

456A.33B Lake restoration plan and report.

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

a. “Lake” includes a significant public lake and a public shallow lake or wetland.

b. “Public shallow lake or wetland” means a water body that meets the following criteria:

(1) Is owned by the federal government, the state of Iowa, a county, or a municipal government, and is maintained principally for public use.

(2) Is a multi-use system capable of supporting diverse wildlife, fish, or recreational opportunities.

(3) Has a surface water area of at least ten acres.

(4) Does not have a watershed-to-lake surface area ratio of greater than two hundred to one.

(5) Is an open freshwater system where maximum depth is typically less than six to eight feet at its deepest spot and is under four and one-half feet mean depth.

(6) Is typically fringed by a border of emergent vegetation in water depth less than six feet and when clear is dominated by both emergent and submergent vegetation and provides important wildlife and fish habitat.

c. “Significant public lake” means a lake that meets all of the following criteria:

(1) Is owned by the federal government, the state of Iowa, a county, or a municipal government, and is maintained principally for public use.

(2) Is a multi-use system capable of supporting diverse wildlife, fish, or recreational opportunities.

(3) Has a surface water area of at least ten acres.

(4) Does not have a watershed-to-lake surface area ratio of greater than two hundred to one.

(5) Is not an on-stream impoundment that emulates riverine habitat rather than a lake environment.

(6) Is not used solely as a water supply reservoir.

2. a. It is the intent of the general assembly that the department of natural resources shall develop annually a lake restoration plan and report that shall be submitted to the joint appropriations subcommittee on transportation, infrastructure, and capitals and the legislative services agency by no later than January 1 of each year. The plan and report shall include the department’s plans and recommendations for lake restoration projects to receive funding consistent with the process and criteria provided in [this section](#), and shall include the department’s assessment of the progress and results of projects funded with moneys appropriated under [this section](#).

b. The department shall recommend funding for lake restoration projects that are designed to achieve the following goals:

(1) Ensure a cost-effective, positive return on investment for the citizens of Iowa.

(2) Ensure local community commitment to lake and watershed protection.

(3) Ensure significant improvement in water clarity, safety, and quality of Iowa lakes.

(4) Provide for a sustainable, healthy, functioning lake system.

(5) Result in the removal of the lake from the impaired waters list.

(6) When restored, will contribute to the department’s fish and wildlife conservation plans.

3. The process and criteria the department shall utilize to recommend funding for lake restoration projects shall be as follows:

a. The department, with input from stakeholders, shall maintain an annual list of not more than thirty-five significant public lakes and not more than five public shallow lakes or wetlands to be considered for funding based on the feasibility of restoring each lake and the use or potential use of the lake, if restored. The list shall include lake projects under active development that the department shall recommend be given priority for funding so long as progress toward completion of the projects remains consistent with the goals of [this section](#).

b. The department shall meet with stakeholders and representatives of communities where lakes on the annual list are located to provide an annual lake restoration assessment and to explain the process and criteria for receiving lake restoration funding. Communities with lakes not included on the annual list may petition the director of the department for a

preliminary lake restoration assessment and explanation of the funding process and criteria. The department shall work with stakeholders and representatives of each community to develop a joint lake restoration action plan. At a minimum, each joint action plan shall document the causes, sources, and magnitude of lake impairment, evaluate the feasibility of the lake and watershed restoration options, establish water quality and fishery and wildlife goals and a schedule for attainment, describe long-term management actions, assess the economic benefits of the project, identify the sources and amounts of any leveraged funds, and describe the community's commitment to the project, including local funding. The stakeholders' and community's commitment to the project may include moneys to fund a lake diagnostic study and watershed assessment, including development of a TMDL (total maximum daily load).

c. Each joint lake restoration action plan shall comply with the following guidelines:

(1) Biologic controls will be utilized to the maximum extent, wherever possible.

(2) If proposed, dredging of the lake will be conducted to a mean depth of at least eight feet to gain water quality benefits unless a combination of biologic and structural controls is sufficient to assure water quality targets will be achieved at a shallower average water depth.

(3) The costs of lake restoration will include the maintenance costs of improvements to the lake.

(4) Delivery of phosphorus and sediment from the watershed will be controlled and in place before lake restoration begins. Loads of phosphorus and sediment, in conjunction with in-lake management, will meet or exceed the following water quality targets:

(a) Clarity. A four-and-one-half-foot Secchi depth will be achieved fifty percent of the time from April 1 through September 30.

(b) Safety. Beaches will meet water quality standards for recreational use.

(c) Biota. A diverse, balanced, and sustainable aquatic community will be maintained.

(d) Sustainability. The water quality benefits from the restoration efforts will be sustained for at least fifty years.

d. The department shall evaluate the joint action plans and prioritize the plans based on the criteria required in [this section](#). The department's annual lake restoration plan and report shall include the prioritized list and the amounts of state and other funding the department recommends for each lake restoration project. The department shall seek public comment on its recommendations prior to submitting the plan and report to the general assembly.

2006 Acts, ch 1179, §26; 2007 Acts, ch 22, §81, 82; 2011 Acts, ch 25, §143; 2012 Acts, ch 1023, §63; 2016 Acts, ch 1133, §15 – 19; 2017 Acts, ch 29, §128

Referred to in §456A.30, §461.38

Subsection 3, paragraph c, unnumbered paragraph 1 amended