

CHAPTER 101  
ORGANIZATION AND PURPOSE

**27—101.1(466A) Watershed improvement review board composition.** The watershed improvement review board shall be comprised of one member of the Agribusiness Association of Iowa; one member of the Iowa Association of Water Agencies; one member of the Iowa Environmental Council; one member of the Iowa Farm Bureau Federation; one member of the Iowa Pork Producers Association; one member of the Iowa Rural Water Association; one member of the Iowa Soybean Association; one member representing soil and water conservation districts of Iowa; one member of the Iowa Association of County Conservation Boards; one person representing the department of agriculture and land stewardship; and one person representing the department of natural resources.

Two state senators shall be appointed, one by the majority leader of the senate and one by the minority leader of the senate. Two state representatives shall be appointed, one by the speaker of the house of representatives and one by the minority leader of the house of representatives.

These members are appointed according to Iowa Code Supplement section [466A.3](#). The board is responsible for administering grants to local watershed improvement committees and soil and water conservation districts to promote watershed protection efforts.

**27—101.2(466A) Officers.** The officers of the board shall be the chairperson and vice chairperson. Each officer shall be elected by vote of the board for a term of one year and may be reelected by vote of the board to serve one subsequent term in the same office. Members representing the department of agriculture and land stewardship, the department of natural resources and the general assembly are not eligible to serve as an officer of the board.

**101.2(1)** The chairperson shall set the date for meetings, preside at meetings, and sign documents approved by the board.

**101.2(2)** The vice chairperson shall act in the chairperson's place when the chairperson is unable to act.

**27—101.3(466A) Staff.** The division of soil conservation of the department of agriculture and land stewardship shall provide administrative support to the board to aid in the completion of its duties.

**27—101.4(466A) Meetings.** The board shall meet at the time designated by the chairperson at least once annually and at other times the board determines are necessary. All meetings shall be held at such locations as are determined by the board.

**27—101.5(466A) Quorum.** A majority of the voting members of the board shall constitute a quorum. A majority of the voting members present during a meeting is necessary to carry out the duties and exercise the powers of the board as provided in this chapter.

**27—101.6(466A) Conflict of interest.** A voting member of the board shall abstain from participating on any issues relating to a local watershed improvement grant application submitted by a local watershed improvement committee or soil and water conservation district of which the person is a member. A member of the general assembly shall abstain from participating on any issues relating to a watershed which is in the member's legislative district.

**27—101.7(466A) Board responsibilities.** The board shall do all of the following:

1. Award local watershed improvement grants and evaluate and review through reports the progress of local watershed improvement projects awarded grants.

2. Assist with the development of monitoring plans for local watershed improvement projects.
3. Review monitoring results before, during, and after completion of a local watershed improvement project.
4. Review costs and benefits of mitigation practices utilized by a project.
5. By January 31, annually, submit an electronic report to the governor and the general assembly regarding the progress of the watershed improvement projects during the previous calendar year.
6. Develop and adopt administrative rules pursuant to Iowa Code chapter 17A to administer this chapter.

**27—101.8(466A) Technical assistance.** The board shall elicit the expertise of other organizations for technical assistance in the work of the board. The organizations may include but are not limited to all of the following: the State University of Iowa; the Iowa State University of Science and Technology; the U.S. Geological Survey; the U.S. Department of Agriculture, Agricultural Research Service, National Soil Tilth Laboratory; the U.S. Department of Agriculture, Natural Resource Conservation Service; the Leopold Center for Sustainable Agriculture; the Iowa Association of Municipal Utilities; the Iowa chapter of the American Waterworks Association; the Iowa Water Pollution Control Association; the Iowa League of Cities; the Iowa Cattlemen’s Association; the Iowa Association of Business and Industry; the Iowa Environmental Health Association; the Iowa Corn Growers Association; the Iowa Poultry Association; the Iowa Farmers’ Union; and the Iowa Land Improvement Contractors Association.

These rules are intended to implement Iowa Code Supplement chapter 466A.

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## CHAPTER 102 RULES OF PRACTICE

**27—102.1(466A) Definitions.** All words and terms defined in Iowa Code Supplement chapter 466A and employed in these rules are given the definitions found in that legislation. The following words and terms used in these rules shall have the meanings hereafter ascribed to them:

“*Auditor*” means the auditor of the state of Iowa.

“*Board*” means the watershed improvement review board as established in Iowa Code Supplement section 466A.3.

“*Committee*” means a local watershed improvement committee as provided in Iowa Code Supplement section 466A.4.

“*Division*” means the division of soil conservation within the department of agriculture and land stewardship as established in Iowa Code section 161A.4.

“*Eligible applicant*” means a nonprofit organization authorized by the secretary of state or a soil and water conservation district.

“*Fund*” means the watershed improvement fund as created pursuant to Iowa Code Supplement section 466A.2.

“*State*” means the state of Iowa.

“*Treasurer*” means the treasurer of the state of Iowa.

**27—102.2(466A) Public information.** The public is invited to obtain information or make informal requests of the board by addressing these matters, either orally or in writing, to the chairperson of the Iowa Watershed Improvement Review Board, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319; (515)281-6153.

**27—102.3(466A) Informal settlement of controversies.** Every possible attempt will be made to handle all complaints and controversies, whether raised by the board or by members of the public, in an informal manner.

**102.3(1)** In cases of a routine nature, the chairperson shall attempt to settle the matter. In cases indicating a need for interpretation of board policy or legal interpretation, the chairperson may defer action until after consultation with legal counsel, or the chairperson may defer action until after discussion of the subject at a board meeting.

**102.3(2)** In cases not of a routine nature, or in cases in which the efforts of the chairperson are unsuccessful, the board itself shall act to resolve the matter. In cases indicating a need for legal advice, the board may defer action until after consultation with legal counsel.

**27—102.4(466A) Declaratory orders.** On petition by an interested party who is aggrieved or adversely affected by the question contained in the petition, the board may issue a declaratory order with respect to the interpretation or applicability of any statutory provision, rule, or other written statement of the law or policy, decision, or order of the board.

**102.4(1)** Petitions shall be titled “PETITION FOR DECLARATORY ORDER” and shall include the name and address of all petitioners. The body of the petition must state the precise factual situation involved, the exact question to which an answer is desired, and the exact words, passages, sentences, or paragraphs which are the subject of inquiry.

**102.4(2)** The petition shall be filed at the office of the board at Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319.

**102.4(3)** The board will refuse to issue a declaratory order if the petition does not state with enough specificity the factual situation or the question presented; if the issuance of the order would not be in the best interests of the public; or for any other reason the board deems just and proper.

**102.4(4)** The board shall issue an order or dismiss the petition within 60 days of the filing of the petition except that when additional information is requested, the order shall be issued within 60 days following receipt of the requested information.

**27—102.5(466A) Petition for adoption of rules.** Any interested person may file with the board a written request that the board adopt, amend, or repeal a rule. The petition shall be addressed to the Iowa Watershed Improvement Review Board, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319, and shall include:

1. The names of those requesting the change.
2. The proposed rule or present rule as it would read following the desired amendment.
3. The reason for the proposed rule or amendment.
4. The statutory authority for the proposed rule or amendment.

Within 60 days following receipt of the petition, the board shall either deny the petition in writing on the merits, stating the board’s reason for denial, or initiate rule-making proceedings.

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## CHAPTER 103

### APPOINTMENT AND TERMS OF MEMBERS

**27—103.1(466A) Appointments.**

**103.1(1)** Not later than three months prior to the end of its board member’s term, each organization identified in 27—101.1(466A) shall submit to the governor a name for appointment to the board.

**103.1(2)** Not later than 60 days prior to the end of each board member's term of office, the governor shall name a successor pursuant to 103.1(1).

**27—103.2(466A) Terms.** An appointed member shall not serve more than three consecutive terms.

These rules are intended to implement Iowa Code Supplement chapter [466A](#).

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## CHAPTER 104

### LOCAL WATERSHED IMPROVEMENT COMMITTEES

**27—104.1(466A) Purpose.** A committee shall be organized for the purposes of applying for a local watershed improvement grant and implementing a local watershed project.

**27—104.2(466A) Structure.** A committee must be authorized by the secretary of state as a not-for-profit organization. The majority of the members of the committee shall represent a cause of the impairment of the watershed.

**27—104.3(466A) Governmental entities.** A federal, state or local governmental entity may not be a recipient of a grant from the board, with the exception of a soil and water conservation district. A federal, state or local governmental entity may partner with a committee to implement a local watershed project.

**27—104.4(466A) Responsibilities.** A committee shall be responsible for application for and implementation of an approved local watershed grant, including providing authorization for project bids and project expenditures under the grant.

**104.4(1)** The committee shall monitor local performance throughout the local watershed grant project and shall submit a report at six-month intervals or at a frequency set forth in the grant agreement regarding the progress and findings of the project.

**104.4(2)** The committee shall provide monitoring data before, during, and after the project's completion.

**27—104.5(466A) Audit.** A committee receiving a grant from the board may be subject to an audit performed by the auditor.

These rules are intended to implement Iowa Code Supplement chapter [466A](#).

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## CHAPTER 105

### WATERSHED IMPROVEMENT GRANT PROGRAM

**27—105.1(466A) Program purpose.** The board shall issue grant awards to eligible applicants to address water quality impairments including but not limited to agricultural runoff and drainage; stream bank erosion; municipal discharge; stormwater runoff; unsewered communities; industrial discharge; or livestock runoff.

**27—105.2(466A) Grant awards.**

**105.2(1)** The board shall issue a request for applications.

**105.2(2)** The board shall determine the date for submission of grant requests.

**105.2(3)** Projects will be evaluated by the board based on criteria established in the request for applications.

**105.2(4)** Eligible applicants that have been awarded a grant by the board shall be notified not more than 60 days from the date that the request for applications closes.

**105.2(5)** Eligible applicants that have been awarded a grant by the board shall be required to sign a contract with the state before any funds are disbursed. Changes to the grant agreement must be negotiated and meet with the approval of the board.

**105.2(6)** Grant awards shall be for not more than three years and shall not exceed 10 percent of the funds appropriated to the board. A grant recipient shall not be precluded from applying for future grant awards. Grant awards given by the board to an eligible applicant will have the full amount of awarded watershed improvement funds set aside for the entire project length when initially awarded.

**105.2(7)** The board may act to award less than all of the funds appropriated for this program if it deems that applications do not meet the program's objectives. Additional requests for applications may be solicited by the board if all available funds have not been expended.

**27—105.3(466A) Disbursement of funds.**

**105.3(1)** Funds will be disbursed according to the grant agreement.

**105.3(2)** An eligible applicant that fails to meet the terms and obligations of its grant agreement shall reimburse the state for the portion of the grant received attributed to this failure.

**27—105.4(466A) Reports.**

**105.4(1)** Eligible applicants that have been awarded a grant by the board shall submit a written and electronic report at six-month intervals. This report shall include but not be limited to a statement of expenditures; progress toward performance measures established in the grant agreement; progress toward deliverables established in the grant agreement; monitoring methods and results; and the time line for project completion.

**105.4(2)** Eligible applicants that have been awarded a grant by the board shall submit a final written and electronic report at the conclusion of the grant agreement. This report shall include but not be limited to a final statement of expenditures; performance measures established in the grant agreement; deliverables established in the grant agreement; monitoring methods and results; and findings of the project.

These rules are intended to implement Iowa Code Supplement chapter [466A](#).

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CHAPTER 106  
WATERSHED IMPROVEMENT FUND

**27—106.1(466A) Purpose.** The fund shall be used for the enhancement of water quality through a variety of impairment-based, locally directed watershed improvement projects; to positively affect the management and use of water for the purposes of drinking, agriculture, recreation, sport and economic development; and to ensure public participation in the process of determining priorities related to water quality.

**27—106.2(466A) Administration.** The treasurer shall administer the fund upon the direction of the board.

**106.2(1)** Moneys in the fund shall be used exclusively for carrying out the purposes of the fund.

**106.2(2)** Moneys appropriated to the fund and any other moneys available to and obtained or accepted by the treasurer for placement in the fund shall be deposited in the fund.

**106.2(3)** Moneys appropriated to the treasurer and deposited in the fund shall not be used by the treasurer for administrative purposes.

**106.2(4)** Notwithstanding Iowa Code section [12C.7](#), subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

**106.2(5)** Notwithstanding Iowa Code section [8.33](#), moneys in the fund that remain unencumbered or unobligated at the end of the fiscal year shall not revert, but shall remain available for the same purpose in the succeeding fiscal year.

These rules are intended to implement Iowa Code Supplement chapter [466A](#).

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## CHAPTER 107 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The Iowa watershed improvement review board hereby adopts, with the following exceptions and amendments, rules of the governor’s task force on uniform rules of agency procedure relating to public records and fair information practices which are printed in the first volume of the Iowa Administrative Code.

**27—107.1(17A,22) Definitions.** As used in this chapter:

“*Board*” in these rules means the Iowa watershed improvement review board.

**27—107.3(17A,22) Requests for access to records.**

**107.3(1) Location of record.** In lieu of the words “(insert agency head)”, insert “chairperson”. In lieu of the words “(insert agency name and address)”, insert “Iowa Watershed Improvement Review Board, Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319”.

**107.3(2) Office hours.** In lieu of the words “(insert customary hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section [22.4](#))”, insert “8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays”.

**107.3(7) Fees.**

c. *Supervisory fee.* In lieu of “(specify time period)”, insert “one hour”.

**27—107.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records.** In lieu of the words “(designate office)”, insert “Iowa watershed improvement review board”.

**27—107.9(17A,22) Public records; confidential records.** All records in the possession of the board other than confidential records are public records. The board shall deem to be confidential those categories of records enumerated in Iowa Code section [22.7](#) which are in its possession.

**27—107.10(17A,22) Personally identifiable information.** Agency records include project applications, reports, and board actions to approve or deny payment. This information is collected pursuant to the authority of Iowa Code Supplement chapter [466A](#) and is stored in the watershed improvement review board files in the division of soil conservation. Any personally identifiable information contained in these records shall be confidential.

**27—107.11(17A,22) Data processing.** No data processing system collates or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

These rules are intended to implement Iowa Code section [22.11](#).

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