

CHAPTER 21
WATER QUALITY PROTECTION PROJECTS—WATER PROTECTION FUND

PART 1
AUTHORITY AND SCOPE

27—21.1 to 21.9 Reserved.

27—21.10(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 and water quality committee in implementing water quality protection projects through the water protection fund created in Iowa Code chapter 161C. 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.

[ARC 2192C, IAB 10/14/15, effective 11/18/15; ARC 3243C, IAB 8/2/17, effective 9/6/17]

27—21.11(161A) Rules or subrules are severable. If any provisions of a rule or subrule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule or subrule which can be given effect without invalid provisions or application, and to this end the provisions of these rules or subrules are severable.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.12 to 21.19 Reserved.

PART 2
APPLICATIONS

27—21.20(161A) Announcement, eligibility, development and submission of applications. Part 2 establishes procedures for announcement, eligibility, development and submission of applications for water quality projects supported through the water protection fund.

21.20(1) Announcement of application opportunities. The state soil conservation and water quality committee will announce to districts and other interested parties the opportunity to submit applications for projects. The announcement will state:

- a. The application submission deadline.
- b. The location to which applications will be submitted.
- c. The number of copies of applications to be submitted.

21.20(2) Eligibility of applicants. All applications must be submitted by individual or multiple soil and water conservation districts.

a. Districts are encouraged to cooperate with and accept assistance in the development and preparation of applications from other agencies and organizations.

b. Districts are encouraged to accept financial and nonfinancial participation in project implementation from other agencies and organizations.

[ARC 2192C, IAB 10/14/15, effective 11/18/15; ARC 3243C, IAB 8/2/17, effective 9/6/17]

27—21.21 to 21.29 Reserved.

PART 3
APPLICATION CONTENT

27—21.30(161A) Water quality protection project application content. Part 3 establishes the minimum content requirements of project applications.

21.30(1) Title, applicant and participants. Each application will identify:

- a. Water quality protection project title.
- b. Name of district or districts submitting the application.
- c. Names of participating agencies and organizations.
- d. Number of landowners within the project area.

21.30(2) Project location. Each application will identify:

- a. Project location by description and map.
- b. Project size.
- c. Geographic setting.

21.30(3) Project description. Each application will identify:

- a. Land use, land management, and land ownership within the project area and, if appropriate, the surrounding area.
- b. Priority water resources to be protected.
- c. Water quality problems within the project area.
- d. Quantification of the sources of contamination.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.31(161A) Project water quality improvement objectives. Each application will identify:

21.31(1) Water quality objectives of the project.

21.31(2) Measures to be taken to address each water quality problem identified within the project.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.32(161A) Project costs. Each application will identify on an annual basis:

21.32(1) Project measure costs.

- a. Estimated cost of each measure to be implemented.
- b. Landowner contribution.
- c. Financial incentive contribution of the water protection fund.
- d. Financial or other contribution of project participants.

21.32(2) Project personnel needs.

- a. Personnel contribution of the water protection fund.
- b. Personnel contribution of project applicants and participants.

21.32(3) Project operating expenses.

- a. Project expense contribution from the water protection fund.
- b. Project expense contribution from applicants and participants.

21.32(4) Total project costs for each project year.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.33(161A) Landowner interest. Each application will provide an assessment of landowner interest in participating in the project.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.34(161A) Project maintenance. Each application will describe measures to be taken to ensure the long-term viability of the implemented project through maintenance agreements, easements, or other such measures.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.35(161A) Time frame. Each application will provide a time frame for project implementation.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.36(161A) Project evaluation. Each application will describe criteria that will be used to evaluate the success of the project. Evaluation criteria should state, at a minimum, projected landowner participation and water quality improvements.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.37 to 21.39 Reserved.

PART 4
PROPOSAL REVIEW

27—21.40(161A) Proposal review. Part 4 establishes the process that the state soil conservation and water quality committee will follow in reviewing the applications submitted and selecting which, if any, will be funded.

21.40(1) The state soil conservation and water quality committee will give consideration to the following criteria in evaluating the project proposals submitted:

- a. The water resource to be protected.
- b. The nature, extent and severity of water quality issues identified and targeted for correction.
- c. The nature and variety of the proposed project measures.
- d. The level of financial contribution requested for the project.
- e. The cost-effectiveness of the proposed project measures.
- f. Agency, organization and landowner participation.
- g. The public benefits projected.
- h. The likelihood of project success within the projected time frame.

21.40(2) Proposal presentation. The state soil conservation and water quality committee may, at its discretion, ask the project applicant to make a formal presentation concerning the application or provide additional information.

21.40(3) Review assistance. The state soil conservation and water quality committee may receive assistance in the evaluation of project applications from division staff or other agencies.

21.40(4) Negotiation. The state soil conservation and water quality committee may negotiate any part of the proposal with the applicant prior to project selection.

21.40(5) Project selection. Projects selected will be funded on an annual basis. Funding for additional years of the projects will be provided on the basis of satisfactory progress and available funds of the water protection fund.

21.40(6) Notification. The state soil conservation and water quality committee will inform each applicant of the final determination with respect to the applicant's application.

[ARC 2192C, IAB 10/14/15, effective 11/18/15; ARC 3243C, IAB 8/2/17, effective 9/6/17]

27—21.41 to 21.49 Reserved.

PART 5
BUDGET AND STAFF

27—21.50(161A) Budget and staff. Part 5 establishes procedures that the division will follow in providing budgets and staff for projects.

21.50(1) *Budget.* The division will establish an annual budget allocation for each selected project, to support:

- a. Field office staff.
- b. Project expenses.
- c. Commissioner project expenses.
- d. Financial incentives.

21.50(2) *Staff.* Appropriate to the project, the division will establish positions and allocate them to district field offices.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.51 to 21.59 Reserved.

PART 6
REPORTING

27—21.60(161A) Project reporting. Part 6 establishes reporting requirements for projects.

21.60(1) Annual reports. Annual reports meeting the following criteria will be submitted to the division:

- a. Annual report deadline to be established consistent with the initiation of the project.
- b. The annual report will describe accomplishments during the reporting period and compare them to the objectives of the application.
- c. The annual report will itemize funds disbursed during the reporting period.

21.60(2) Reserved.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.61(161A) Supplemental reports. Supplemental reports shall be submitted as required by the division.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

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.”

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.63 to 21.69 Reserved.

PART 7 ANNUAL PROJECT REVIEW

27—21.70(161A) Annual project review, continuation, amendment and termination. Part 7 describes procedures that the state soil conservation and water quality committee will follow to review annual progress for each project and to approve continuation, amend, or terminate them.

21.70(1) Annual review. The state soil conservation and water quality committee and district(s) will review each project annually. Upon completion of the annual review, the committee will inform the district(s) of their findings. Based on their findings, the committee will do one or more of the following:

- a. Instruct the division to establish a budget for the next project year.
- b. Renegotiate with the applicant district(s) the project objectives, procedures, budget or time schedule.
- c. Terminate the project.

21.70(2) Reserved.

[ARC 2192C, IAB 10/14/15, effective 11/18/15; ARC 3243C, IAB 8/2/17, effective 9/6/17]

27—21.71 to 21.79 Reserved.

PART 8 PROJECT COMPLETION

27—21.80(161A) Project completion. Part 8 describes the procedures to be followed to close out projects upon completion or termination.

21.80(1) Required reports. Upon project completion or termination, the project district(s) will complete the following reports within 90 days:

- a. Final project report that summarizes project accomplishments, comparing them to original project objectives.
- b. Final financial status report on all water project fund expenditures and any participating agency and organization expenditures.

21.80(2) Reserved.

[ARC 2192C, IAB 10/14/15, effective 11/18/15]

27—21.81 to 21.89 Reserved.

These rules are intended to implement Iowa Code chapter 161A.

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