.

f. Groomers shall not be moved between sponsors without prior written approval from the department.

47.42(2) Groomer maintenance, repair, and operation.

47.42(3) Trail signs. Only those signs approved by the department for use on funded areas or trails shall be used by the sponsor.

47.42(4) Gates, fence openings, bridges, culverts, and permanent bridges. Permanent bridges are eligible only if placed on public land or on private property under a lease or easement for ten or more years.

47.42(5) Program and facility liability insurance shall be in place for project sponsors receiving grant funds. If insurance is purchased by the sponsor, proof of liability insurance shall be provided to the department.

a. The state may purchase a statewide insurance policy covering all project sponsors receiving funds from the snowmobile grant program, in which case a copy of the policy shall be made available to covered sponsors upon request. This insurance coverage may include liability insurance for the landowner(s) or other insurable interests.

b. Snowmobile registration funds shall not be used to purchase insurance for special events.

c. All insurance paid under this subrule must be furnished by companies licensed to do business in Iowa.

47.42(6) Direct payment to vendors. The department may establish operational procedures to facilitate direct payment to vendors for:

a. Major expenditures or specialty items including but not limited to land acquisitions, groomer purchases, development expenses, program liability insurance fees, and trail signs.

b. Unexpected repairs including materials or other expenses that may be necessary to operate the snowmobile trails in a safe manner.

47.42(7) Pursuant to an agreement between the department and the Iowa State Snowmobile Association, association program expenses and personal expenses for association officers may be reimbursed. Proposed agreements shall be subject to the review and selection requirements of this chapter and must be approved by the director. Items eligible for funding are:

a. In-state travel expenses related to the acquisition, development, and signing of snowmobile trails, grant review meetings, groomer selection, education classes, and attending department meetings or sponsored events. Expenses may include mileage, meeting rooms, and lodging at the approved state rate.

b. Transportation expenses related to moving groomers, drags, or educational equipment.

c. Promotional and educational expenses directly related to the snowmobile program.

47.42(8) Land acquisition in compliance with rule 571—47.43(321G).

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.43(321G) Land acquisition projects eligible for funding.

47.43(1) *Project narrative.* Any application that includes a proposal to acquire real property must include a narrative that demonstrates a demand for the proposed area in relation to population, other riding areas, potential expansion, partnership possibilities and local support.

47.43(2) *Site visit.* The department shall complete a preliminary site visit of any proposal for which the applicant proposes to acquire real property.

47.43(3) *Evaluation.* In evaluating the proposed real property acquisition, lease or development, the department shall consider the following based on its site visit, the project narrative and any other information submitted.

a. Park or trail capacity. The proposed acquisition, lease or development shall provide adequate user capacity for snowmobile recreation. Consideration shall be given to local populations and distance or adjacency to other snowmobile trails, trail systems or parks.

b. Appraisal and sale. When the applicant proposes to acquire real property, the applicant must:

(1) Provide an appraisal of the property to the department for its review and approval. The appraisal must be certified by an appraiser, licensed in the state of Iowa, and conform to the Uniform Appraisal Standards for Federal Land Acquisitions, Fifth Edition, which is also referred to as the Yellow Book.

(2) Pay not more than the appraised value, as determined in subparagraph 47.43(3)“b”(1), for the real property.

(3) Include a requirement in any proposal or option to buy the real property that such purchase agreement shall be valid for at least one year from the award of the grant.

c. Operations. The project shall be maintained by a political subdivision in the state, capable of maintaining the area on a voluntary basis. The political subdivision shall be responsible to oversee the park operations, trail and trail system, either through its own employees or through agreements with volunteers or contractors. The successful applicants shall abide by the operational plan set forth as part of the grant agreement by the department, updated annually by the parties, and subject to input from other interested parties.

d. Adjoining properties and the public. The successful applicant shall be responsible for ensuring that all adjoining property owners of the proposed land acquisition are notified of the proposed snowmobile riding area or trail system and must accept and consider comments from such property owners. The successful applicant shall also be required to hold a public meeting to notify the public about the proposed snowmobile riding area, trail system or trail. Such meeting shall conform to the requirements of Iowa Code section 362.3. The issues raised in any written or oral comments received shall be addressed by the successful applicant. The successful applicant shall submit a recitation of the comments as well as its response to them to the department for its review and approval prior to any real property acquisition for a snowmobile riding area, trail system or trail.

e. Cultural, historical and natural resources. The successful applicant shall be responsible to determine if cultural or historical resources, high-quality natural areas, species of special concern, or any state or federally listed threatened and endangered species are present or likely to be present in the real property proposed to be acquired. In the event the successful applicant determines the presence of the aforementioned resources, the successful applicant must develop a mitigation plan, endorsed by an expert in the relative field(s), to mitigate or avoid negative impact to such resources, which shall be subject to review and approval of the department. Any final mitigation plan required by this rule and approved by the department shall be adopted as part of the operational plan set forth as part of the grant agreement.

f. Soil resources. The successful applicant shall consider the grade of all snowmobile riding areas within the snowmobile area, trail system or trails proposed as part of the real property acquisition. The successful applicant shall acquire soil survey reports for such snowmobile riding area that indicate the general soil classification of that area. The report shall be submitted to the department for its review and approval. The department shall only approve snowmobile riding areas with a moderate risk or less for soil erosion due to path or trail development. Successful applicants are encouraged to consult the Natural Resources Conservation Service of the United States Department of Agriculture regarding trail or park development.

47.43(4) Determination. The director shall make the final determination as to whether the proposed land acquisition is eligible for funding. If any of the requirements of this rule cannot be met, the department will reject all or a portion of the grant application. Title to property acquired under this program shall be in the name of the sponsor, unless otherwise approved by the director, and may contain a reversion clause that requires the property to become property under the jurisdiction of the commission in the event the property is not used as agreed upon in the grant agreement for a period of at least 20 years from the expiration of the grant.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.44(321G) Competitive bids. Any equipment or development expense costing more than \$500 and funded by grant funds must be purchased through a competitive bid or quotation process. Documentation of such process must be submitted before funds are released by the state. Items purchased by any other means are not reimbursable by the state.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.45(321G) Prepayment for certain anticipated costs. Only those expenditures contained in signed agreements may be prepaid. Program or facility liability insurance may be prepaid up to 100 percent. Approved facility and development costs and operations and maintenance costs may be prepaid up to 90 percent.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.46(321G) Expense documentation, balance payment, or reimbursement.

47.46(1) Documentation of expenditures eligible for prepayment or reimbursement shall be submitted on forms provided by the department and shall be accompanied by applicable receipts showing evidence that the expense is chargeable to the program. The sponsoring organization shall sign a certification stating that all expenses for which reimbursement is requested are related to the program and have been paid by the sponsor prior to the request for reimbursement. If necessary, the department may request copies of canceled checks to verify expenditures.

47.46(2) The sponsor is responsible for maintaining auditable records of all expenditures of funds received whether by prepayment or on a reimbursement basis. This documentation shall include daily logs of groomer or other maintenance equipment, operation and repair. Work done under contract to the sponsor requires a copy of the contract and copies of canceled checks showing payment.

47.46(3) Documentation of expenditures under the snowmobile revenue cost-sharing program

must be received by the department on or before May 1 of each year.

47.46(4) Approved expenditures by the sponsor in excess of the prepayment amount received, up to the maximum approved amount, will be reimbursed by the department if appropriately documented. In instances where the sponsor has expended less than the amount prepaid, the sponsor shall reimburse the balance to the department to be credited back to the snowmobile fund.

[ARC 1226C, IAB 12/11/13, effective 1/15/14]

571—47.47(321G) Use of funds. If a grantee desires to use the approved funds for a purpose not within the approved project scope as stated in the cooperative agreement, the grantee shall request an amendment to the agreement. If the department approves a project amendment, the department shall notify the project sponsor in writing or by electronic means. Whenever any real or personal property acquired, developed or maintained with snowmobile registration funds passes from the control of the grantee or is used for purposes other than the approved project purpose, such an act will be considered an unlawful use of the funds, subject to repayment and other penalties as provided by law. Whenever the director determines that a grantee is in violation of this rule, that grantee shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the department.

The rules in this division are intended to implement Iowa Code sections 321G.2 and 321G.7.
[ARC 1226C, IAB 12/11/13, effective 1/15/14]

These rules are intended to implement Iowa Code chapter 321G.

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