

**NATURAL RESOURCE COMMISSION[571]**

**Adopted and Filed**

**Rulemaking related to publicly owned lakes watershed program**

The Natural Resource Commission (Commission) hereby rescinds Chapter 31, “Publicly Owned Lakes Program,” and adopts a new Chapter 31, “Publicly Owned Lakes Watershed Program,” Iowa Administrative Code.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code sections 456A.24(5) and 456A.33A.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code section 456A.33A.

*Purpose and Summary*

Chapter 31 provides the procedure to establish a priority list of watersheds above significant public lakes where private landowners are eligible to receive cost-share moneys to establish soil and water conservation practices. For larger context, as part of annual appropriations to the Iowa Department of Agriculture and Land Stewardship, the State allocates cost-share moneys for approved soil and water conservation practices on watersheds above certain publicly owned lakes. These areas must first be identified on a priority list established by the Department of Natural Resources (Department). These practices provide a benefit to the landowner through soil conservation and to the public through improved water quality in the affected public lakes. Consistent with Executive Order 10 (January 10, 2023) and the five-year review of rules in Iowa Code section 17A.7(2), this chapter was edited for length and clarity.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 27, 2023, as **ARC 7229C**. Public hearings were held on January 23 and 30, 2024, at 12 noon via video/conference call. No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Commission on April 11, 2024.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

This rulemaking is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rulemaking will become effective on June 5, 2024.

The following rulemaking action is adopted:

ITEM 1. Rescind 571—Chapter 31 and adopt the following **new** chapter in lieu thereof:

CHAPTER 31  
PUBLICLY OWNED LAKES WATERSHED PROGRAM

**571—31.1(456A) Purpose.** The purpose of this chapter is to set forth the policy and procedures to be utilized by the department of natural resources to establish a priority list of watersheds above significant public lakes where private landowners are eligible to receive cost-share moneys to establish soil and water conservation practices pursuant to Iowa Code chapter 161A.

**571—31.2(456A) Definitions.**

“*Commission*” means the natural resource commission.

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

“*Division*” means the department of agriculture and land stewardship, division of soil conservation and water quality.

“*Program*” means the publicly owned lakes watershed program.

“*Significant public lake*” means a lake meeting the criteria set forth in Iowa Code section 456A.33B(1) “c.”

“*Watershed*” means those lands that drain into a significant public lake.

**571—31.3(456A) Priority of watersheds.** Pursuant to Iowa Code section 456A.33A, the commission shall annually establish a priority list of watersheds above existing or proposed significant public lakes.

**571—31.4(456A) Application.** Applications shall be submitted annually, as specified by the division. The division will then forward received applications to the department for determination of program eligibility. The department will review applications based on compliance with application requirements.

These rules are intended to implement Iowa Code section 456A.33A.

[Filed 4/11/24, effective 6/5/24]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/1/24.