

CHAPTER 31
PUBLICLY OWNED LAKES PROGRAM
[Prior to 12/31/86, Conservation Commission[290] Ch 76]

571—31.1(456A) Purpose. The purpose of this chapter is to set forth the policy and procedures to be utilized by the department of natural resources to establish and maintain a priority list of watersheds above publicly owned lakes and reservoirs where private landowners are eligible to receive cost-share funding of up to 75 percent of the cost of approved permanent soil and water conservation practices. Funds for these practices are set aside in appropriations to the department of agriculture and land stewardship, division of soil conservation.

571—31.2(456A) Definitions.

“*Commission*” means the natural resource commission.

“*Department*” means the department of natural resources.

“*Priority list for lake restoration*” means the list of lakes that is developed by the department based on feasibility for restoration funding pursuant to Iowa Code section 456A.33B.

“*Program*” means the publicly owned lakes program.

“*Publicly owned lake*” means any constructed or natural lake having a watershed acreage-to-lake surface area ratio of less than 80 to 1 and owned by an Iowa county or municipal government or by the state of Iowa.

“*Sediment delivery calculator*” means a formula for calculating the sediment delivery reduction from proposed or constructed best management practices by comparing known preconstruction rates of sediment delivery to proposed postconstruction rates of sediment delivery based on models developed and maintained by the department.

“*Soil and water conservation district*” means a governmental subdivision of the state as set forth in Iowa Code section 161A.3.

“*Watershed*” means those lands that naturally drain into a publicly owned lake.

“*Watershed planning protocol*” means a planning process developed and published by the department to assist soil and water conservation districts in developing watershed plans and projects that will improve water quality in lakes and streams.

571—31.3(456A) Priority of watersheds. The commission shall annually establish a priority list of watersheds above publicly owned lakes. This list shall take into account the priority list for lake restoration so as best to protect and enhance fish and wildlife habitat, public recreation and the natural environment and the public’s investment therein and to increase community commitment to watershed health, with the financial resources available.

571—31.4(456A) Application. To apply for the program, an applicant must meet the following conditions and requirements:

31.4(1) Eligible applicant. An applicant must be a soil and water conservation district. When a watershed is located in more than one county, applications must be submitted jointly by all soil and water conservation districts in which that watershed is located.

31.4(2) Application period. Applications shall be submitted annually, in writing, to the department of agriculture and land stewardship, division of soil conservation, no later than April 1. The division of soil conservation will forward applications to the department by April 15 for eligibility beginning the following July 1 and ending the following June 30.

31.4(3) Content of application. The following shall be included in the application:

- a. A map of the watershed identifying the sources of significant sediment delivery to the lake.
- b. Documentation of the existence of a watershed plan that targets significant sources of sediment delivery to the lake. All applications submitted after April 1, 2010, must include documentation of the existence of a watershed plan based on the watershed planning protocol.

31.4(4) Renewal application. Renewal applications must be submitted for continued program eligibility and must include the same information required by subrule 31.4(3). Renewal applications

shall be submitted annually, in writing, to the department of agriculture and land stewardship, division of soil conservation, no later than April 1. The division of soil conservation will forward renewal applications to the department by April 15 for eligibility beginning the following July 1 and ending the following June 30. The renewal application must include a report of any changes to the watershed plan, the practices completed during the most recent period of program eligibility with estimates of the reduced delivery of eroded sediment using the sediment delivery calculator, and the projected practices planned to be completed during the following year. Renewal applications are not guaranteed funding and are subject to review and approval by the department.

31.4(5) *Newly constructed lakes.* Applications may be submitted for watersheds of proposed publicly owned lakes, provided the publicly owned lake is listed as a part of a priority watershed.

571—31.5(456A) Application review. The department will review applications based on compliance with application requirements, adequacy of watershed plans to reduce the delivery of sediment to the publicly owned lake as demonstrated by the use of the sediment delivery calculator, presence on the priority list for lake restoration, and available funding.

571—31.6(456A) Commission approvals. All publicly owned lakes eligible under the program must be approved by the commission.

These rules are intended to implement Iowa Code section 456A.33A.

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