

CHAPTER 76
FEDERAL WATER RESOURCE PROJECTS

[Prior to 7/1/83, INRC Ch 8]

[Prior to 12/3/86, Water, Air and Waste Management[900]]

567—76.1(455B) Referral of federal project. Upon referral by any federal agency of a water resource project to the department for comment in accordance with federal law, notification of such project shall be made as soon as possible to the governor, interested and affected state and federal agencies, regional planning organizations, local units of government, and other parties known to have an interest in the particular project.

567—76.2(455B) Solicitation of comments. Comments and views will be requested from all interested and affected state and federal agencies, planning organizations, multicounty planning organizations, and local units of government.

567—76.3(455B) Hearing. A public hearing will be held for the purpose of obtaining information regarding the particular project submitted to the state for comment in accordance with federal law. Unless known controversy exists a hearing will not be required in the following instances of referral:

76.3(1) *Noncomprehensive —nonflood control.* Projects related to water resources but not comprehensive in scope, not concerned with flood control, located in areas where no special problems exist or where local communities have given assurance of meeting federal requirements.

76.3(2) *Nonfeasible projects.* Projects which cannot be justified in accordance with federal criteria or which have not been provided with local assurances of meeting federal requirements or otherwise not given local support.

76.3(3) *Other states.* Projects proposed in other states where no material effect will result in Iowa.

567—76.4(455B) Formulation of comments. Department comments on federal projects will be based upon the views expressed by the interested and affected state agencies, information received at a public hearing, review by the department, and information of other sources which may come to the attention of the department. Determination of the desirability of a project will be based on but not necessarily limited to the following tests:

76.4(1) *Functions.* Whether the functions proposed to be provided throughout the project are justifiable.

76.4(2) *Need.* Whether the project is responsive to water and related resource problems of the area.

76.4(3) *Purpose.* Whether the project as planned will adequately serve the intended purpose.

76.4(4) *Relationship to comprehensive water resource plans.* Whether the proposed project is compatible with regional, state, river basin or local plans.

76.4(5) *Benefits.* Whether the benefits to be derived from the project will exceed the costs and damages of the project.

76.4(6) *Environmental effect.* That the significant environmental effects have been considered.

567—76.5(455B) Transmittal of comments. Prior to the transmittal to the sponsoring federal agency, the department comments formulated shall be coordinated with the governor and interested and affected state agencies.

567—76.6(455B) Other coordination. Prior to receipt of or after comment has been made on an official referral, the department may hold hearings, undertake coordination with the governor, interested and affected state and federal agencies, regional planning organizations, local units of government and other parties known to have an interest in a particular project; or otherwise consider a federal sponsored water

resource project for the purpose of resolving conflicts and to clarify certain aspects of the project which may pose special problems.

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