

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 3, “Contested Case Proceedings and Practice,” Chapter 4, “Declaratory Orders,” Chapter 5, “Agency Procedure for Rule Making,” Chapter 10, “Iowa Financial Incentive Program for Soil Erosion Control,” Chapter 11, “Conservation Practices Revolving Loan Fund,” Chapter 12, “Water Protection Practices—Water Protection Fund,” Chapter 16, “Water Quality Initiative,” Chapter 20, “Iowa Soil 2000 Program,” Chapter 21, “Water Quality Protection Projects—Water Protection Fund,” Chapter 22, “Soil and Water Resource Conservations Plans,” Chapter 30, “Agricultural Drainage Wells—Alternative Drainage System Assistance Program,” Chapter 40, “Coal Mining,” Chapter 50, “Iowa Abandoned Mined Land Reclamation Program,” Chapter 60, “Minerals Program,” Chapter 101, “Organization and Purpose,” Chapter 102, “Rules of Practice,” and Chapter 107, “Public Records and Fair Information Practices,” Iowa Administrative Code.

The proposed amendments reflect the change of name of the Soil Conservation Division to the Division of Soil Conservation and Water Quality pursuant to 2015 Iowa Acts, House File 634. The proposed amendments conform each soil and water conservation district’s limitation for conservation cost-share management practices to the language in the appropriations bill (2015 Iowa Acts, Senate File 494). The proposed amendments also make technical updates and remove outdated language.

Any interested persons may make written suggestions or comments on the proposed amendments on or before September 8, 2015. 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.

The 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 2015 Iowa Acts, House File 634 and Senate File 494.

The following amendments are proposed.

ITEM 1. Amend rule 27—3.1(17A,161A) as follows:

27—3.1(17A,161A) Scope and applicability. In lieu of the words “(agency name)” insert “the Division of Soil Conservation and Water Quality, Department of Agriculture and Land Stewardship”.

ITEM 2. Amend rule 27—3.2(17A,161A) as follows:

27—3.2(17A,161A) Definitions. Insert the following definitions in alphabetical order:

“Committee” means the state soil conservation committee established at Iowa Code section 161A.4.

“Department” means the department of agriculture and land stewardship.

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

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

“Secretary” means the Iowa secretary of agriculture.

In lieu of the words “(designate official)” insert “person designated by the director to preside over a contested case including, but not limited to, an administrative law judge with the department of

inspections and appeals”. In lieu of the words “(agency name)” insert “the division of soil conservation and water quality, department of agriculture and land stewardship”.

ITEM 3. Amend subrule 3.12(3) as follows:

3.12(3) In lieu of the words “(specify office and address)” insert “Director’s Office, Division of Soil Conservation and Water Quality, Department of Agriculture and Land Stewardship, Wallace State Office Building, East Ninth and Grand, Des Moines, Iowa 50319”. In lieu of the words “(agency name)” insert “division”.

ITEM 4. Amend **27—Chapter 3**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 17A as amended by 1998 Iowa Acts, ~~chapter 1202~~, and Iowa Code ~~chapter~~ 161A.

ITEM 5. Amend rule 27—4.1(17A,161A) as follows:

27—4.1(17A,161A) Petition for declaratory order. In lieu of the words “(designate agency)” the first time the words are used, insert “division of soil conservation and water quality, department of agriculture and land stewardship (hereinafter referred to as “the division”)”. In lieu of the words “(designate agency)” the subsequent times the words are used, insert “division”. In lieu of the words “(designate office)” insert “Wallace State Office Building, East Ninth and Grand, Des Moines, Iowa 50319.” In lieu of the words “(AGENCY NAME)” insert “DIVISION OF SOIL CONSERVATION AND WATER QUALITY, DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP”.

ITEM 6. Amend subrule 4.3(3) as follows:

4.3(3) In lieu of the words “(designate office)” insert “the division director’s office”. In lieu of the words “(designate agency)” insert “the division”. In lieu of the words “(AGENCY NAME)” insert “DIVISION OF SOIL CONSERVATION AND WATER QUALITY, DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP”. Delete paragraph “6” and insert in lieu thereof “6. A statement that the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.”

ITEM 7. Amend rule 27—4.5(17A,161A) as follows:

27—4.5(17A,161A) Inquiries. In lieu of the words “(designate official by full title and address)” insert “the Director of the Division of Soil Conservation and Water Quality, Department of Agriculture and Land Stewardship, Wallace State Office Building, East Ninth and Grand, Des Moines, Iowa 50319”.

ITEM 8. Amend subrule 4.6(2) as follows:

4.6(2) In lieu of the words “(specify office and address)” insert “the Director of the Division of Soil Conservation and Water Quality, Department of Agriculture and Land Stewardship, Wallace State Office Building, East Ninth and Grand, Des Moines, Iowa 50319”. In lieu of the words “(agency name)” insert “division”.

ITEM 9. Amend subrule 4.8(1) as follows:

4.8(1) In lieu of the words “(designate agency head)” insert “the director of the division of soil conservation and water quality”.

ITEM 10. Amend **27—Chapter 4**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 17A as amended by 1998 Iowa Acts, ~~chapter 1202~~, and Iowa Code ~~chapter~~ 161A.

ITEM 11. Amend rule 27—5.1(17A,161A) as follows:

27—5.1(17A,161A) Applicability. In lieu of the word “agency” insert “the division of soil conservation and water quality, department of agriculture and land stewardship (hereinafter referred to as “the division”)”.

ITEM 12. Amend subrule 5.3(2) as follows:

5.3(2) In lieu of the words “(commission, board, council, director)” insert “director of the division of soil conservation and water quality”.

ITEM 13. Amend subrule 5.5(1) as follows:

5.5(1) In lieu of the words “(identify office and address)” insert “the Director of the Division of Soil Conservation and Water Quality, Department of Agriculture and Land Stewardship, Wallace State Office Building, East Ninth and Grand, Des Moines, Iowa 50319”.

ITEM 14. Amend subrule 5.11(1) as follows:

5.11(1) In lieu of the words “(specify the office and address)” insert “the Director of the Division of Soil Conservation and Water Quality, Department of Agriculture and Land Stewardship, Wallace State Office Building, East Ninth and Grand, Des Moines, Iowa 50319”.

ITEM 15. Amend subrule 5.13(2) as follows:

5.13(2) In lieu of the words “(agency head)” insert “director of the division of soil conservation and water quality”.

ITEM 16. Amend **27—Chapter 5**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 17A as amended by 1998 Iowa Acts, ~~chapter 1202~~, and Iowa Code ~~chapter~~ 161A.

ITEM 17. Amend rule 27—10.10(161A) as follows:

27—10.10(161A) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship₂ in accordance with the policies of the state soil conservation committee in implementing the state’s financial incentive program for soil erosion control. It also establishes standards and guidelines to which the soil conservation districts shall conform in fulfilling their responsibilities under this program.

ITEM 18. Amend rule **27—10.20(161A)**, definitions of “Appropriations,” “Committee” and “Division,” as follows:

“*Appropriations*” means those funds appropriated from the general fund of the state and provided the division of soil conservation and water quality for funding the various incentive programs for soil erosion control.

“*Committee*” or “*state soil conservation committee*” means the committee established by Iowa Code section 161A.4; as the policymaking body of the division of soil conservation and water quality.

“*Division*” means the division of soil conservation and water quality as established and maintained by the department pursuant to Iowa Code section 159.5(15) and administered pursuant to Iowa Code chapter 161A.

ITEM 19. Amend rule 27—10.33(161A), introductory paragraph, as follows:

27—10.33(161A) Appeals and reviews. A landowner or farm operator who has been ordered to maintain, repair or reconstruct a temporary or permanent practice subject to a maintenance/performance agreement may, as appropriate, review the order with the district commissioners or the division of soil conservation and water quality. Appeals to the state soil conservation committee may be made by the district, a landowner or a farm operator following a review by the division director or the director’s designee.

ITEM 20. Amend subrule 10.33(2) as follows:

10.33(2) Review with the division of soil conservation and water quality. After having unsuccessfully met with the district commissioners, a landowner or farm operator who has been ordered to maintain, repair or reconstruct a temporary or permanent practice subject to a maintenance/performance agreement may file a written request for review with the division. The division review shall be conducted by the division director or the director’s designee. This proceeding

shall be informal. A landowner or farm operator shall request the review with the division in writing within 30 days following the review with the district.

ITEM 21. Amend rule 27—10.41(161A), introductory paragraph, as follows:

27—10.41(161A) Appropriations. The department of agriculture and land stewardship, division of soil conservation and water quality, has received appropriations for conservation cost sharing since 1973 and appropriations to fund certain incentive programs for soil erosion control since 1979. Funds are appropriated each year by the general assembly.

ITEM 22. Amend subrule **10.41(1)**, first unnumbered paragraph, as follows:

~~Up~~ The first \$15,000 allocated to each district and up to 30 percent of the amount remaining in a district's original and supplemental allocation may be used for the establishment of practices listed in subrules 10.82(1) and 10.82(2).

ITEM 23. Amend rule **27—10.41(161A)**, implementation sentence, as follows:

~~This rule is intended to implement Iowa Code chapter 161A; 1994 Iowa Acts, chapter 1198, section 1, subsection 4, paragraphs "b," "c," and "d"; 1995 Iowa Acts, chapter 216, section 1, subsection 4, paragraphs "b," "c," and "d"; 1996 Iowa Acts, chapter 1214, section 1, subsection 4, paragraphs "b," "c," and "d"; and 1997 Iowa Acts, House File 708, section 1, subsection 4, paragraphs "b," "c," and "d."~~

ITEM 24. Amend rule 27—10.52(161A), introductory paragraph, as follows:

27—10.52(161A) Publicly owned lakes. The division of soil conservation and water quality maintains the funds that are distributed to the publicly owned lakes program. These funds may be used to provide cost sharing not to exceed 75 percent of the approved cost of soil conservation practices on watersheds above publicly owned lakes and reservoirs. The division will allocate these program funds to eligible districts in steps identified as original allocation, recall of unobligated funds, and reallocation.

ITEM 25. Amend rule 27—10.54(161A), introductory paragraph, as follows:

27—10.54(161A) Mandatory program. The division of soil conservation and water quality maintains the funds that are distributed to the mandatory cost-share program. These funds are used to provide cost sharing to landowners who are required to establish permanent soil and water conservation practices as the result of a district's administrative order or a court order.

ITEM 26. Amend rule 27—10.95(161A) as follows:

27—10.95(161A) Forms. Standard forms, applications, and agreements used by the applicant and recipient of financial incentives for soil erosion control as outlined in these rules are provided by the division. Copies of all forms, applications, and agreements are available from the soil conservation district office located in each county. Copies are also available from the division at the following address: Division of Soil Conservation and Water Quality, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319.

ITEM 27. Amend **27—Chapter 10**, implementation sentence, as follows:

~~Rules in Chapter 10~~ These rules are intended to implement Iowa Code chapter 161A; 1994 Iowa Acts, chapter 1198, section 1, subsection 4, paragraphs "b," "c," and "d"; 1995 Iowa Acts, chapter 216, section 1, subsection 4, paragraphs "b," "c," and "d"; 1996 Iowa Acts, chapter 1214, section 1, subsection 4, paragraphs "b," "c," and "d"; and 1997 Iowa Acts, House File 708, section 1, subsection 4, paragraphs "b," "c," and "d."

ITEM 28. Amend rule 27—11.10(161A) as follows:

27—11.10(161A) Authority and scope. ~~The Iowa general assembly appropriated to the former Iowa department of soil conservation \$1 million in 1983, \$750,000 in 1984, and \$99,000 in 1985 to establish a conservation practices revolving loan fund.~~

These rules provide procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation committee in administering the conservation practices revolving loan fund and the standards and guidelines to which the soil and water conservation districts shall conform in all contracts under this program.

ITEM 29. Amend rule 27—12.10(161C) as follows:

27—12.10(161C) Authority and scope. This chapter establishes procedures and standards to be followed by soil and water conservation districts and the division of soil conservation and water quality of the Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation committee in implementing water protection practices through the water protection fund created in Iowa Code section 161C.4, ~~unnumbered paragraph 1, and subsection 2.~~ This account shall be used to establish water protection practices with individual landowners including, but not limited to, woodland establishment and protection, establishment of native grasses and forbs, sinkhole management, agricultural drainage well management, streambank stabilization, grass waterway establishment, stream buffer strip establishment, and erosion control structure construction. ~~Twenty-five percent of funds appropriated to the water protection practices account plus any additional appropriations for reforestation shall be used for woodland establishment and protection and establishment of native grasses and forbs.~~

ITEM 30. Amend rule 27—16.2(161A), definition of “Division,” as follows:

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

ITEM 31. Amend 27—Chapter 16, implementation sentence, as follows:

These rules are intended to implement 2013 Iowa Acts, House File 648, section 20, and Senate File 435, sections 8; and 10, ~~60 and 61~~ and Iowa Code sections 466B.42 and 466B.45.

ITEM 32. Amend rule 27—20.10(161A) as follows:

27—20.10(161A) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation committee in implementing the Iowa Soil 2000 Program goal of satisfactorily controlling erosion on all Iowa land. It also establishes standards and guidelines which the soil conservation districts will use in fulfilling their responsibilities under this program.

ITEM 33. Amend subrule 20.50(9) as follows:

20.50(9) Distribution of conservation agreement records. Copies of the soil conservation agreement and any revisions or terminations thereto shall be provided to the landowner, the division of soil conservation and water quality and the district case file.

ITEM 34. Amend rule 27—20.70(161A), definition of “Conservation folder,” as follows:

“*Conservation folder*” is defined in Iowa Code section 161A.42 to mean compiled information concerning the topography, soil composition, natural or artificial drainage characteristics and other pertinent factors concerning a particular farm unit, which are necessary to the preparation of a sound and equitable conservation agreement for that farm unit. The specific items to be contained in a conservation folder shall be prescribed by administrative rules of the division of soil conservation and water quality. The division shall provide by rule that an updated farm plan prepared for a particular farm unit within 10 years prior to the effective date of this subsection shall be considered an adequate replacement for the conservation folder for that farm unit.

ITEM 35. Amend the parenthetical implementation statute for rules in **27—Chapter 21** by striking “72GA,ch1189” and inserting “161A” in lieu thereof.

ITEM 36. Amend rule 27—21.10(161A) as follows:

27—21.10(161A) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation ~~of the~~ and water quality, Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation committee in implementing water quality protection projects through the water protection fund created in Iowa Code chapter 161C ~~pursuant to 1988 Iowa Acts, chapter 1189~~. These projects will protect the state’s groundwater and surface water from point and nonpoint sources of contamination, including but not limited to, agricultural drainage wells, sinkholes, sedimentation, and chemical pollutants. Water protection fund resources will provide administrative, operational, and personnel support for the projects, and funds for management and structural measures to address identified water quality problems.

ITEM 37. Amend rule 27—21.62(161A) as follows:

27—21.62(161A) Content of project reports. All project reports will contain the following credit: “This project is supported in part or in total by the department of agriculture and land stewardship, division of soil conservation and water quality, through funds of the water protection fund.”

ITEM 38. Amend **27—Chapter 21**, implementation sentence, as follows:

These rules are intended to implement ~~1988 Iowa Acts, chapter 1189 and Iowa Code section 99E.32, subsection 3, as amended by 1988 Iowa Acts, chapter 1268, section 5, new paragraph “p.”~~ Iowa Code chapter 161A.

ITEM 39. Amend rule 27—22.10(161A) as follows:

27—22.10(161A) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation committee in implementing the development of soil and water resource conservation plans in all soil and water conservation districts in Iowa and developing a comprehensive soil and water resource conservation plan for the state of Iowa. It establishes standards and guidelines which the soil and water conservation districts will use in fulfilling their responsibilities under this program.

ITEM 40. Amend rule 27—30.10(159,161A,455H) as follows:

27—30.10(159,161A,455H 460) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation committee in implementing the agricultural drainage wells — alternative drainage system assistance program ~~established by 1997 Iowa Acts, chapter 193, and chapter 215, section 16~~. This program provides financial assistance for closing agricultural drainage wells and constructing alternative drainage systems that are part of a drainage district. These rules establish the assistance program, provide for the allocation of assistance funds, and establish procedures and standards for eligibility to receive assistance under the program.

ITEM 41. Amend rule 27—30.11(159,161A,455H), parenthetical implementation statute, as follows:

27—30.11(159,161A,455H 460) Rules are severable.

ITEM 42. Amend rule 27—30.20(159,161A,455H), parenthetical implementation statute, as follows:

27—30.20(159,161A,455H 460) Definitions.

ITEM 43. Amend rule 27—30.20(161A,460), definition of “Division,” as follows:

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

ITEM 44. Amend rule 27—30.30(159,161A,455H) as follows:

27—30.30(159,161A,455H 460) Appropriations. Funds for the agricultural drainage wells alternative drainage system assistance program are appropriated to the division of soil conservation, Iowa department of agriculture and land stewardship, beginning July 1, 1997. The following amounts, or so much thereof as is necessary, have been appropriated to the alternative drainage system assistance fund:

1. For the fiscal year beginning July 1, 1997, and ending June 30, 1998: \$1,500,000.
2. For the fiscal year beginning July 1, 1998, and ending June 30, 1999: \$1,500,000.

Moneys shall be used to provide financial assistance under the program and to defray expenses by the division in administering the program. However, not more than 1 percent of the fund may be used to defray administrative expenses of the division. Moneys which are unobligated at the end of the fiscal year shall not revert but will be available during subsequent fiscal years of the program. Moneys earned as income, including interest, from the fund shall remain in the fund until expended, notwithstanding Iowa Code section 12C.7.

ITEM 45. Amend rule 27—30.31(159,161A,455H), parenthetical implementation statute, as follows:

27—30.31(159,161A,455H 460) Other funds.

ITEM 46. Amend rule 27—30.40(159,161A,455H), introductory paragraph, as follows:

27—30.40(159,161A,455H 460) Allocation of funds. Funds will be allocated by the division for specific agricultural drainage well closure and alternative drainage system improvement projects. Allocations shall be 75 percent of the estimated cost of installing the alternative drainage system improvements as defined by Iowa Code section 468.3, except as limited by the total allocation provision of subrule 30.40(2). Allocations of financial assistance funds will be in accordance with either subrule 30.40(1) or subrule 30.40(2).

ITEM 47. Rescind and reserve subrules **30.40(1)** and **30.40(2)**.

ITEM 48. Amend rule 27—30.50(159,161A,455H), parenthetical implementation statute, as follows:

27—30.50(159,161A,455H 460) Eligibility.

ITEM 49. Amend rule 27—30.60(159,161A,455H), parenthetical implementation statute, as follows:

27—30.60(159,161A,455H 460) Payment of financial assistance.

ITEM 50. Amend rule 27—30.70(159,161A,455H), parenthetical implementation statute, as follows:

27—30.70(159,161A,455H 460) Compliance procedures and reviews.

ITEM 51. Amend **27—Chapter 30**, implementation sentence, as follows:

These rules implement ~~1997 Iowa Acts, chapter 193, and chapter 215, section 16~~ Iowa Code chapter 460.

ITEM 52. Amend rule 27—40.1(17A,207), introductory paragraph, as follows:

27—40.1(17A,207) Authority and scope. The following sets forth the rules and procedures through which the department of agriculture and land stewardship, division of soil conservation and water quality, will implement the regulatory program pursuant to Iowa Code chapter 207 and the federal Surface Mining Control and Reclamation Act of 1977 (SMCRA).

ITEM 53. Amend subrule 40.1(2) as follows:

40.1(2) The following general word substitutions are made in all incorporated federal regulations except as otherwise indicated:

“Act” refers to Iowa Code chapter 207.

“Administrator” is to be substituted for “director”, “regional director”, and “secretary”.

“Division of soil conservation and water quality” is to be substituted for “department”, “the office”, “OSM”, “OSMRE”, “office of surface mining reclamation and enforcement”, “regulatory authority”, “State regulatory program”, and “regulatory program”.

“These rules” is to be substituted for “chapter” and “subchapter”.

ITEM 54. Amend subrule 40.5(1) as follows:

40.5(1) Delete from 30 CFR 705.5 the definition for “State regulatory authority” and insert the following definition in lieu thereof:

“State regulatory authority” means the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, or its authorized representative.

ITEM 55. Amend rule 27—50.10(207), introductory paragraph, as follows:

27—50.10(207) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation committee, to participate in the federal abandoned mined land and reclamation program as established in the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, and Iowa Code chapter 207.

ITEM 56. Amend subrule 50.190(1) as follows:

50.190(1) Availability of forms. Copies of forms utilized in the AML program are available at the following address: Division of Soil Conservation and Water Quality, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319.

ITEM 57. Amend rule 27—60.10(208) as follows:

27—60.10(208) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation committee, in implementing the requirements of Iowa Code chapter 208 to ensure reclamation upon completion of mining operations for gypsum, clay, stone, sand, gravel, and other ores or mineral solids, except coal.

Information and forms can be obtained by contacting: Mines and Minerals Bureau, Division of Soil Conservation and Water Quality, Wallace State Office Building, Des Moines, Iowa 50319. Telephone: (515)242-5003 or (515)281-6142.

ITEM 58. Amend rule 27—60.12(208), definitions of “Administrator” and “Division,” as follows:

“*Administrator*” means the administrator of the division of soil conservation and water quality, or a designee.

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

ITEM 59. Amend subrule 60.40(4) as follows:

60.40(4) Certificates of deposit. Certificates of deposit posted as bond shall be made payable to the State of Iowa, Division of Soil Conservation and Water Quality AND (Operator). All interest earned shall be paid to the operator.

ITEM 60. Amend rule 27—101.3(466A) as follows:

27—101.3(466A) Staff. The division of soil conservation and water quality of the department of agriculture and land stewardship shall provide administrative support to the board to aid in the completion of its duties.

ITEM 61. Amend rule 27—102.1(466A), definition of “Division,” as follows:

“*Division*” means the division of soil conservation and water quality within the department of agriculture and land stewardship as established in Iowa Code section 161A.4.

ITEM 62. Amend rule 27—107.10(17A,22) as follows:

27—107.10(17A,22) Personally identifiable information. Agency records include project applications, reports, and board actions to approve or deny payment. This information is collected pursuant to the authority of Iowa Code Supplement chapter 466A and is stored in the watershed improvement review board files in the division of soil conservation and water quality. Any personally identifiable information contained in these records shall be confidential.