

27—30.50(161A,460) Eligibility. Financial assistance from the program will be limited by the criteria of this rule.

30.50(1) Cost-share rate. Except for the cost of wetland restoration projects with permanent easements, cost-share payments from the fund shall not exceed 75 percent of the estimated cost or 75 percent of the actual cost of the project, whichever is less.

30.50(2) Eligible costs. Project costs eligible for financial assistance cost sharing from the fund are:

a. Construction costs normally incidental to the costs of a drainage district including, but not limited to:

- (1) Tile or channel mains.
- (2) Laterals.
- (3) Associated excavations, backfilling, tile line cradling materials, and junctions.

b. Cost of improvements as defined by Iowa Code section 468.3 including, but not limited to:

- (1) Administrative, legal and publication costs.
- (2) Classification.
- (3) Engineering design, construction inspection and contract administration.
- (4) Financing costs.
- (5) Damages.

c. Costs of wetland mitigation required under federal law.

d. Costs of connection lines from mains or laterals of the drainage district to the terminus of in-field drains at the existing wellheads of the agricultural drainage wells.

e. Costs of closure and plugging of agricultural drainage wells in accordance with 567 IAC 39, Requirements for Properly Plugging Abandoned Wells, or by an alternative method approved by the department of natural resources.

f. Costs for removal of agricultural drainage well cisterns in accordance with applicable requirements of the department of natural resources.

g. Costs for the purchase of permanent easements for the wetland restoration if the easements are more cost-effective than the construction of alternative drainage systems and all directly impacted landowners agree to grant permanent easements.

h. Construction costs for wetland restoration projects with permanent easements including, but not limited to:

- (1) Tile modifications.
- (2) Installation of water level maintenance structures.
- (3) Associated excavation, grading and seeding activities.

30.50(3) Project design and construction. The alternative drainage system of the drainage district or the wetland restoration shall be designed to meet standard engineering practice and be approved by the division. Construction shall be in accordance with the design and standard construction practice for drainage district improvements or the wetland restoration.

30.50(4) Easement purchases. For projects where wetland restoration is completed, a permanent easement restricting active disturbance of the easement area including cropland and pasture uses shall be granted to the applicable soil and water conservation district. The value of the easement is determined by using the average farmland value per acre for all soil types as determined by the most recently published county land value survey developed by Iowa State University adjusted by the value of any existing easements on the land.

30.50(5) Eligible persons. A person who owns an interest in land within a designated agricultural drainage well area shall not be eligible to participate in the program, if the person is any of the following:

a. A party to a pending legal or administrative action, including a contested case proceeding under Iowa Code chapter 17A, relating to an alleged violation involving an animal feeding operation as regulated by the department of natural resources, regardless of whether the pending action is brought by the department or the attorney general.

b. Classified as a habitual violator for a violation of state law involving an animal feeding operation as regulated by the department of natural resources.

30.50(6) *Closure of agricultural drainage wells.* Closure of all agricultural drainage wells located within the watershed area served by the alternative drainage system of the drainage district is required for landowners to be eligible for financial assistance from the fund.

30.50(7) *Compliance with applicable statutes.* The alternative drainage system project of the drainage district shall be conducted in compliance with all applicable statutes, rules and requirements. [ARC 2192C, IAB 10/14/15, effective 11/18/15; ARC 3839C, IAB 6/6/18, effective 7/11/18]