



ENVIRONMENTAL  
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## **State Wetland Protection**

*Status, Trends, & Model Approaches*

*A 50-state study by the  
Environmental Law Institute*

*With support from the  
U.S. Environmental Protection Agency*

2008

# **Appendix: State Profiles**

# Iowa

## I. Overview

Since the mid-1800s, Iowa has lost approximately 90 percent of its historic wetlands to systematic draining, mainly for the purpose of agricultural production.<sup>1</sup> The state's first comprehensive effort to protect and restore wetlands was launched in the 1990s.<sup>2</sup> This initiative culminated in the publication of the *Iowa Wetlands and Riparian Areas Conservation Plan* in 1998, which sought to coordinate all wetland protection, conservation, and restoration efforts in the state.<sup>3</sup> These efforts are led by the Iowa Department of Natural Resources (IDNR), which oversees the §401 Water Quality Certificate program, as well as multiple conservation and restoration projects. As of late 2005, IDNR was in the process of developing an updated, comprehensive statewide wetland protection plan, as well as monitoring and assessment protocols aimed specifically at protecting wetlands.

## II. Regulatory Programs

### *Wetland definitions and delineation*

Iowa defines waters of the state as “body or accumulation of water, surface or underground, natural or artificial, public or private, which are [sic] contained within, flow through or border upon the state or any portion thereof.”<sup>4</sup> Iowa's regulatory definition for “wetlands” is “an area of two or more acres in a natural condition that is mostly under water or waterlogged during the spring growing season and is characterized by vegetation of hydric soils.”<sup>5</sup>

Iowa's wetland protection plan, *Iowa Wetlands and Riparian Areas Conservation Plan*, also defines wetlands as:

[L]ow areas where water stands or flows continuously or periodically.... They are referred to as swamps, sloughs, marshes, potholes, lakes, bogs, wet meadows and seeps. Most definitions of wetlands refer only to shallow water areas with vegetation. Our definition includes lakes, rivers, river oxbows, overflow areas, and human-made waterbodies.

This broader, non-regulatory definition is based on a 1995 National Academy of Sciences study that characterizes wetlands by an area's water, hydric soils, and hydric vegetation content and emphasizes the connections between wetlands and aquatic and riparian ecosystems.

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<sup>1</sup> IOWA DEP'T OF AGRIC. AND LAND STEWARDSHIP DIV. OF SOIL CONSERVATION, IOWA WETLANDS AND RIPARIAN AREAS CONSERVATION PLAN (1998), *available at* <http://www.ag.iastate.edu/centers/iawetlands/IWRACPhome.html>.

<sup>2</sup> Iowa Department of Natural Resources, Iowa Wetland Assessment Program: Development of a Comprehensive Wetland Protection Plan (2005) (grant proposal) (on file with author).

<sup>3</sup> IOWA DEP'T OF AGRIC. AND LAND STEWARDSHIP DIV. OF SOIL CONSERVATION,, *supra* note 1.

<sup>4</sup> IOWA CODE § 455B.171(37).

<sup>5</sup> IOWA CODE § 456B.1(5).

Iowa law designates “protected wetlands” according to types defined in *Wetlands of the United States* (1971 Edition), published by the U.S. Department of the Interior.<sup>6</sup> Protected wetlands include types 3 (inland shallow fresh marshes), 4 (inland deep fresh marshes), and 5 (inland open fresh water, open water or submerged aquatic systems). A protected wetland does not include land where an agricultural drainage well has been plugged, causing a temporary wetland, or land within a drainage district or levee district.<sup>7</sup> In practice, however, IDNR no longer uses these types to identify protected wetlands and instead uses the Cowardin classification system.<sup>8</sup>

### ***Wetland-related law and regulation***

*Iowa Wetland Protection Program.* State law requires IDNR to inventory the wetlands and marshes of each county and designate those wetlands that constitute “protected wetlands.” Draining of a protected wetland is prohibited without a §401 water quality certification, and a permit may not be issued unless: (a) the protected wetland is replaced by the applicant with a wetland of equal or greater value as determined by the department; or (b) the protected wetland does not meet the criteria for continued designation as a protected wetland.<sup>9</sup>

*Permits.* There are three permitting programs apart from §401 certification that potentially apply to wetlands:

- The state water quality permitting program (National Pollution Discharge Elimination System, or NPDES) applies to wetlands generally as part of the “waters of the state,”<sup>10</sup> although NPDES discharges to wetlands are rare.<sup>11</sup>
- Wetlands that constitute “floodplains” or “floodways” in the state are regulated under the Flood Plain Development Permit program. IDNR has authority to regulate construction on all floodplains and floodways in the state.<sup>12</sup>
- Any person wishing to conduct construction activities on, above or under state-owned water and land is required to have a sovereign lands construction permit.<sup>13</sup>

### ***Organization of state agencies***

*Iowa Department of Natural Resources.* IDNR employs four staff to work on wetlands protection. One position is devoted to §401 water quality certification and two full time positions are devoted to wetland-related monitoring.<sup>14,15</sup> An additional staff member spends 80 percent of his time on wetland conservation and restoration activities.<sup>16</sup> The IDNR Water

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<sup>6</sup> See U.S. DEP’T OF THE INTERIOR FISH AND WILDLIFE SERV., CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES (1979).

<sup>7</sup> IOWA CODE § 456B.1(4).

<sup>8</sup> Personal Communication with Christine Schwake, Iowa Dep’t of Natural Res. (Aug. 14, 2006).

<sup>9</sup> IOWA CODE § 456B.12 *et seq.*

<sup>10</sup> IOWA CODE § 455B.171 *et seq.*

<sup>11</sup> Personal Communication with Adam Schnieders, Iowa Dep’t of Natural Res. (Dec. 8, 2005).

<sup>12</sup> IOWA CODE § 455B.275(1).

<sup>13</sup> IOWA CODE § 461A.1 *et seq.*

<sup>14</sup> Personal Communication with Vince Evelsizer, Iowa Dep’t of Natural Res. (Dec. 9, 2005).

<sup>15</sup> Personal Communication with Vince Evelsizer, Iowa Dep’t of Natural Res. (Apr. 22, 2007).

<sup>16</sup> Personal Communication with Todd Bishop, Iowa Dep’t of Natural Res. (Jan. 31, 2006).

Resources Section administers the §401 certification process.<sup>17</sup> IDNR funding for wetlands protection comes exclusively from federal grants.<sup>18,19</sup> Section 401 permitting is funded by U.S. Environmental Protection Agency (EPA) 604(b) Grants.<sup>20</sup>

*Iowa Department of Agriculture and Land Stewardship.* The Iowa Department of Agriculture and Land Stewardship (IDALS) administers the Iowa Conservation Reserve Enhancement Program (CREP) in cooperation with the USDA Farm Service Agency (FSA) to restore and construct wetlands for nitrate removal, with wildlife and waterfowl habitat and landscape diversity as secondary benefits. IDALS also coordinated the development of Iowa's first wetland protection plan, the *Iowa Wetlands and Riparian Areas Conservation Plan*.

### **§401 certification**

The Water Resources Section of IDNR's Water Quality Bureau oversees the §401 Water Quality Certificate program. Iowa uses §401 certification to protect wetlands by approving, conditioning, or denying applicable federal permits and licenses. The state issues approximately 80 to 120 §401 certifications per year. Few §401 water quality certifications are denied outright. Typically, staff members work with the applicants to avoid or minimize impacts or redesign projects where necessary, relying on best professional judgment to assess and issue water quality certifications. Of the denials that do occur, most are based on lack of adequate mitigation. Some projects are withdrawn due to complications caused by the presence of threatened or endangered species or by requirements of the State Historical Preservation Office.<sup>21</sup> When proposed projects have problematic aspects, IDNR will place the project in abeyance. Applicants then have the option of conducting additional surveys or research to revise their project plans in an acceptable manner to receive certification.<sup>22</sup>

When evaluating projects that will have wetland impacts and require mitigation, IDNR staff rely on the best professional judgment of local fisheries and wildlife field biologists in evaluating the proposed mitigation plan. These field biologists examine the ecological impacts of proposed projects and determine if planned compensatory mitigation will be adequate. Follow-up monitoring is extremely important in this process; if mitigation results are not satisfactory, IDNR can require the applicant to adopt more aggressive methods, such as making changes or repairs to the existing monitoring site or by adding another mitigation site.<sup>23</sup>

### **Nationwide permits**

IDNR reviews nationwide permits (NWP) as they are revised by the Corps every five years. IDNR also requests Pre-Construction Notification for any project that will impact any water body on a pre-determined list of high quality water bodies. This list of water bodies, which includes some state-owned lakes and drinking water sources, is reviewed and updated as necessary by IDNR on the same five year cycle as the NWP review.<sup>24</sup>

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<sup>17</sup> Personal Communication with Christine Schwake, Iowa Dep't of Natural Res. (Dec. 8, 2005).

<sup>18</sup> *Id.*

<sup>19</sup> Evelsizer, *supra* note 14.

<sup>20</sup> Schwake, *supra* note 17.

<sup>21</sup> *Id.*

<sup>22</sup> Personal Communication with Christine Schwake, Iowa Dep't of Natural Res. (Apr. 27, 2007).

<sup>23</sup> Schwake, *supra* note 17.

<sup>24</sup> Personal Communication with Christine Schwake, Iowa Dep't of Natural Res. (July 10, 2006).

Effective May 30, 2007, IDNR certified all 2007 NWP's pursuant to §401 of the Clean Water Act, subject to several regional and state conditions.<sup>25</sup>

### ***Mitigation***

Under state regulations, IDNR may not issue a certification for a protected wetland unless “the protected wetland is replaced by the applicant with a wetland of equal or greater value as determined by the department.”<sup>26</sup> The regulations do not specify exactly how mitigation should be achieved, and so the method, type, and location of mitigation vary from project to project. IDNR permitting staff typically require mitigation sites to be located on-site or as close as possible to the impact site. Off-site mitigation is allowed, but usually requires a higher mitigation ratio. IDNR’s preferred form of mitigation is wetland restoration, but the agency will accept creation, enhancement, and preservation projects as long as “no net loss” is achieved. Mitigation ratios vary according to the type and quality of the wetlands involved; IDNR considers whether the mitigation site is on-site or off-site and if it is in-kind or out-of-kind.

The state also actively participates on the Mitigation Banking Review Team (MBRT) with the Rock Island District of the Corps.<sup>27</sup> When the MBRT receives a proposal sufficiently complete for group evaluation, the Team helps the banker determine the potential for success of the mitigation bank. If it is unlikely to be successful, the banker is discouraged from pursuing the bank at that location.<sup>28</sup> Mitigation banking instruments, designated service areas, mitigation sites, and associated wetland credits are subject to final approval by the MBRT.<sup>29</sup>

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<sup>25</sup> Conditions include: (1) Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if not armored; (2) Nationwide permits with mitigation may require recording of the nationwide permit and pertinent drawings with the registrar of deeds or other appropriate official charged with the responsibility for maintaining records of title to, or interest in, real property and may also require the permittee to provide proof of that recording to the Corps; (3) Mitigation shall be scheduled prior to, or concurrent with, the discharge of dredged or fill material into waters of the United States; (4) For discharges of dredged or fill material resulting in the permanent loss of more than 1/10 acre of waters of the United States (including jurisdictional wetlands), a compensatory mitigation plan to offset those losses will be required. In addition, a preconstruction notice to the Corps of Engineers in accordance with general condition 27 will be required; (5) For newly constructed channels through areas that are unvegetated, native grass filter strips or a riparian buffer with native trees or shrubs a minimum of 35 feet wide from the top of the bank must be planted along both sides of the new channel. A survival rate of 80 percent of desirable species shall be achieved within three years of establishment of the buffer strip; (6) For single-family residences authorized under nationwide permit 29, the permanent loss of waters of the United States (including jurisdictional wetlands) must not exceed 1/4 acre; (7) For nationwide permit 46, the discharge of dredged or fill material into ditches that would sever the jurisdiction of an upstream water of the United States from a downstream water of the United States is not allowed; (8) For projects that impact fens, bogs, seeps, or sedge meadows, an individual Section 401 Water Quality Certification will be required (Iowa Section 401 Water Quality Certification condition); (9) For nationwide permits when the Corps’ district engineer has issued a waiver to allow the permittee to exceed the limits of the nationwide permit, an individual Section 401 Water Quality Certification will be required (Iowa Section 401 Water Quality Certification condition). IOWA ADMIN. CODE r. 567-61.2(2)(h).

<sup>26</sup> IOWA CODE § 456B.13(2)(A).

<sup>27</sup> Schwake, *supra* note 17.

<sup>28</sup> Schwake, *supra* note 22.

<sup>29</sup> Personal Communication with Christine Schwake, Iowa Dep’t of Natural Res. (Feb. 28, 2006).

### ***Compliance and enforcement***

The state does not operate a compliance and enforcement program specifically for wetlands, generally deferring to the Corps for violations under §404 of the Clean Water Act.

### ***Tracking systems***

The IDNR Water Resources Section maintains a database of permits in order to track projects and determine the number of §401 permits that have been issued or denied.<sup>30</sup>

The Water Resources Section has recently made efforts to comprehensively track all mitigation sites. Attention is paid to acres of mitigation and types of wetlands mitigated. The intention is to determine whether permittees are meeting their goals and conducting required monitoring and reporting. If IDNR finds problems with the reports, the Corps follows up with the permittee and, if necessary, conducts a site inspection.<sup>31</sup>

## **III. Water Quality Standards**

Iowa's surface water quality standards apply to wetlands, as they do to all waters of the state that are classified for protection of beneficial uses. Under the Iowa Administrative Code, wetlands fall under the "designated use" category of "Class B(LW) – Lakes and Wetlands."<sup>32</sup> These standards were developed primarily to protect lakes, but are also used for evaluating wetlands. IDNR wildlife biologists generally rely on best professional judgment to assess wetland water quality. The major causes of impairment in Iowa wetlands include siltation, flow alteration, exotic species, excess nutrients, algae, noxious aquatic plants, and turbidity. These assessments aid IDNR's decision to grant or deny §401 certification.<sup>33</sup> It is important to note that numerous small isolated wetlands do not fall under the designated use category and are subject only to the general narrative rules on water quality.<sup>34</sup>

There are very few, if any, discharges to designated wetlands. If one were to occur, the lake criteria for issuing an National Pollutant Discharge Elimination System permit would apply to designated use wetlands. A discharge to non-designated use wetlands (the minority of wetlands) would be subject to the general narrative rules on water quality.<sup>35</sup>

Wetland-specific water quality standards are currently in development at IDNR.<sup>36</sup>

Iowa does not have an anti-degradation policy specific to wetlands. There is a general anti-degradation policy to protect and maintain the designated uses and the existing physical, biological, and chemical integrity of all waters of the state, which include wetlands.<sup>37</sup>

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<sup>30</sup> Schwake, *supra* note 17.

<sup>31</sup> *Id.*

<sup>32</sup> IOWA ADMIN. CODE r. 567-61.3(1).

<sup>33</sup> Schnieders, *supra* note 11.

<sup>34</sup> Personal Communication with Adam Schnieders, Iowa Dep't of Natural Res. (Apr. 30, 2007).

<sup>35</sup> Schnieders, *supra* note 11.

<sup>36</sup> Schwake, *supra* note 17.

<sup>37</sup> IOWA ADMIN. CODE r. 567-61.2(2).

#### IV. Monitoring and Assessment

As of December 2005, IDNR had received three EPA grants to establish a wetland monitoring and assessment program.<sup>38</sup> IDNR biologists are currently testing and using several informal assessment methodologies to characterize the ecological condition of wetlands. The information obtained from this work will be used for wetland quality-related decisions for conservation and restoration priorities, mitigation, monitoring program decisions, and for watershed improvement projects throughout the state.<sup>39</sup>

The forthcoming wetland monitoring and assessment program will be integrated with the Department's ambient surface water quality monitoring program. The goal for the wetland monitoring program is to provide data to wetland-related programs for impact site assessment, mitigation site assessment, mitigation site monitoring, and water quality improvement initiatives.<sup>40</sup>

IDNR conducted its first wetland monitoring in the summer of 2005 as part of an EPA grant to estimate the condition of permanent and semi-permanent wetlands in the state. Sixty wetlands were sampled to begin development of a wetlands inventory and to develop a wetland sampling methodology. Water and sediment samples were tested for contaminants, such as excessive nutrients, pesticides, and heavy metals. IDNR also conducted biological surveys for invertebrates, plants, and fish on 22 of the 60 sampled wetlands.<sup>41</sup> Further monitoring was conducted in 2006, including the sampling of 40 additional wetlands and the re-sampling of 30 of the wetlands surveyed in 2005. IDNR will assess all of the data collected to determine what proportion of wetlands are degraded and the causes of this degradation. Finally, the agency will develop wetland biological assessment methods based on this data and data from subsequent years of sampling, such as indexes of biological integrity.<sup>42</sup>

A second EPA grant is funding the development of a comprehensive wetland protection plan. This project also includes the continuation of identification of "reference wetlands" that can be used as benchmarks for quality when assessing wetlands throughout the state. The project also includes the development of a rapid biological assessment methodology for wetlands.<sup>43,44</sup>

The final aspect of IDNR's approach to developing a monitoring and assessment program is the development of a rapid biological assessment method for fens, a unique type of wetland fed by groundwater. IDNR will document existing fens, develop a rapid assessment process, and create appropriate water quality and biological standards to protect fens.<sup>45</sup>

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<sup>38</sup> EVELSIZER, *supra* note 14.

<sup>39</sup> EVELSIZER, *supra* note 15.

<sup>40</sup> EVELSIZER *supra* note 14.

<sup>41</sup> *Id.*

<sup>42</sup> EVELSIZER, *supra* note 15.

<sup>43</sup> EVELSIZER, *supra* note 14.

<sup>44</sup> EVELSIZER, *supra* note 15.

<sup>45</sup> EVELSIZER, *supra* note 14.

### ***Support for volunteer wetland monitoring programs***

IDNR's successful *Iowater* program for volunteer surface water monitoring plays an important role in maintaining healthy waters of the state. Since 1999, IDNR has trained volunteers to conduct water monitoring in lakes and streams. Volunteers undergo a ten-hour introductory course in the classroom and in the field and are eligible to register a monitoring site and submit water quality data to the *Iowater* Internet database. The volunteers use simple field test kits to monitor dissolved oxygen, phosphates, nitrates, and chloride. The data from these volunteers are periodically reviewed, but can be difficult to analyze due to data quality and quantity (IDNR recommends monthly monitoring, but it is not required). IDNR does pay closer attention to data at regularly monitored sites. This data can fill an important gap in IDNR's water quality data – in many cases, no other data exist, and so volunteer data may help provide a baseline for water quality. In 2004, IDNR classified two water bodies as impaired waters because of evidence brought to the agency's attention by volunteers. About 2,200 people have completed the introductory workshop, 27 percent of which have registered a site and submitted data.<sup>46</sup>

IDNR is currently developing *Iowater* workshops devoted to volunteer wetland monitoring.<sup>47</sup> The workshops will adapt the successful aspects of the program to wetlands sampling. The volunteer data will be incorporated into EPA's STORET database. Like in the current *Iowater* program, volunteer-collected data may help provide a baseline of water quality of the state's wetlands. The data will help track trends in water quality and could identify sources of pollution or resources of exceptional quality.<sup>48</sup>

## **V. Restoration**

The IDNR Wildlife Bureau seeks to acquire 2,000 acres of wetlands per year, with an upland-to-wetland ratio of 3:1. Land is acquired in a way that creates buffer zones around wetlands to provide nesting cover for ground-nesting birds and to provide water quality benefits.<sup>49</sup>

In order to prioritize land and water restoration projects, IDNR examines existing wetland complexes throughout the state and focuses on expanding them. Iowa has an extremely complex sub-surface drainage system for its agricultural land, so careful attention is paid to drainage districts and watersheds to determine where there is the greatest potential for restoration without affecting adjacent land.<sup>50</sup>

IDNR monitors restoration success by comparing restored wetlands to historic wetlands that have never been drained. The goal is to completely restore the hydrology of the soil and re-vegetate the area. If the project is intended to provide habitat for waterfowl, the state aims for 50-percent open water and 50-percent vegetation. A higher vegetation-to-water ratio is sought for water quality protection. As of December 2005, IDNR had begun to conduct water quality

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<sup>46</sup> Personal Communication with Brian Soenen, Iowa Dep't of Natural Res. (Dec. 9, 2005).

<sup>47</sup> *Id.*

<sup>48</sup> Evelsizer, *supra* note 14.

<sup>49</sup> Personal Communication with Jeff Joens, Iowa Dep't of Natural Res. (Dec. 10, 2005).

<sup>50</sup> *Id.*



monitoring as another measure of success. Monitoring of restored wetlands is conducted annually by IDNR to maintain water levels and ensure adequate vegetation.<sup>51</sup>

### ***Restoration programs at IDNR***

IDNR funds its various restoration projects with a combination of federal and state money. Federal grants from the North American Wetland Conservation Act (NAWCA) fund IDNR's two regional restoration programs, *Identification of Potential Wetland Complex Restoration in the Prairie-Pothole Region of Iowa* and the *Upper Mississippi River & Great Lakes Region Joint Venture*. Additional federal funds come from the Federal Migratory Bird Fund. State money is provided by state waterfowl stamp sales; state habitat stamp sales; hunting and fishing license fees; and the Resource Enhancement and Protection (REAP) program, a general fund for natural resources.<sup>52</sup> IDNR also partners with U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) to implement federal restoration programs for private landowners in Iowa. Please see *Section VI. Public-Private Partnerships*.

### ***Restoration programs at IDALS***

*Conservation Reserve Enhancement Program (CREP)*. This voluntary state-federal program develops wetlands to remove nitrates from agricultural drainage water. Federal funds from USDA Farm Service Agency (FSA) match state funds 4:1 to create a \$38 million program, which provides financial incentives to private landowners to develop and restore wetlands that receive drainage waters from agricultural areas.<sup>53</sup> Iowa State University research has shown that strategic restoration and development of wetlands will remove 40 to 90 percent of nitrates and over 90 percent of herbicides in drainage water from croplands.<sup>54</sup> CREP wetlands restored or constructed annually will remove an estimated 14,000 tons of nitrate over their design life. The wetlands also provide wildlife habitat and recreational opportunities.<sup>55</sup> Iowa State University conducts field monitoring at constructed sites to verify wetland nutrient removal performance. This program has attracted national interest for potential adoption across the Corn Belt to address hypoxia in the Gulf of Mexico and local water quality concerns.<sup>56</sup>

## **VI. Public-Private Partnerships**

*IDNR Wildlife Bureau Private Lands Program*. IDNR private land staff and wildlife management biologists offer technical expertise to private landowners wishing to protect wildlife habitat, with an emphasis on restoring and conserving wetlands.<sup>57</sup> Wildlife biologists around the state work with landowners to assess their property's potential for wetland restoration, identify

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<sup>51</sup> *Id*

<sup>52</sup> Bishop, *supra* note 16.

<sup>53</sup> Iowa Department of Agriculture and Land Stewardship, *Conservation Reserve and Enhancement Program*, at <http://www.agriculture.state.ia.us/CREP.htm> (last visited July 24, 2007).

<sup>54</sup> Personal Communication with Dean Lemke, Iowa Dep't of Agric.; and Land Stewardship (Jan. 17, 2006).

<sup>55</sup> Personal Communication with Dean Lemke, Iowa Dep't of Agric. and Land Stewardship (May, 1 2007).

<sup>56</sup> *Id*.

<sup>57</sup> Joens, *supra* note 49.

priorities, and set restoration goals.<sup>58</sup> Biologists can also help landowners identify potential sources of federal funding (i.e., through the USDA Wetland Reserve Program and federal farm programs), since the state has limited funds for cost-sharing.<sup>59</sup> The NRCS county office provides a one-stop shopping spot for farmers, and state staff are housed at NRCS offices. Partnerships among NRCS, FSA, and IDNR ensure the success of these restoration programs.<sup>60</sup>

## **VII. Education and Outreach**

IDNR's Information and Education section has general aquatic outreach programs that include wetlands, such as Projects WET (Water Education for Teachers), WILD, and Learning Tree. There are also fact sheets on general wetland issues available from Iowa State University Extension and wetland monitoring information from IDNR's watershed and assessment section. IDNR is seeking funding for more updated and comprehensive wetlands materials.<sup>61</sup>

## **VIII. Coordination with State and Federal Agencies**

IDNR regularly coordinates with federal agencies on regulatory issues. IDNR meets with the Corps, EPA, FWS, Iowa Department of Transportation (IDOT), Federal Highway Administration, and NRCS to discuss IDOT projects. This group also discusses upcoming activities that might impact each agency's activities. Other agencies or groups may be invited to these meetings, depending on the topic. IDOT and IDNR also conduct occasional talks if the agencies are working on joint or controversial projects or if IDOT projects are expected to impact state lands or listed threatened or endangered species.<sup>62</sup>

IDNR is also a member of the Mitigation Banking Review Team (MBRT) along with the Corps, NRCS, EPA, and FWS. The Corps chairs the MBRT, except when impacts are related to agriculture, in which case NRCS takes the lead. The role of the MBRT is to coordinate mitigation banking activities in Iowa for regulation by the Corps, NRCS, EPA, and/or IDNR.<sup>63</sup> See Section II. *Regulatory Programs, Mitigation.*

## **IX. Acronyms and Abbreviations**

CREP – Conservation Reserve Enhancement Program

Corps – U.S. Army Corps of Engineers

CWA – Clean Water Act

IDNR – Iowa Department of Natural Resources

IDOT – Iowa Department of Transportation

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<sup>58</sup> Iowa Department of Natural Resources, *Assistance Programs for Landowners*, at <http://www.iowadnr.com/wildlife/files/plassist.html> (last visited July 24, 2007).

<sup>59</sup> Joens, *supra* note 49.

<sup>60</sup> *Id.*

<sup>61</sup> Evelsizer, *supra* note 14.

<sup>62</sup> Schwake, *supra* note 17.

<sup>63</sup> Schwake, *supra* note 25.

IDALS – Iowa Department of Agriculture and Land Stewardship  
EPA – U.S. Environmental Protection Agency  
FSA – USDA Farm Service Agency  
FTE – Full-time Equivalent  
FWS – U.S. Fish and Wildlife Service  
MBRT – Mitigation Banking Review Team  
MOUs/MOAs – Memorandums of Understanding/Memorandums of Agreement  
NAWCA – North American Wetland Conservation Act  
NAWMA – North American Waterfowl Management Act  
NEPA – National Environmental Protection Act  
NPDES – National Pollution Discharge Elimination System  
NRCS – USDA Natural Resources Conservation Service  
NWPs – Nationwide Permits  
REAP – Iowa Resource Enhancement and Protection  
USDA - United States Department of Agriculture  
(Project) WET – Water Education for Teachers  
WQS – Water Quality Standards  
WRP – Wetlands Reserve Program