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**IDAPA 20
TITLE 02
Chapter 12**

20.02.12 - RULES OF THE COMMUNITY AND URBAN FORESTRY TRUST ACCOUNT

000. LEGAL AUTHORITY.

In accordance with Sections 38-136 and 63-3067B(c)(vii), Idaho Code, the Board shall promulgate rules implementing the provisions of Community and Urban Forestry Trust Account. (3-1-93)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 20.02.12, "Rules of the Community and Urban Forestry Trust Account," Department of Lands, IDAPA 20, Title 02, Chapter 12. These rules delineate the sources of funds and moneys available, criteria for disbursements, guidelines for grant application and award, and compliance guidelines for projects deemed appropriate by the director of the Department of Lands. (3-1-93)

002. WRITTEN INTERPRETATIONS.

This agency has no written statements which pertain to the documentation of compliance with the rules of this chapter. (3-1-93)

003. ADMINISTRATIVE APPEALS.

Requests for reconsideration of decisions relating to the grants made under these rules may be made in writing to the director within thirty (30) days of the decision. Such reconsideration requests shall list the reasons for the request and shall be signed by the authorized representative of the applicant. Provided, however, that the director's decision on reconsideration shall not receive judicial review pursuant to Title 67, Chapter 52. (3-1-93)

004. (RESERVED).

005. INCLUSIVE GENDER.

For all sections and subsections of these rules, the terms and references used in the masculine include the feminine and vice versa, as appropriate. (3-1-93)

006. SEVERABILITY.

The sections and subsections of these rules are presumed severable unless specifically provided to the contrary. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion. (3-1-93)

007. -- 009. (RESERVED).

010. DEFINITIONS.

Unless otherwise required by context as used in these rules the following terms shall have the meaning as defined: (3-1-93)

01. Applicant. A nonfederal public agency or a nonprofit organization meeting requirements of 501(c)(3), United States Internal Revenue Code of 1986, which has submitted a proposal for a grant under these rules. (3-1-93)

02. Grantee. A nonfederal public agency or a nonprofit organization meeting requirements of 501(c)(3), United States Internal Revenue Code of 1986, which has been awarded a grant under these rules. (3-1-93)

03. Act. Sections 38-136 and 63-3067B(c)(vii) Idaho Code. (3-1-93)

04. Community Forestry Trust Account or Account. The trust account created by Section 38-136, Idaho Code, which established within the dedicated fund of the state treasury an account for promoting community and urban forestry programs through cost-share grants in the state of Idaho. (3-1-93)

05. Community or Urban Forestry or Community Forest Management. The management of the trees and associated vegetation in rural and urban communities. (3-1-93)

06. Director or State Forester. The Director of the Idaho Department of Lands or his designee. (3-1-93)
07. Department. The Idaho Department of Lands. (3-1-93)
08. Board. The Idaho State Board of Land Commissioners or its designee. (3-1-93)
09. Public and Private Lands. All nonfederal land located within the state of Idaho (3-1-93)
10. Council or ICUFAC. The Idaho Community and Urban Forestry Advisory Council established to advise the director on matters pertaining to urban forestry. (3-1-93)
11. Memorandum of Understanding or MOU. A binding, signed agreement listing obligations, including financial and performance commitments, required of each party. (3-1-93)

011. -- 019. (RESERVED).

020. COMMUNITY FORESTRY TRUST ACCOUNT.

01. Income to Account. Moneys for the account shall be generated from the following sources: (3-1-93)
- a. Contributions generated by designated portions of refunds due to overpayment of state income taxes. Designation shall be made on forms prescribed and provided by the Idaho State Tax Commission; (3-1-93)
- b. Contributions generated as a donation in addition to income tax liabilities payable to the Idaho State Tax Commission. Designation shall be made on forms prescribed and provided by the Idaho State Tax Commission; (3-1-93)
- c. Donations, gifts, and grants from any source; (3-1-93)
- d. Any other moneys which may hereinafter be provided by law. (3-1-93)
02. Establishment of Department Fund. The department shall establish a unique fund number to receive moneys from the account. (3-1-93)
03. Funds Available. The amount available for community forestry projects will be limited by the annual legislative appropriation and the actual amount in the account. (3-1-93)

021. -- 029. (RESERVED).

030. DISBURSEMENTS.

01. Qualifying Entities. The following types of organizations shall be eligible to make application for cost- share money: (3-1-93)
- a. Rural and Urban Communities; (3-1-93)
- b. Counties; (3-1-93)
- c. State Agencies; (3-1-93)
- d. Nonprofit organizations meeting requirements of 501(c)(3), United States Internal Revenue Code of 1986. (3-1-93)
02. Qualifying Project Criteria. To qualify for cost-share money projects must address at least one (1) of the following criteria: (3-1-93)

- a. Improve understanding of the benefits of tree cover in urban and rural communities; (3-1-93)
 - b. Encourage and promote owners of private property and managers of public property to properly maintain trees and expand forest cover; (3-1-93)
 - c. Provide educational programs and technical assistance to state and local personnel; (3-1-93)
 - d. Implement tree planting programs to complement community tree maintenance and open space program; (3-1-93)
 - e. Reduce energy consumption by shielding buildings from summer sun or winter winds; (3-1-93)
 - f. Promote demonstration projects; (3-1-93)
 - g. Enhance the technical skills and understanding of tree maintenance and arboricultural practices; (3-1-93)
 - h. Expand research and educational efforts in: (3-1-93)
 - i. Improving tree growth and maintenance; (3-1-93)
 - ii. Integrating trees and groundcovers; (3-1-93)
 - iii. Assessing and improving economic, environmental, social, and psychological benefits; (3-1-93)
 - iv. Conserving energy, reducing adverse wind effects, and mitigating urban heat island buildup; (3-1-93)
03. Examples of Eligible Projects. The grant moneys may be used for, but are not restricted to, the following types of projects: (3-1-93)
- a. Conducting community tree inventories; (3-1-93)
 - b. Conducting ground cover analyses; (3-1-93)
 - c. Developing a community or urban forest management plan; (3-1-93)
 - d. Developing a tree protection ordinance; (3-1-93)
 - e. Conducting volunteer urban forestry projects; (3-1-93)
 - f. Developing public education programs; (3-1-93)
 - g. Planting trees on nonfederal public land; (3-1-93)
 - h. Organizing a municipal tree board. (3-1-93)
04. Cost Share Requirements. (3-1-93)
- a. Not less than thirty-five percent (35%) of the funding for an approved project shall be provided by the grantee. Contributions such as materials, personnel, supplies, or services may be considered as all or part of the funding provided by the applicant. Donations contributed on behalf of applicant are acceptable in determining applicant's cost share; (3-1-93)
 - b. The director may prescribe minimum or maximum grant amounts depending upon the availability of funding; (3-1-93)

- c. The director may prescribe matching requirements in excess of thirty-five percent (35%). (3-1-93)

031. -- 039. (RESERVED).

040. GRANT APPLICATION AND AWARD PROCESS.

01. Grant Application Procedure. Application shall be made annually prior to the due date specified by the department by completing grant forms prescribed by the department. (3-1-93)

02. Application Review Process. (3-1-93)

a. Initial screening of applications shall be conducted by department staff or designees to assure applications meet minimum requirements. (3-1-93)

b. A standing committee consisting of Council members shall review project applications. Grant award recommendations shall be forwarded to the director for final approval. (3-1-93)

c. The director shall approve, deny or defer grant awards. (3-1-93)

03. Award of Grants. In order to receive funds under this act, a memorandum of Understanding (MOU) must be signed by authorized representatives of the department and the applicant. This MOU shall include the following: (3-1-93)

a. Assurances that the project proposal shall be followed; (3-1-93)

b. A schedule for accomplishment reporting; (3-1-93)

c. Standards for evaluation of the project; (3-1-93)

d. Payment conditions; (3-1-93)

e. A time table for disbursements; (3-1-93)

f. Reporting procedures; (3-1-93)

g. Procedures for amending the MOU; (3-1-93)

h. The project fiscal period stating the effective date and the termination date of the MOU; (3-1-93)

i. A provision detailing the minimum number of years that the trees planted under these tree grants must be maintained. (3-1-93)

041. -- 049. (RESERVED).

050. PROJECT COMPLIANCE.

01. Project Completion Time Period. Unless otherwise specified, projects must be completed within one (1) year from the project effective date listed in the MOU. (3-1-93)

02. Extension Process. Written requests for grant deadline extensions must be submitted to the department no later than thirty (30) days prior to the expiration of the MOU. The director shall approve or deny the request within thirty (30) days. (3-1-93)

03. Periodic Accomplishment Reports Unless otherwise specified, semi-annual reports in a format prescribed by the department shall be required. Reports must be received by the department within thirty (30) days of the report dates prescribed by the MOU. (3-1-93)

04. Grant Disbursement Process. Grant disbursements will be based upon the semi-annual and annual accomplishment reports. (3-1-93)

05. Grant Enforcement Procedures. The director shall ensure that the conditions of the grant are fulfilled before disbursing funds. The following are some of the procedures the director may follow to ensure compliance with the conditions of the grants: (3-1-93)

a. A certified letter detailing the noncompliance of the grant conditions shall be sent to the grantee in the event the grantee fails to meet the predetermined standards prescribed in the MOU; (3-1-93)

b. The director may withhold payment of grant funds should the project or program not meet the predetermined standards for the project evaluation; (3-1-93)

c. The director may require the return of moneys already dispensed based upon misrepresentation of the material facts in the proposal or subsequent accomplishment reports by the grantee. (3-1-93)

051. -- 999. (RESERVED).