

## **CHAPTER 61-30**

### **LAKE PROTECTION AND REHABILITATION**

#### **61-30-01. Definitions.**

In this chapter, unless the context otherwise requires, the term:

1. "Department" means the state department of health.
2. "Eligible project cost" means costs under construction contracts, supervision of construction work; administration; materials and equipment acquired, consumed, or expended specifically for the project; and preparation of construction drawings, specifications, estimates, and construction contract documents.
3. "Lake protection and rehabilitation projects" means projects which are designed to reduce eutrophication of lakes through watershed or in-lake treatments, or both.
4. "Unit of government" means political subdivisions of the state or state agencies with responsibilities for public lake development and control.

#### **61-30-02. Eligibility and priority.**

The department shall promulgate rules for determining the eligibility and priority rating of lakes for protection and rehabilitation projects. Criteria to be considered shall include the following:

1. Severity of the problem;
2. Impact on area recreation and fisheries;
3. The likely effectiveness of the plan; and
4. Ability of the applicant unit of government to implement the plan.

The department shall, pursuant to such rules, establish a priority list of lakes eligible for protection and rehabilitation.

#### **61-30-03. Grants.**

Grants shall be made only to units of government and only for eligible lakes at a sum not to exceed twenty-five percent of the eligible project cost when federal funding is available. No grants shall be made for studies to determine the necessity or feasibility of eligible projects.

#### **61-30-04. Public access.**

No funds appropriated in this chapter may be used for lake protection and rehabilitation projects unless adequate public access to and use of the lake is assured.

#### **61-30-05. Conservation district plan.**

No application for state funds may be accepted unless assurance has been given in writing to the applicant by any affected soil conservation district that a plan for lake protection and rehabilitation which controls and identifies pollutants from point and nonpoint sources which come under the jurisdiction of the district has been approved by the district.