

## CHAPTER 466A

### WATERSHED IMPROVEMENT GRANTS

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#### 466A.1 Definitions.

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

1. “*Board*” means the watershed improvement review board as established in section 466A.3.
2. “*Committee*” means a local watershed improvement committee as provided in section 466A.4.
3. “*Division*” means the division of soil conservation within the department of agriculture and land stewardship as established in section 161A.4.
4. “*Fund*” means the watershed improvement fund as created pursuant to section 466A.2. 2005 Acts, ch 159, §3

#### 466A.2 Watershed improvement fund.

1. A watershed improvement fund is created in the state treasury which shall be administered by the treasurer of state upon direction of the watershed improvement review board. Moneys appropriated to the fund and any other moneys available to and obtained or accepted by the treasurer of state for placement in the fund shall be deposited in the fund. Additionally, payments of interest, recaptures of awards, and other repayments to the fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the end of the fiscal year shall not revert, but shall remain available for the same purpose in the succeeding fiscal year. The moneys in the fund shall be used exclusively for carrying out the purposes of the fund as provided in this section. Moneys appropriated to the treasurer of state and deposited in the fund shall not be used by the treasurer of state for administrative purposes.

2. The purposes of the watershed improvement fund are the following:

a. Enhancement of water quality in the state through a variety of impairment-based, locally directed watershed improvement grant projects. Innovative water quality projects shall be encouraged.

b. Positively affecting the management and use of water for the purposes of drinking, agriculture, recreation, sport, and economic development in the state.

c. Ensuring public participation in the process of determining priorities related to water quality including but not limited to all of the following:

- (1) Agricultural runoff and drainage.
- (2) Stream bank erosion.
- (3) Municipal discharge.
- (4) Storm water runoff.
- (5) Unsewered communities.
- (6) Industrial discharge.
- (7) Livestock runoff.
- (8) Structures and conservation systems for the prevention and mitigation of floods within the watershed of the project.

(9) Removal of channels of waterways to allow waterways to meander.

2005 Acts, ch 159, §4; 2007 Acts, ch 211, §38; 2009 Acts, ch 146, §5

[SP] For future amendment to subsection 1, effective July 1, 2012, see 2011 Acts, ch 128, §41, 45

[T] Section not amended; footnote added

#### 466A.3 Watershed improvement review board.

1. A watershed improvement review board is established.

a. The board shall consist of all of the following voting members, appointed by the named entity or entities and approved by the governor:

- (1) One member of the agribusiness association of Iowa.
- (2) One member of the Iowa association of water agencies.
- (3) One member of the Iowa environmental council.
- (4) One member of the Iowa farm bureau federation.
- (5) One member of the Iowa pork producers association.
- (6) One member of the Iowa rural water association.
- (7) One member of the Iowa soybean association.
- (8) One member representing soil and water conservation districts of Iowa.
- (9) One member of the Iowa association of county conservation boards.
- (10) One person representing the department of agriculture and land stewardship.
- (11) One person representing the department of natural resources.

b. The board shall also include four members of the general assembly who shall serve as ex officio, nonvoting members. Not more than one member from each house shall be from the same political party. Two state senators shall be appointed, one by the majority leader of the senate and one by the minority leader of the senate. Two state representatives shall be appointed, one by the speaker of the house of representatives and one by the minority leader of the house of representatives. The legislator members shall serve terms as provided in section 69.16B. A legislator member may designate another person to attend a board meeting if the member is unavailable. Only the legislator member is eligible for per diem and expenses as provided in section 2.10.

2. A voting member other than a representative of a state agency shall be compensated as provided in section 7E.6 and is allowed actual and necessary expenses incurred in the performance of their duties. The moneys used to pay for compensation and expenses shall be paid from available interest or earnings on moneys in the fund.

3. a. The voting members of the board shall serve three-year staggered terms commencing and ending as provided in section 69.19. If a vacancy occurs, a successor shall be appointed in the same manner and subject to the same qualifications as the original appointment, to serve the remainder of the term.

b. The voting members of the board shall elect a chairperson and vice chairperson annually from the voting membership of the board. A majority of the voting members of the board constitutes a quorum. If the chairperson and vice chairperson are unable to preside over the board due to absence or disability, a majority of the voting members present may elect a temporary chairperson by a majority vote providing a quorum is present.

4. The watershed improvement review board shall do all of the following:

a. Award local watershed improvement grants and monitor the progress of local watershed improvement projects awarded grants. A local watershed improvement grant may be awarded for an original period not to exceed five years. However, during those five years, the board may extend the period of the award for up to five additional years after the date that the original period would have ended. Each local watershed improvement grant awarded shall not exceed ten percent of the moneys appropriated for the grants during a fiscal year.

b. Assist with the development of monitoring plans for local watershed improvement projects.

c. Review monitoring results before, during, and after completion of a local watershed improvement project.

d. Review costs and benefits of mitigation practices utilized by a project.

e. By January 31, annually, submit an electronic report to the governor and the general assembly regarding the progress of the watershed improvement projects during the previous calendar year.

f. Elicit the expertise of other organizations for technical assistance in the work of the board.

g. Independently develop and adopt administrative rules pursuant to chapter 17A to administer this chapter.

5. A watershed improvement review board member who also serves on a local watershed

improvement committee shall abstain from voting on a local watershed improvement grant application submitted by the same local watershed improvement committee of which the person is a member. A member of the general assembly shall abstain from participating on any issue relating to a watershed which is in the member's legislative district.

2005 Acts, ch 159, §5; 2006 Acts, ch 1010, §121; 2006 Acts, ch 1185, §86; 2008 Acts, ch 1156, §48, 58; 2008 Acts, ch 1189, §33; 2009 Acts, ch 44, §1

[SP] For future amendments to subsection 4, unnumbered paragraph 1, and paragraph a, effective July 1, 2012, see 2011 Acts, ch 128, §42, 43, 45

[T] Section not amended; footnote added

#### **466A.4 Eligible applicants — local watershed improvement committees.**

1. Public water supply utilities, counties, county conservation boards, and cities may also be eligible and apply for and receive local watershed improvement grants for water quality improvement projects. An applicant shall coordinate with a local watershed improvement committee or a soil and water conservation district and shall include in the application a description of existing projects and any potential impact the proposed project may have on existing or planned water quality improvement projects.

2. A local watershed improvement committee shall be organized for the purposes of applying for a local watershed improvement grant and implementing a local watershed improvement project. Each local watershed improvement grant application shall include a methodology for attaining measurable, observable, and performance-based results. A majority of the members of the committee shall represent a cause for the impairment of the watershed. The committee shall be authorized as a not-for-profit organization by the secretary of state. Soil and water conservation districts may also be eligible and apply for and receive local watershed improvement grants.

3. A local watershed improvement committee shall be responsible for application for and implementation of an approved local watershed improvement grant, including providing authorization for project bids and project expenditures under the grant. A portion of the grant moneys may be used to engage engineering expertise related to the project. The committee shall monitor local performance throughout the local watershed grant project and shall submit a report at six-month intervals regarding the progress and findings of the project as required by the committee.

2005 Acts, ch 159, §6; 2007 Acts, ch 211, §39; 2009 Acts, ch 146, §6; 2009 Acts, ch 179, §142

#### **466A.5 Administration.**

The soil conservation division of the department of agriculture and land stewardship shall provide administrative support to the board. Not more than one percent of the total moneys deposited in the watershed improvement fund on July 1 of a fiscal year or fifty thousand dollars, whichever is less, is appropriated each fiscal year to the division for the purposes of assisting the watershed improvement review board in administering this chapter.

2005 Acts, ch 159, §7

[SP] For future amendment to this section, effective July 1, 2012, see 2011 Acts, ch 128, §44, 45

[T] Section not amended; footnote added