

Sec. 11. Section 110.26, Code 1983, is amended to read as follows:

110.26 **NONRESIDENT MAKING FALSE CLAIM.** A nonresident shall not obtain a resident license by falsely claiming residency in the state. The presumptions and provisions of section 321.1A, Code Supplement 1983, relating to residency shall apply to licenses under this chapter. The use of a license by a person other than the person to whom the license is issued is unlawful and shall nullify the license. A resident or nonresident who violates this section is guilty of a simple misdemeanor.

Sec. 12. Chapter 110, Code 1983, is amended by adding the following new section:

**NEW SECTION. FUR HARVESTER LICENSE.** A fur harvester license is required to hunt all furbearers, except coyote and groundhog and to trap any fur-bearing animal. A hunting license is not required when hunting furbearers, except coyote and groundhog, with a fur harvester's license.

Sec. 13. A trapping license valid on the effective date of this Act shall remain valid until it expires under the provisions of the 1983 Code.

Sec. 14. This Act takes effect December 15 following enactment.

Sec. 15. Sections 110.7, and 110.38, Code 1983, are repealed.

Approved May 11, 1984

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**CHAPTER 1261**  
**PROTECTED WATER AREA SYSTEM**  
*H.F. 446*

**AN ACT** providing for the creation, management, and administration of a protected water area system in this state.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Chapter 108A, Code 1983, is repealed and sections 2 and 4 through 18 of this Act are inserted in lieu thereof.

Sec. 2. **NEW SECTION. DEFINITIONS.** As used in this chapter, unless the context otherwise requires:

1. "Commission" means the state conservation commission.
2. "State plan" means a long-range comprehensive document that states the goals and objectives of the protected water area system, establishes the procedure and criteria for prospective protected water area designation, provides the format for prospective area analysis, establishes a priority system for prospective area study, recommends potential areas for inclusion into the system, institutes interagency coordination, and outlines general administrative and management needs to develop and administer this system.
3. "Management plan" means the document that states the goals and objectives of a specific protected water area which has been proposed for designation, the specific description of the

area to be protected, land use agreements with property owners, the specific management programming considerations for the area, the in-depth project evaluations, analysis, justifications, and cost estimates, the proposed acquisition of fee title and conservation easements and other agreements, and the specific design and layout of facilities.

4. "Water area" means a river, lake, wetland, or other body of water and adjacent lands where the use of those lands affects the integrity of the water resource.

5. "Prospective protected water area" means a water area designated by the commission for which an in-depth study for permanent designation as an element of the protected water area system is conducted. Such areas shall possess outstanding cultural and natural resource values such as water conservation, scenic, fish, wetland, forest, prairie, mineral, geological, historic, archaeological, recreation, education, water quality, or flood protection values.

6. "Protected water area" means a water area permanently designated by the commission for inclusion in the protected water area system.

7. "Protected water area system" means a total comprehensive program that includes the goals and objectives, the state plan, the individual management plans, the prospective protected water areas, the protected water areas, the acquisition of fee title and conservation easements and other agreements, and the administration and management of such areas.

8. "Legislature" means the Iowa general assembly.

9. "Conservation easement" means an easement as defined in section 111D.2.

Sec. 3. **PURPOSE OF THE PROTECTED WATER AREA SYSTEM.** The legislature declares that it is in the best interest of the state to maintain, preserve, and conserve water areas to help assure the protection of the soil, water, forest, prairie, fish, wildlife, geological, recreation, and archaeological resources of the state for the economic and social well-being of the state and its citizens. The legislature declares that water area habitat maintained in a healthy condition is a legitimate land use that contributes to erosion control, improves water quality, and stabilizes streamflows. The legislature further declares that it is in the public interest to prevent the forced conversion of water area environments to more intensive uses as a result of economic pressures caused by the assessment of those lands for purposes of property taxation at values incompatible with their protection as water areas or by any other economic-related conditions or circumstances.

Sec. 4. **NEW SECTION. STATE PLAN.** The commission shall maintain a state plan for the design and establishment of an administrative framework of a protected water area system and those adjacent lands needed to protect the integrity of that system.

Sec. 5. **NEW SECTION. NOMINATION OF PROSPECTIVE PROTECTED WATER AREAS.** After basic resource and user data are gathered by or provided to the commission and the commission deems an area has merit for inclusion into a protected water area system, it may nominate the area for prospective protected water area designation. Other public agencies, interest groups, or citizens, may also recommend nomination of water areas for consideration of inclusion into the protected water area system by submitting to the commission a statement which includes at minimum a general description of the area being recommended for nomination, the resources needing protection, and the benefits to be derived from protecting the resources and a list of the individuals, organizations, and public agencies supporting the nomination.

Sec. 6. **NEW SECTION. PROSPECTIVE DESIGNATION.** The commission may designate all or part of any water area having any or all of the resource values cited in section 2, subsection 5, of this Act as a prospective protected water area. The prospective designation shall be in effect for a period not to exceed two years during which a management plan is

prepared for the protection and enhancement of those values cited in section 2, subsection 5, of this Act.

Sec. 7. **NEW SECTION. PROSPECTIVE DESIGNATION PUBLIC HEARING.** After the nomination of prospective protected water areas by the commission and prior to the designation as a prospective protected water area, the commission shall conduct a public hearing in the vicinity of the water area. Notice of the hearing shall be published at least twice, not less than seven days prior to the hearing, in a newspaper having general circulation in each county in which the proposed water area is located.

Sec. 8. **NEW SECTION. MANAGEMENT PLAN.** The commission shall prepare and maintain a management plan containing the recommendations for the establishment, development, management, use, and administration of each prospective protected water area designated by the commission. The management plan shall be completed during the two-year prospective designation period.

Sec. 9. **NEW SECTION. PUBLIC HEARING.** The commission will hold a final public hearing on the completed management plan in the vicinity of the water area at least thirty days before permanent designation by the commission. Notice of the hearing shall be published at least twice, not less than seven days prior to the hearing, in a newspaper having general circulation in each county in which the water area is located.

Sec. 10. **NEW SECTION. DESIGNATION.** The commission may adopt the management plan and may permanently designate the area into the protected water area system. Upon the commission adopting the management plan and permanently designating the area as a protected water area, the commission may submit the management plan to the legislature for funding consideration.

Sec. 11. **NEW SECTION. PROTECTION METHODS.** The commission may use any one or a combination of the available methods, except condemnation, for managing and preserving a protected water area, including but not limited to fee and less than fee title acquisition techniques, such as easements, leasing agreements, covenants, and existing tax incentive programs.

Sec. 12. **NEW SECTION. LANDOWNER COOPERATION.** Recognizing that most of the protected water areas may be within privately-owned lands, the legislature encourages the commission to cooperate with the landowners within the designated areas in achieving the purposes of this chapter. Likewise, the landowners within the designated areas are encouraged to cooperate with the commission. Commission staff shall meet separately or in small groups with landowners within interim protected water areas during the preparation of the master plan to establish workable and acceptable agreements for the protection of the area and its accompanying resources in a manner consistent with the purposes of this chapter and the interest and concerns of the landowner.

Sec. 13. **NEW SECTION. JUDICIAL REVIEW.** Judicial review of action of the commission may be sought in accordance with chapter 17A. Notwithstanding chapter 17A, petitions for judicial review may be filed in the district court of Polk county or of any county in which the property affected is located.

Sec. 14. **NEW SECTION. LOCAL TAX REIMBURSEMENT.** The state of Iowa shall reimburse from the general fund of the state any political subdivision the amount of tax moneys lost due to any lower assessments of property resulting from lease agreements, and the acquisition of public lands and conservation easements stemming from designation of a protected water area.

Sec. 15. NEW SECTION. INTERAGENCY COOPERATION. All state and local agencies shall cooperate with the commission and coordinate their authorities, responsibilities, and program administration in a manner which will aid in the integrity of the protected water area system as outlined in the state plan, individual management plans, and commission administrative rules.

Sec. 16. NEW SECTION. MANAGEMENT COOPERATION WITH LOCAL GOVERNMENT SUBDIVISIONS. The commission may enter into written cooperative agreements with county board of supervisors, county conservation boards, and municipal public agencies, for the management of a protected water area.

Sec. 17. NEW SECTION. PART OF A NATIONAL SYSTEM. This chapter does not preclude a component of the protected water area system from being a part of the national wild and scenic river system under the federal Wild and Scenic Rivers Act, 16 U.S.C., secs. 1271 through 1287. The commission may enter into written cooperative agreement for joint federal-state administration of rivers which may be designated under that federal Act.

Sec. 18. NEW SECTION. DEPARTMENTAL RULES. The commission shall adopt under chapter 17A and enforce the administrative rules it deems necessary to carry out this chapter.

Approved May 11, 1984

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## CHAPTER 1262

### PUBLIC OUTDOOR RECREATION AND RESOURCES PROGRAM

*H.F. 2401*

**AN ACT** relating to the creation of a public outdoor recreation and resources program, an advisory council, and a county conservation board fund.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 111.79 PUBLIC OUTDOOR RECREATION AND RESOURCES FUND.

1. Fifty percent of the funds credited to the public outdoor recreation and resources fund shall be expended on land acquisition and capital improvements in carrying out the provisions of this chapter. Acquisition projects, both fee-simple and less-than-fee, from willing sellers, may be for purposes of establishment or expansion of state parks, public hunting areas, natural areas, public fishing areas, water access sites, trail corridors, and other acquisition projects that are in accord with this chapter. Notwithstanding the exemption provided by section 427.1, land acquired under this subsection is subject to the full consolidated levy of property taxes which shall be paid from revenues available to be expended under this subsection. Capital improvements may be either new developments or rehabilitative in