

CHAPTER 466B

SURFACE WATER PROTECTION,
FLOOD MITIGATION, AND
WATERSHED MANAGEMENTReferred to in [§461.34](#)

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SUBCHAPTER I

SURFACE WATER PROTECTION AND
FLOOD MITIGATION**466B.1 Short title.**

[This chapter](#) shall be known and may be cited as the “*Surface Water Protection and Flood Mitigation Act*”.

[2008 Acts, ch 1034, §1; 2009 Acts, ch 146, §7](#)

466B.2 Definitions.

For the purposes of [this chapter](#), unless the context otherwise requires:

1. “*Council*” means the water resources coordinating council created in [section 466B.3](#).
2. “*Department*” means the department of natural resources.
3. “*Iowa nutrient reduction strategy*” means the same as defined in [section 455B.171](#).
4. “*Political subdivision*” means any of the following:
 - a. A city.
 - b. A county.
 - c. A soil and water conservation district described in [section 161A.5](#).
 - d. A benefited recreational lake district or a water quality district or a combined district incorporated as a public entity and organized pursuant to [chapter 357E](#).
 - e. A rural improvement zone established pursuant to [chapter 357H](#).

5. “Regional watershed” means a watershed of hydrologic unit code scale 8.
6. “Subwatershed” means a watershed of hydrologic unit code scale 12 or smaller.
7. “Watershed” means a geographic area in which surface water is drained by rivers, streams, or other bodies of water.

2008 Acts, ch 1034, §2; 2013 Acts, ch 132, §57; 2016 Acts, ch 1020, §1; 2018 Acts, ch 1152, §9, 10

NEW subsection 3 and former subsections 3 – 6 renumbered as 4 – 7
Subsection 4, NEW paragraph e

466B.3 Water resources coordinating council.

1. *Council established.* A water resources coordinating council is established within the department of agriculture and land stewardship.

2. *Purpose.* The purpose of the council shall be to preserve and protect Iowa’s water resources, and to coordinate the management of those resources in a sustainable and fiscally responsible manner. In the pursuit of this purpose, the council shall use an integrated approach to water resource management, recognizing that insufficiencies exist in current approaches and practices, as well as in funding sources and the utilization of funds. The integrated approach used by the council shall attempt to overcome old categories, labels, and obstacles with the primary goal of managing the state’s water resources comprehensively rather than compartmentally.

3. *Accountability.* The success of the council’s efforts shall ultimately be measured by the following outcomes:

- a. Whether the citizens of Iowa can more easily organize local watershed projects.
- b. Whether the citizens of Iowa can more easily access available funds and water quality program resources.
- c. Whether the funds, programs, and regulatory efforts coordinated by the council eventually result in a long-term improvement to the quality of surface water in Iowa. To evaluate the progress achieved over time toward the goals of the Iowa nutrient reduction strategy and the United States environmental protection agency gulf hypoxia action plan, the baseline condition shall be calculated for the time period from 1980 to 1996.
- d. Whether the potential for flood damage in each watershed in the state has been reduced.

4. *Membership.* The council shall consist of the following members:

- a. The director of the department of natural resources or the director’s designee.
- b. The director of the division of soil conservation and water quality within the department of agriculture and land stewardship or the director’s designee.
- c. The director of the department of public health or the director’s designee.
- d. The director of the department of homeland security and emergency management or the director’s designee.
- e. The dean of the college of agriculture and life sciences at Iowa state university or the dean’s designee.
- f. The dean of the college of public health at the university of Iowa or the dean’s designee.
- g. The dean of the college of natural sciences at the university of northern Iowa or the dean’s designee.

h. The director of transportation or the director’s designee.

i. The director of the economic development authority or the director’s designee.

j. The executive director of the Iowa finance authority or the executive director’s designee.

k. The secretary of agriculture, who shall be the chairperson, or the secretary’s designee.

As the chairperson, and in order to further the coordination efforts of the council, the secretary may invite representatives from any other public agency, private organization, business, citizen group, or nonprofit entity to give public input at council meetings, provided the entity has an interest in the coordinated management of land resources, soil conservation, flood mitigation, or water quality. The secretary shall also invite and solicit advice from the following:

- (1) The director of the Iowa water science center of the United States geological survey or the director’s designee.

(2) The state conservationist from the Iowa office of the United States department of agriculture's natural resources conservation service or the state conservationist's designee.

(3) The executive director for Iowa from the United States department of agriculture's farm services agency or the executive director's designee.

(4) The state director for Iowa from the United States department of agriculture's office of rural development or the state director's designee.

(5) The director of region seven of the United States environmental protection agency or the director's designee.

(6) The corps commander from the United States army corps of engineers' Rock Island district or the commander's designee.

l. The dean of the college of engineering at the university of Iowa or the dean's designee.

5. *Meetings and quorum.*

a. The council shall be convened by the secretary of agriculture at least quarterly.

b. A majority of the members fixed by statute shall constitute a quorum, and any action taken by the council must be adopted by a majority of the voting membership.

6. *Duties and powers.*

a. The council shall engage in the regular coordination of water resource-related functions, including protection strategies, planning, assessment, prioritization, review, concurrence, advocacy, and education.

b. In coordinating water resource-related functions, the council may do all of the following:

(1) Consider the steps necessary to address the planning, management, and implementation of water resource improvement.

(2) Identify ways to facilitate communication and participation among all water resource stakeholders, including owners of land in Iowa whether they are residents or not.

(3) Identify inefficiencies in current programs and recommend ways to eliminate duplicative services.

(4) Improve the availability and management of water resource information.

(5) Provide incentives for, and recognition of, environmental excellence.

(6) Regularly assess and identify measurable improvements in water quality.

(7) Oversee the complete, statewide regional watershed assessment, prioritization, and planning process described in [section 466B.5](#), including a short-term interim program and a long-term comprehensive state water quality and quantity plan updated every five years as provided in [sections 466B.5](#) and [466B.6](#).

(8) Develop a protocol which identifies high-priority watersheds, including local and community-based subwatersheds, and which appropriately directs resources to those watersheds.

(9) Review best available technologies on a regular basis, so that investments of time and program resources can be prioritized and directed to projects that will best and most effectively improve water quality and reduce flood damage within regional and community subwatersheds.

(10) Review voluntary, performance-based standards for water resource management, land management, and soil conservation.

(11) Develop a protocol for assigning multiagency teams to regional watersheds and local subwatersheds and guide those teams in the coordination of citizen and agency activities within those watersheds.

(12) Engage in dialogue with, and pursue efforts to make cooperative agreements with, other states when a watershed extends beyond borders of this state.

(13) Enter into agreements and make contracts with third parties for the performance of duties imposed by [this chapter](#).

(14) Prepare a memorandum of understanding identifying the roles and responsibilities of council members in the coordination of the implementation of community-based subwatershed improvement plans. The memorandum shall be a commitment by the agencies participating in council meetings to reach consensus regarding communications with subwatershed planning units.

c. The council shall develop recommendations for policies and funding promoting

a watershed management approach to reduce the adverse impact of future flooding on this state's residents, businesses, communities, and soil and water quality. The council shall consider policies and funding options for various strategies to reduce the impact of flooding including but not limited to additional floodplain regulation; wetland protection, restoration, and construction; the promulgation and implementation of statewide storm water management standards; conservation easements and other land management; perennial ground cover and other agricultural conservation practices; pervious pavement, bioswales, and other urban conservation practices; and permanent or temporary water retention structures. In developing recommendations, the council shall consult with hydrological and land use experts, representatives of cities, counties, drainage and levee districts, agricultural interests, and soil and water conservation districts, and other urban and regional planning experts.

2008 Acts, ch 1034, §3; 2009 Acts, ch 41, §139; 2009 Acts, ch 146, §8 – 12; 2010 Acts, ch 1061, §62; 2011 Acts, ch 118, §85, 89; 2011 Acts, ch 119, §1 – 5; 2012 Acts, ch 1021, §86; 2012 Acts, ch 1023, §65; 2013 Acts, ch 29, §58; 2015 Acts, ch 29, §114; 2015 Acts, ch 103, §52; 2018 Acts, ch 1001, §21; 2018 Acts, ch 1152, §11

Referred to in §466B.2

Subsection 3, paragraph c amended

466B.4 Legislative findings and marketing campaign.

1. *Findings.* The general assembly finds all of the following:

a. Most Iowans desire to have improved water quality throughout the state, but many Iowans do not understand the problems with local water quality.

b. Most Iowans believe that the protection of fish and wildlife benefits all Iowans.

c. The benefits of improving water quality could far outweigh the costs of implementing mechanisms to improve it.

d. Most Iowans look to some level of government for the protection of water resources rather than to themselves and their own actions. However, it is not possible or desirable for state government to take complete control and responsibility for water quality.

e. In addition to the use of Iowa land for agriculture and economic development, the land in watersheds and floodplains should be managed to reduce flooding, reduce flood damage, ameliorate the effects of drought, improve water quality, improve habitat and the natural environment, increase renewable energy production, and enhance recreational opportunities.

2. *Marketing campaign.* The water resources coordinating council shall develop a marketing campaign to educate Iowans about the need to take personal responsibility for the quality and quantity of water in their local watersheds. The emphasis of the campaign shall be that not only is everyone responsible for clean water, but that everyone benefits from it as well, and that everyone is responsible for and benefits from reducing the risk for flooding and mitigating possible future flood damage. The goals of the campaign shall be to convince Iowans to take personal responsibility for clean water and reducing the risk of flooding and to equip them with the tools necessary to effect change through local water quality improvement projects and better floodplain management and flood risk programs.

3. *Contingent on funding.* The duties imposed in [subsection 2](#) are contingent upon the receipt of funding sufficient to cover the costs associated with the marketing campaign.

2008 Acts, ch 1034, §4; 2009 Acts, ch 146, §13; 2010 Acts, ch 1193, §127

Section not amended; editorial change applied

466B.5 Regional watershed assessment, planning, and prioritization.

1. *Regional watershed assessment program.* The department of natural resources shall create a regional watershed assessment program. The program shall assess all the regional watersheds in the state.

a. The statewide assessment shall be conducted at the rate of approximately one-fifth of the watersheds per year, and an initial full assessment shall be completed within five years. Thereafter, the department of natural resources shall review and update the assessments on a regular basis.

b. Each regional watershed assessment shall provide a summary of the overall condition of the watershed. The information provided in the summary may include land use patterns,

soil types, slopes, management practices, stream conditions, and both point and nonpoint source impairments.

c. In conducting a regional watershed assessment, the department of natural resources may provide opportunities for local data collection and input into the assessment process.

2. *Planning and prioritization.* In conducting the regional watershed assessment program, the department of natural resources shall provide hydrological and geological information sufficient for the water resources coordinating council to prioritize watersheds statewide and for the various communities in those watersheds to plan remedial efforts in their local communities and subwatersheds.

3. *Report to council.* Upon completion of the statewide assessment, and upon updating the assessments, the department of natural resources shall report the results of the assessment to the council and the general assembly, and shall make the report publicly available.

[2008 Acts, ch 1034, §5](#); [2011 Acts, ch 119, §6](#)

Referred to in [§466B.3](#), [466B.9](#)

466B.6 Community-based subwatershed improvement plans.

1. *Facilitation of community-based subwatershed plans.* After the department of natural resources' completion of the initial regional watershed assessment, and after the council's prioritization of the regional watersheds, the council shall designate one or more of the agencies represented on the council to facilitate the development and implementation of local, community-based subwatershed improvement plans.

2. *Assessment, planning, prioritization, and implementation.* In facilitating the development of community-based subwatershed improvement plans, the agency or agencies designated by the council shall, based on the results of the regional watershed assessment program, identify critical subwatersheds within priority regional watersheds and recruit communities, citizen groups, local governmental entities, or other stakeholders to engage in the assessment, planning, prioritization, and implementation of a local community-based subwatershed improvement plan. The agency or agencies designated by the council may assist in the formation of a group of initial local community-based subwatershed improvement plans that can be implemented as pilot projects, in order to develop an effective process that can be replicated across the state.

[2008 Acts, ch 1034, §6](#); [2011 Acts, ch 119, §7](#)

Referred to in [§466B.3](#)

466B.7 Community-based subwatershed monitoring.

1. *Monitoring assistance.* After completion of the statewide regional watershed assessment and prioritization, and throughout the implementation of local community-based subwatershed improvement plans, the department of natural resources shall assist communities with the monitoring and measurement of local subwatersheds. The monitoring and measurement shall be designed for the particular needs of individual communities.

2. *Data collection and use.* Local communities in which the department of natural resources conducts subwatershed monitoring shall use the information to support subwatershed planning activities, do local data collection, and identify priority areas needing additional resources. Local communities shall also collect data over time and use the data to evaluate the impacts of their management efforts.

[2008 Acts, ch 1034, §7](#); [2011 Acts, ch 119, §8](#)

466B.8 Wastewater and storm water infrastructure assessment.

The department of natural resources shall assess and prioritize communities within a watershed presenting the greatest level of risk to water quality and the health of residents. This prioritization shall include both sewerred and unsewerred communities.

[2008 Acts, ch 1034, §8](#); [2011 Acts, ch 119, §9](#)

466B.9 Rulemaking authority.

The department of natural resources and the department of agriculture and land stewardship shall have the power and authority reasonably necessary to carry out the duties

imposed by [this chapter](#). As to the department of natural resources, this includes rulemaking authority to carry out the regional watershed assessment program described in [section 466B.5](#). As to the department of agriculture and land stewardship, this includes rulemaking authority to assist in the implementation of community-based subwatershed improvement plans.

[2008 Acts, ch 1034, §9; 2011 Acts, ch 119, §10](#)

466B.10 Floodplain managers.

The council shall encourage and support the formation of a chapter of the association of state floodplain managers in Iowa that would provide a vehicle for local floodplain managers and floodplain planners to further pursue professional educational opportunities.

[2010 Acts, ch 1193, §128](#)

466B.11 Flood education.

The Iowa state university agricultural extension service, the council, and agency members of the council shall, to the extent feasible, work with floodplain and hydrology experts to educate the general public about floodplains, flood risks, and basic floodplain management principles. This educational effort shall include developing educational materials and programs in consultation with floodplain experts.

[2010 Acts, ch 1193, §129](#)

466B.12 through 466B.20 Reserved.

SUBCHAPTER II

WATERSHED MANAGEMENT AUTHORITIES

466B.21 Definitions.

As used in [this subchapter](#), unless the context otherwise requires:

1. “*Authority*” means a watershed management authority created pursuant to a [chapter 28E](#) agreement as provided in [this subchapter](#).

2. “*Board*” means a board of directors of a watershed management authority.

[2010 Acts, ch 1116, §3; 2013 Acts, ch 132, §58](#)

466B.22 Watershed management authorities created.

1. Two or more political subdivisions may create, by [chapter 28E](#) agreement, a watershed management authority pursuant to [this subchapter](#). The participating political subdivisions must be located in the same United States geological survey hydrologic unit code 8 watershed. All political subdivisions within a watershed must be notified within thirty days prior to organization of any watershed management authority within the watershed, and provided the opportunity to participate.

2. The [chapter 28E](#) agreement shall include a map showing the area and boundaries of the authority.

3. A political subdivision may participate in more than one authority created pursuant to [this subchapter](#).

4. A political subdivision is not required to participate in a watershed management authority or be a party to a [chapter 28E](#) agreement under [this subchapter](#).

[2010 Acts, ch 1116, §4](#)

466B.23 Duties.

A watershed management authority may perform all of the following duties:

1. Assess the flood risks in the watershed.
2. Assess the water quality in the watershed.
3. Assess options for reducing flood risk and improving water quality in the watershed.
4. Monitor federal flood risk planning and activities.

5. Educate residents of the watershed area regarding water quality and flood risks.
6. Allocate moneys made available to the authority for purposes of water quality and flood mitigation.
7. Make and enter into contracts and agreements and execute all instruments necessary or incidental to the performance of the duties of the authority. A watershed management authority shall not acquire property by eminent domain.

2010 Acts, ch 1116, §5

466B.24 Board of directors.

1. An authority shall be governed by a board of directors. Members of a board of directors of an authority shall be divided among the political subdivisions comprising the authority and shall be appointed by the respective political subdivision's elected legislative body.

2. A board of directors shall consist of one representative of each participating political subdivision. This subsection shall not apply if a chapter 28E agreement under this subchapter provides an alternative board composition method.

3. The directors shall serve staggered terms of four years. The initial board shall determine, by lot, the initial terms to be shortened and lengthened, as necessary, to achieve staggered terms. A person appointed to fill a vacancy shall be appointed in the same manner as the original appointment for the duration of the unexpired term. A director is eligible for reappointment. This subsection shall not apply if a chapter 28E agreement under this subchapter provides an alternative for the length of term, appointment, and reappointment of directors.

4. A board may provide procedures for the removal of a director who fails to attend three consecutive regular meetings of the board. If a director is so removed, a successor shall be appointed for the duration of the unexpired term of the removed director in the same manner as the original appointment. The appointing body may at any time remove a director appointed by it for misfeasance, nonfeasance, or malfeasance in office.

5. A board shall adopt bylaws and shall elect one director as chairperson and one director as vice chairperson, each for a term of two years, and shall appoint a secretary who need not be a director.

6. A majority of the membership of a board of directors shall constitute a quorum for the purpose of holding a meeting of the board. The affirmative vote of a majority of a quorum shall be necessary for any action taken by an authority unless the authority's bylaws specify those particular actions of the authority requiring a greater number of affirmative votes. A vacancy in the membership of the board shall not impair the rights of a quorum to exercise all the rights and perform all the duties of the authority.

2010 Acts, ch 1116, §6

466B.25 Activities coordination.

In all activities of a watershed management authority, the authority may coordinate its activities with the department of natural resources, the department of agriculture and land stewardship, councils of governments, public drinking water utilities, and soil and water conservation districts.

2010 Acts, ch 1116, §7

466B.26 through 466B.30 Reserved.

SUBCHAPTER III

WATERSHED PLANNING ACTIVITIES

466B.31 Watershed planning advisory council.

1. A watershed planning advisory council is established for purposes of assembling a diverse group of stakeholders to review research and make recommendations to various state entities regarding methods to protect water resources in the state, assure an adequate

supply of water, mitigate and prevent floods, and coordinate the management of those resources in a sustainable, fiscally responsible, and environmentally responsible manner. The advisory council may seek input from councils of governments or other organizations in the development of its recommendations. The advisory council shall meet once a year and at other times as deemed necessary to meet the requirements of [this section](#). The advisory council may appoint a task force to assist the advisory council in completing its duties.

2. The watershed planning advisory council shall consist of all of the following members:

a. The voting members of the advisory council shall include all of the following:

- (1) One member selected by the Iowa association of municipal utilities.
- (2) One member selected by the Iowa league of cities.
- (3) One member selected by the Iowa association of business and industry.
- (4) One member selected by the Iowa water pollution control association.
- (5) One member selected by the Iowa rural water association.
- (6) One member selected by growing green communities.
- (7) One member selected by the Iowa environmental council.
- (8) One member selected by the Iowa farm bureau federation.
- (9) One member selected by the Iowa corn growers association.
- (10) One member selected by the Iowa soybean association.
- (11) One member selected by the Iowa pork producers council.
- (12) One member selected by the soil and water conservation districts of Iowa.
- (13) One person representing the department of agriculture and land stewardship selected by the secretary of agriculture.
- (14) One person representing the department of natural resources selected by the director.
- (15) Two members selected by the Iowa conservation alliance.
- (16) One member selected by the Iowa drainage district association.
- (17) One member selected by the agribusiness association of Iowa.
- (18) One member selected by the Iowa floodplain and stormwater management association.

(19) One member selected by Iowa rivers revival.

b. The nonvoting members of the advisory council shall include all of the following:

(1) Two members of the senate. One senator shall be appointed by the majority leader of the senate and one senator shall be appointed by the minority leader of the senate.

(2) Two members of the house of representatives. One member shall be appointed by the speaker of the house of representatives and one member shall be appointed by the minority leader of the house of representatives.

3. By December 1 of each year, the watershed planning advisory council shall submit a report to the governor, the general assembly, the department of agriculture and land stewardship, the department of natural resources, and the water resources coordinating council. The report shall include recommendations regarding all of the following:

a. Improving water quality and optimizing the costs of voluntarily achieving and maintaining water quality standards.

b. Creating economic incentives for voluntary nonpoint source load reductions, point source discharge reductions beyond those required by the federal Water Pollution Control Act, implementation of pollution prevention programs, wetland restoration and creation, and the development of emerging pollution control technologies.

c. Facilitating the implementation of total maximum daily loads, urban storm water control programs, and nonpoint source management practices required or authorized under the federal Water Pollution Control Act. This paragraph shall not be construed to obviate the requirement to develop a total maximum daily load for waters that do not meet water quality standards as required by section 303(d) of the federal Water Pollution Control Act or to delay implementation of a total maximum daily load that has been approved by the department of natural resources and the director.

d. Providing incentives, methods, and practices for the development of new and more accurate and reliable pollution control quantification protocols and procedures, including but not limited to development of policy based on information and data that is publicly available and that can be verified and evaluated.

e. Providing greater flexibility for broader public involvement through community-based, nonregulatory, and performance-driven watershed management planning.

f. Assigning responsibility for monitoring flood risk, flood mitigation, and coordination with federal agencies.

g. Involving cities, counties, and other local and regional public and private entities in watershed improvement including but not limited to incentives for participation in a watershed management authority created under [this chapter](#).

4. Each year, the voting members of the advisory council shall designate one voting member as chairperson.

[2010 Acts, ch 1116, §1](#); [2011 Acts, ch 131, §98, 158](#); [2018 Acts, ch 1026, §144](#)

Subsection 3, paragraph c amended

466B.32 Watershed demonstration pilot projects.

The department of natural resources and the department of agriculture and land stewardship, in collaboration with the United States department of agriculture's natural resources conservation service and the Iowa flood center established pursuant to [section 466C.1](#), and in cooperation with the council, shall seek funding to plan, implement, and monitor one or more watershed demonstration pilot projects for urban and rural areas involving a twelve-digit hydrologic unit code subwatershed as defined by the United States geological survey. The pilot projects shall include features that seek to do all of the following:

1. Maximize soil water holding capacity from precipitation.
2. Minimize severe scour erosion and sand deposition during floods.
3. Manage water runoff in uplands under saturated soil moisture conditions.
4. Reduce and mitigate structural and nonstructural flood damage.

[2010 Acts, ch 1116, §2](#)

466B.33 through 466B.40 Reserved.

SUBCHAPTER IV

WATER QUALITY INITIATIVE — NUTRIENTS

466B.41 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. “*Center*” means the Iowa nutrient research center established pursuant to [section 466B.47](#).

2. “*Council*” means the Iowa nutrient research center advisory council established pursuant to [section 466B.48](#).

3. “*Division*” means the division of soil conservation and water quality created within the department of agriculture and land stewardship pursuant to [section 159.5](#).

4. “*Fund*” means the water quality initiative fund created in [section 466B.45](#).

5. “*Nutrient*” includes nitrogen and phosphorus.

[2013 Acts, ch 132, §59](#); [2015 Acts, ch 103, §53](#)

466B.42 Water quality initiative.

The division shall establish a water quality initiative in order to assess and reduce nutrients in this state's watersheds, including subwatersheds and regional watersheds, and for implementing its responsibilities under the Iowa nutrient reduction strategy. The division shall establish and administer projects to reduce nutrients in surface waters from nonpoint sources in a scientific, reasonable, and cost-effective manner. The division shall utilize a pragmatic, strategic, and coordinated approach with the goal of accomplishing reductions over time. To evaluate the progress achieved over time toward the goals of the Iowa nutrient

reduction strategy and the United States environmental protection agency gulf hypoxia action plan, the baseline condition shall be calculated for the time period from 1980 to 1996.

[2013 Acts, ch 132, §60](#); [2018 Acts, ch 1001, §22](#); [2018 Acts, ch 1152, §12](#)

Referred to in [§466B.43, 466B.44](#)

Section amended

466B.43 Water quality agriculture infrastructure programs.

1. As part of the water quality initiative established pursuant to [section 466B.42](#), the division shall administer water quality agriculture infrastructure programs created in [this section](#).

2. The purpose of the programs is to support projects for the installation of infrastructure, including conservation structures, practices, or other measures that reduce contributing nutrient loads, associated sediment, or contaminants from sources to surface waters including but not limited to surface waters on the impaired waters list of the state that are used as a drinking water supply. The programs shall be administered in a manner that is consistent with the Iowa nutrient reduction strategy.

3. An edge-of-field infrastructure program is created. The program shall support projects located on agricultural land, which may include demonstration projects, that capture or filter nutrients entering into a surface water. The program's projects shall be limited to infrastructure designed and installed for use over multiple years, including but not limited to wetlands, bioreactor systems, saturated buffers, or land use changes. The program shall be financed on a cost-share basis.

4. An in-field infrastructure program is created. The program shall support projects located on agricultural land, which may include demonstration projects, that decrease erosion and precipitation-induced surface runoff, increase water infiltration rates, and increase soil sustainability. The program's projects shall be limited to infrastructure designed and installed for use over multiple years, including but not limited to structures, terraces, and waterways located on cropland or pastureland, and including but not limited to soil conservation or erosion control structures or managed drainage systems. The program shall be financed on a cost-share basis.

5. Any state moneys used to finance a project under a water quality agriculture infrastructure program shall be administered according to an agreement entered into by the division and the owner of the land where the infrastructure is to be installed. The agreement shall include standard terms and conditions for the receipt of program moneys and any other terms and conditions the division deems necessary or convenient for the efficient administration of the project or program. The division may support multiple installations of infrastructure on a single parcel of land. The division may also combine programs if cost effective. The division may annually use an amount of not more than four percent of the moneys used to support each program for administrative purposes.

6. By October 1, 2019, and each October 1, thereafter, the division shall submit a report to the governor and the general assembly itemizing expenditures, by hydrologic unit code 8 watershed, under the programs during the previous fiscal year, if any.

7. Any information obtained by the division identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record under [section 22.7](#).

[2018 Acts, ch 1001, §23](#); [2018 Acts, ch 1152, §13, 14](#)

Referred to in [§8.57B](#)

NEW section

466B.44 Water quality urban infrastructure program.

1. As part of the water quality initiative established pursuant to [section 466B.42](#), the division shall administer a water quality urban infrastructure program.

2. The purpose of the program is to support watershed projects and advance implementation of the Iowa nutrient reduction strategy, which program support may include demonstration projects that decrease erosion, precipitation-induced surface runoff, and storm water discharges and that increase water infiltration rates. The program's projects

shall be based on Iowa's storm water management manual published by the department of natural resources.

3. The program shall be financed on a cost-share basis or through cooperative agreements with watershed projects funded through [section 455B.199](#) whose project activities fall outside the territorial boundaries of a city.

4. Any state moneys used to finance a project under a water quality urban infrastructure program shall be administered according to an agreement entered into by the division and the owner of the land where the infrastructure is to be installed. The agreement shall include standard terms and conditions for the receipt of program moneys and any other terms and conditions the division deems necessary or convenient for the efficient administration of the project or program. The division may support multiple installations of infrastructure on a single parcel of land. The division may annually use an amount of not more than four percent of the moneys used to support the program for administrative purposes.

5. Notwithstanding any other provision in [this section](#) to the contrary, beginning on July 1, 2018, the division may use any amount available to support the water quality urban infrastructure program to instead extend and support the three-year data collection of in-field agricultural practices project as enacted in [2015 Iowa Acts, ch. 132, §18](#).

6. Notwithstanding any other provision of [this section](#) to the contrary, the division may use any amount available to support the water quality urban infrastructure program to develop and maintain an online resource displaying measurable indicators of desirable change in water quality within the state's watersheds. These measurable indicators may include but are not limited to public and private funding inputs, involvement in water quality projects, and improvements, land use, practice adoption, calculated load reduction, and measured loads at existing monitoring stations.

7. By October 1, 2019, and by October 1 of each year thereafter, the division shall submit a report to the governor and the general assembly itemizing expenditures under the program, if any, during the previous fiscal year.

8. Any information obtained by the division identifying a person holding a legal interest in land or specific land shall be a confidential record under [section 22.7](#).

[2018 Acts, ch 1001, §24; 2018 Acts, ch 1152, §15](#)

Referred to in [§16.134A](#)

NEW section

466B.45 Water quality initiative fund.

1. A water quality initiative fund is created in the state treasury under the management and control of the division.

2. The fund shall include moneys appropriated by the general assembly. The fund may include other moneys available to and obtained or accepted by the division, including moneys from public or private sources.

3. Moneys in the fund are appropriated to the division and shall be used exclusively to carry out the provisions of this subchapter as determined by the division, and shall not require further special authorization by the general assembly.

4. a. Notwithstanding [section 12C.7](#), interest or earnings on moneys in the fund shall be credited to the fund.

b. Notwithstanding [section 8.33](#), moneys appropriated or otherwise credited to the fund for a fiscal year shall not revert to the fund from which appropriated at the close of the fiscal year for which the appropriation was made but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins three years from the beginning date of the fiscal year for which the appropriation was made.

[2013 Acts, ch 132, §61](#)

Referred to in [§466B.41](#)

466B.46 Iowa nutrient research fund — creation and purpose.

1. An Iowa nutrient research fund is created in the state treasury under the management and control of the center.

2. The fund shall include all of the following:

a. Moneys appropriated by the general assembly.

b. Moneys appropriated from the agriculture management account of the groundwater protection fund pursuant to [section 455E.11, subsection 2](#), paragraph “b”, subparagraph (3), subparagraph division (a).

c. Moneys assessed and collected by or on behalf of the department of natural resources to be credited to the fund as provided in [sections 455B.109, 459.602, 459.603, 459.604, 459A.502, and 459B.402](#).

d. Moneys accepted by the center from public or private sources.

3. Moneys in the fund are appropriated to the center and shall be used exclusively by the center to carry out its purpose as described in [section 466B.47](#).

4. a. Notwithstanding [section 12C.7](#), interest or earnings on moneys in the fund shall be credited to the fund.

b. The moneys credited to the fund are not subject to [section 8.33](#) and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in [this section](#).

[2016 Acts, ch 1134, §33, 34; 2017 Acts, ch 168, §32](#)

Referred to in [§455B.109, 455E.11, 459.602, 459.603, 459.604, 459A.502, 459B.402](#)

466B.47 Iowa nutrient research center — establishment and purpose.

1. The state board of regents shall establish and maintain in Ames as part of Iowa state university of science and technology an Iowa nutrient research center.

2. The purpose of the center shall be to pursue a science-based approach to nutrient management research that may include but is not limited to evaluating the performance of current and emerging nutrient management practices, and using an adaptive management framework for providing recommendations for the implementation of nutrient management practices and the development of new nutrient management practices.

3. The center shall be administered by a director who shall be appointed by the dean of the college of agriculture and life sciences of Iowa state university of science and technology.

4. The center shall facilitate collaboration among appropriate institutions of higher education governed by the state board of regents, including but not limited to institutes, departments, and centers.

5. Any information collected or received by the center that identifies a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record under [section 22.7](#).

[2013 Acts, ch 132, §62](#)

Referred to in [§466B.41, 466B.46, 466B.48](#)

466B.48 Iowa nutrient research center advisory council — establishment and purpose.

1. The state board of regents shall establish and maintain in Ames as part of Iowa state university of science and technology an Iowa nutrient research center advisory council.

2. The council shall consist of the following members:

a. The dean of the college of agriculture and life sciences of Iowa state university of science and technology, or the dean’s designee.

b. The director of the Iowa state university of science and technology extension service, or the director’s designee.

c. A representative of the IIHR — hydroscience and engineering within the college of engineering of the university of Iowa who shall be appointed by the president of the university.

d. A person knowledgeable in an area related to nutrient research who shall be appointed by the president of the university of northern Iowa.

e. A person knowledgeable in an area related to nutrient research who shall be appointed by the state association of private colleges and universities.

f. The secretary of agriculture or the secretary’s designee.

g. The director of the division or the director’s designee.

h. The director of the department of natural resources, or the director’s designee.

3. a. An appointed or designated member of the council shall serve at the pleasure of the person making the appointment or designation.

b. A majority of the members of the council as provided in [subsection 2](#) constitutes a

quorum. Any action taken by the council must be adopted by the affirmative vote of a majority of its members present, except that a lesser number may adjourn a meeting. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose.

c. The council shall elect a chairperson and any other officers from the membership of the council as the council determines necessary. An officer shall serve for a term required by rules adopted by the council. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the council.

d. The council shall adopt rules that it determines are necessary for the conduct of business.

e. Only the member appointed by the state association of private colleges and universities is eligible for reimbursement of actual expenses as provided in [section 7E.6](#). However, no member is eligible for a payment of a per diem.

4. The council shall function on a continuing basis for the study and recommendation of solutions for consideration by the Iowa nutrient research center in carrying out its purpose as provided in [section 466B.47](#).

[2013 Acts, ch 132, §63; 2015 Acts, ch 103, §54](#)

Referred to in [§466B.41](#)

466B.49 Confidentiality.

Any information received, collected, or held under [this subchapter](#) is a confidential record, and is exempted from public access as provided in [section 22.7](#), if all of the following apply:

1. The information is received, collected, or held by a nonprofit organization that conducts nutrient management research, including but not limited to conducting evaluations, assessments, or validations.

2. The information identifies any of the following:

a. A person who holds a legal interest in agricultural land or who has previously held a legal interest in agricultural land.

b. A person who is involved or who has previously been involved in managing the agricultural land or producing crops or livestock on the agricultural land.

c. The identifiable location of the agricultural land.

[2014 Acts, ch 1139, §28, 29](#)