

WATER RECREATION ACCESS COST-SHARE PROGRAM INFORMATION PACKET

Applications must be received by the appropriate Department of Natural Resources office no later than 4:30 pm on September 30th of the year applying to be eligible for review at the next water access committee meeting. Addresses are provided below. Submit the applications to the District Fisheries Supervisor for the county in which the project will be located. Project received in January will be field reviewed in February and reviewed by the committee in early March.

You will be notified of the results of the committee shortly after the meeting. Projects requesting a grant of \$25,000 or more must also be reviewed by the Natural Resource Commission at its next meeting. Expenses cannot be incurred by the applicant before notification of grant approval has been received; therefore, be sure to figure in these programmed time delays before you plan your initiation date.

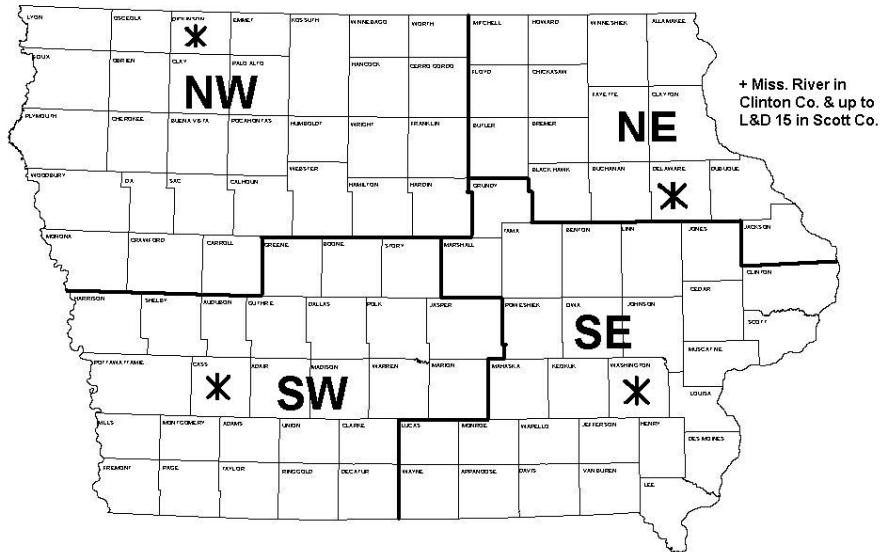
If your grant request is approved, your agency and the DNR will need to enter into a formal cooperative agreement. A copy of our standard agreement is part of this document for your review. This sample should not be completed and attached to your application. You will be contacted by our office to work out the details of the agreement after your project has been approved.

STATE OWNED PROPERTY MANAGED BY OTHER ENTITIES

State owned areas managed by other local agencies will be reviewed for inclusion on the DNR's 5-year capital plan. If you manage a state-owned property and would like to use MFT funding for a project on that property, please contact eh DNR District Fisheries Supervisor for your area. Let the supervisor know what kind of project you have, the necessity of it and the estimated cost. The Supervisor will review all projects submitted and determine which ones will be included in the DNR's 5-year capital plan. Submit these projects by May 1 of each year.

APPLICATION MAILING ADDRESSES

Northwest Iowa District Fisheries Supervisor 122 252 nd Ave Spirit Lake, IA 51360 (712) 336-1840	Southwest Iowa District Fisheries Supervisor Cold Springs State Park 57744 Lewis Rd Lewis, IA 51544-5103 (712) 769-2587	Northeast Iowa District Fisheries Supervisor NE Regional Office 22693 205 th Ave Manchester, IA 52057 (563) 927-3276	Southeast Iowa District Fisheries Supervisor SE District Office 110 Lake Darling Rd Brighton, IA 52540 (319) 694-2430
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WATER RECREATION ACCESS COST-SHARE PROGRAM PROJECT APPLICATION

This application constitutes a formal request for a cooperative agreement to acquire, develop or maintain a Marine Fuel Tax Fund project.

Mail Applications To: See Map for Appropriated Mailing Address

SUBMITTED BY:

Agency: _____ DATE: _____

Contact Person: _____ Title: _____

Address: _____ City/State/Zip: _____

Telephone: _____ E-mail: _____

Signature: _____

Name of Project Area: _____

Type of Project: _____

Location of Area: _____

County: _____ Section: _____ Township: _____ Range: _____

(NOTE: Attach County Map Showing Location)

(For Development Projects Only:)

Project Site Control (Check One): Fee Title Lease
 Easement Management Agreement

Expiration Date of Lease, Easement or Agreement: _____

Project Justification: (Narrative)

Work Planned: (Brief narrative)

Please Attach Site Plan of Area

Complete And Detailed Drawings Should Be Provided For All Construction Projects.

Construction/Materials/Labor Cost Estimates:

Total Cost: _____

Marine Fuel Tax Grant Request: _____

SAMPLE COPY

DO NOT FILL OUT

STATE OF IOWA
DEPARTMENT OF NATURAL RESOURCES
WALLACE STATE OFFICE BUILDING
DES MOINES, IA 50319-0034

WRAC Project #: XX-XXXX

COOPERATIVE AGREEMENT
WATER RECREATION ACCESS COST-SHARE PROJECT

Grantee: _____

PROJECT TITLE: _____

CONTACT PERSON: _____

GRANT AWARD: \$XX,XXX.XX

DNR CONTACT/PHONE #: Kathleen Moench 515-725-8213

THIS AGREEMENT, entered into by the Department of Natural Resources, hereinafter referred to as the Department and the _____ hereinafter referred to as the Local Entity,

WITNESSETH:

WHEREAS, the Department has established a program (Administrative Rule 571, Chapter 30) known as the Water Recreation Access Cost-share Program, hereinafter referred to as the Program, to assist the local entity in the project as follows:

Total Estimated Costs \$: XX,XXX.XX
100% Cost-Share \$: XX,XXX.XX

NOW THEREFORE, be it mutually agreed by the Parties hereto as follows:

The Department agrees to reimburse the Local Entity a sum equal to 75 percent of the actual cost, unless an exception has been provided for, of the project after completion and upon proof that costs have been liquidated by the Local Entity. In no case shall the costs to the Department exceed that of the grant award.

It is further agreed by the Parties hereto:

1. That the project described herein shall be completed by **December 31, XXXX**
2. That the Local Entity shall be responsible for maintenance and all expenses related thereto after completion of the project.
3. That it is understood and agreed that this agreement is not a permit to construct and that the local entity shall be responsible for obtaining any permits required by the federal, state, or local authority having jurisdiction over such projects.
4. That the area or facility herein described shall be open to the public for lawful recreation boating purposes without tariff and shall not be used for commercial purposes directly or indirectly, without written approval from the Department. The site shall be posted with a public access sign as provided by the Department.

5. That any addition to this agreement is herein written as follows and that there are no verbal additions hereto:

CHECK THESE FOR EACH GRANT, ONE MAY BE INCLUDED

XX

XX

THIS AGREEMENT entered into under the authority of action taken at an official meeting of the _____ of _____ County, Iowa, on the _____ day of _____, 20____, all as shown in the minutes thereof, and by approval of the Department of Natural Resources.

Fed ID #

Grantee Signature

Print Name

Date

Alex Moon, Deputy Director
Iowa Department of Natural Resources

CHAPTER 30

WATER RECREATION ACCESS COST-SHARE PROGRAM

[Prior to 12/31/86, Conservation Commission[290] Ch 79]

571—30.1(452A) Purpose. The purpose of this rule 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 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 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 on forms provided by the agency must be received by the Department of Natural Resources Fisheries Management Area Office for the county in which the project is to be located as shown on the map below, no later than 4:30 p.m. on the last working day of January in order to be eligible for review at the next water access committee meeting. Addresses of the area offices are:

<p>Northwest Iowa District Fisheries Supervisor 611 252nd Ave Spirit Lake, IA 51360 (712) 336-1840</p>	<p>Southwest Iowa District Fisheries Supervisor Cold Springs State Park 57744 Lewis Rd Lewis, IA 51544-5103 (712) 769-2587</p>	<p>Northeast Iowa District Fisheries Supervisor NE Regional Office 22693 205th Ave Manchester, IA 52057 (563) 927-3276</p>	<p>Southeast Iowa District Fisheries Supervisor SE District Office 110 Lake Darling Rd Brighton, IA 52540 (319) 694-2430</p>
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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 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.

MINORITY IMPACT STATEMENT

Pursuant to 2008 Iowa Acts, HF 2393, Iowa Code Section 8.11, all grant applications submitted to the State of Iowa which are due beginning January 1, 2009 shall include a Minority Impact Statement. This is the state’s mechanism to require grant applicants to consider the potential impact of the grant project’s proposed programs or policies on minority groups.

Please choose the statement(s) that pertains to this grant application. Complete all the information requested for the chosen statement(s).

The proposed grant project programs or policies could have a disproportionate or unique **positive** impact on minority persons.

Describe the positive impact expected from this project

Indicate which group is impacted:

- Women
- Persons with a Disability
- Blacks
- Latinos
- Asians
- Pacific Islanders
- American Indians
- Alaskan Native Americans
- Other

The proposed grant project programs or policies could have a disproportionate or unique **negative** impact on minority persons.

Describe the negative impact expected from this project

Present the rationale for the existence of the proposed program or policy.

Provide evidence of consultation of representatives of the minority groups impacted.

Indicate which group is impacted:

- Women
- Persons with a Disability
- Blacks
- Latinos
- Asians
- Pacific Islanders
- American Indians
- Alaskan Native Americans
- Other

The proposed grant project programs or policies are **not expected to have** a disproportionate or unique impact on minority persons.

Present the rationale for determining no impact.

I hereby certify that the information on this form is complete and accurate, to the best of my knowledge:

Name: _____

Title: _____

Minority Impact Statement Definitions

“Minority Persons”, as defined in Iowa Code Section 8.11, mean individuals who are women, persons with a disability, Blacks, Latinos, Asians or Pacific Islanders, American Indians, and Alaskan Native Americans.

“Disability”, as defined in Iowa Code Section 15.102, subsection 5, paragraph “b”, subparagraph (1):

b. As used in this subsection:

- (1) “Disability” means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of physical or mental impairment that substantially limits one or more of the major life activities of the individual, or being regarded as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

“Disability” does not include any of the following:

- (a) Homosexuality or bisexuality.
- (b) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments or other sexual behavior disorders.
- (c) Compulsive gambling, kleptomania, or pyromania.
- (d) Psychoactive substance abuse disorders resulting from current illegal use of drugs.

“State Agency”, as defined in Iowa Code Section 8.11, means a department, board, bureau, commission, or other agency or authority of the State of Iowa.