

SOIL CONSERVATION DIVISION[27]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 161A.4(1), the Division of Soil Conservation hereby gives Notice of Intended Action to amend Chapter 10, “Iowa Financial Incentive Program for Soil Erosion Control,” Iowa Administrative Code.

The proposed amendments conform the rules to statutory changes made in 2012 Iowa Acts, Senate File 2311, effective July 1, 2012. In the current rules, the time period for determining if the land has been plowed or used for row crops is 1966 to 1981; the proposed amendments would change the time period to “the prior 15 years.” This determination is used in calculating the amount of cost-share funds available for conservation practices.

Any interested persons may make written suggestions or comments on the proposed amendments on or before June 5, 2012. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)281-6236 or by E-mail to Margaret.Thomson@IowaAgriculture.gov.

These proposed amendments are subject to the Division’s general waiver provisions.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement 2012 Iowa Acts, Senate File 2311, section 18.

The following amendments are proposed.

ITEM 1. Amend rule **27—10.20(161A)**, definition of “Conservation cover,” as follows:

“*Conservation cover*” means that if a tract of agricultural land has not been plowed or used for growing row crops at any time within the prior 15 years ~~prior to January 1, 1981~~, it shall be classified as agricultural land under conservation cover.

ITEM 2. Amend subrule 10.60(6) as follows:

10.60(6) Conservation cover. Cost share for certain lands is restricted by Iowa Code chapter 161A. Each tract of agricultural land which has not been plowed or used for growing row crops at any time within the prior 15 years ~~prior to January 1, 1981~~, shall be considered classified as agricultural land under conservation cover. “Agricultural land” has the meaning assigned that term by Iowa Code section 9H.1. If any tract of land so classified is thereafter plowed or used for growing row crops, the district commissioners shall not approve use of state cost-share funds for establishing permanent or temporary soil and water conservation practices on that tract of land in an amount greater than one-half the amount of cost-share funds which would be available for that land if it were not classified as agricultural land under conservation cover. This restriction shall apply even if an administrative order or court order has been issued requiring establishment of conservation practice.