

CHAPTER 161D

LOESS HILLS AND SOUTHERN IOWA
DEVELOPMENT AND CONSERVATION

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SUBCHAPTER I

LOESS HILLS DEVELOPMENT AND
CONSERVATION**161D.1 Loess hills development and conservation authority created — membership and duties.**

1. A loess hills development and conservation authority is created. The counties of Adams, Adair, Audubon, Carroll, Cass, Cherokee, Crawford, Fremont, Guthrie, Harrison, Ida, Lyon, Mills, Monona, Montgomery, Page, Plymouth, Pottawattamie, Sac, Shelby, Sioux, Taylor, and Woodbury, are entitled to one voting member each on the authority, but membership or participation in projects of the authority is not required. Each member of the authority shall be appointed by the respective board of supervisors for a term to be determined by each board of supervisors, but the term shall not be for less than one year. An appointee shall serve without compensation, but an appointee may be reimbursed for actual expenses incurred while performing the duties of the authority as determined by each board of supervisors. The authority shall meet, organize, and adopt rules of procedures as deemed necessary to carry out its duties. The authority may appoint working committees that include other individuals in addition to voting members.

2. The mission of the authority is to develop and coordinate plans for projects related to the unique natural resource, rural development, and infrastructure problems of counties in the deep loess region of western Iowa. The erosion and degradation of stream channels in the deep loess soils has occurred due to historic channelization of the Missouri river and straightening stream channels of its tributaries. This erosion of land has damaged the rural infrastructure of this area, destroyed public roads and bridges, adversely impacted stream water quality and riparian habitat, and affected other public and private improvements. Stabilization of stream channels is necessary to protect the rural infrastructure in the deep loess soils area of the state. The authority shall cooperate with the division of soil conservation and water quality created within the department of agriculture and land stewardship pursuant to [section 159.5](#), the affected soil and water conservation districts, the department of natural resources, and the state department of transportation in carrying out its mission and duties. The authority shall also cooperate with appropriate federal agencies, including the United States environmental protection agency, the United States department of interior, and the United States department of agriculture natural resources conservation service. The authority shall make use of technical resources available through member counties and cooperating agencies.

3. The authority shall administer the loess hills development and conservation fund created under [section 161D.2](#) and shall deposit and expend moneys in the fund for the

planning, development, and implementation of development and conservation activities or measures in the member counties.

4. A hungry canyons alliance is created. The hungry canyons alliance shall be governed by a board of directors appointed as provided in its bylaws and the board shall carry out its responsibilities under the general direction of the loess hills development and conservation authority. The bylaws of the hungry canyons alliance are subject to review and approval of the loess hills development and conservation authority.

5. This [subchapter](#) is not intended to affect the authority of the department of natural resources in its acquisition, development, and management of public lands within the counties represented by the authority.

6. In matters relating to the conservation, preservation, or development of the loess hills, state agencies shall coordinate, cooperate, and consult with the loess hills development and conservation authority and its associated alliances.

[93 Acts, ch 136, §1](#); [95 Acts, ch 216, §25](#); [99 Acts, ch 119, §1](#); [2000 Acts, ch 1111, §1, 2](#); [2000 Acts, ch 1154, §14](#); [2007 Acts, ch 211, §43](#); [2015 Acts, ch 103, §36](#)

Referred to in [§161D.2](#), [§161D.3](#), [§161D.5](#)
Subsection 2 amended

161D.2 Loess hills development and conservation fund.

A loess hills development and conservation fund is created in the state treasury. The fund shall include a hungry canyons account and a loess hills alliance account which shall be administered by the loess hills development and conservation authority. The proceeds of the respective accounts shall be used for the purposes specified in [section 161D.1](#) or [161D.6](#) as applicable. The loess hills development and conservation authority may accept gifts, bequests, other moneys including, but not limited to, state or federal moneys, and in-kind contributions for deposit in the fund. The gifts, grants, bequests from public and private sources, state and federal moneys, and other moneys received by the authority shall be deposited in the respective accounts and any interest earned shall be credited to the respective accounts to be used for the purposes specified in [section 161D.1](#) or [161D.6](#) as applicable. Notwithstanding [section 8.33](#), any unexpended or unencumbered moneys remaining in the fund at the end of the fiscal year shall not revert to the general fund of the state, but the moneys shall remain available for expenditure by the authority in succeeding fiscal years.

[93 Acts, ch 136, §2](#); [99 Acts, ch 119, §2](#)
Referred to in [§161D.1](#), [§161D.3](#)

161D.3 Definitions.

As used in [this subchapter](#), unless the context otherwise requires:

1. “Alliance” means the loess hills alliance created in [section 161D.5](#).
2. “Authority” means the loess hills development and conservation authority created in [section 161D.1](#).
3. “Fund” means the loess hills development and conservation fund created in [section 161D.2](#).

[99 Acts, ch 119, §3](#); [2000 Acts, ch 1154, §15](#)

161D.4 Mission statement.

The mission of the loess hills alliance is to create a common vision for Iowa’s loess hills, protecting special natural and cultural resources while ensuring economic viability and private property rights of the region.

[99 Acts, ch 119, §4](#)

161D.5 Loess hills alliance created.

1. A loess hills alliance is created. The alliance shall carry out its responsibilities under the general direction of the loess hills development and conservation authority. The alliance shall encompass the geographic region including the counties of Plymouth, Woodbury, Monona, Harrison, Pottawattamie, Mills, and Fremont. Membership and participation in projects of

the alliance is not required. The alliance shall be governed by a board of directors appointed as follows:

a. Three members appointed by the board of supervisors of each county participating in the alliance and at least one of the appointees shall be a member of the board of supervisors of a county participating in the alliance.

b. Seven additional voting members who shall be persons with experience in the fields of environmental affairs, conservation, finance, development, tourism, or related fields, and who shall be appointed by the authority.

c. The voting members of the board of directors appointed pursuant to paragraphs “a” and “b” shall include agricultural producers owning real property within the loess hills landform.

2. Each voting member of the board of directors shall be a resident of a county which is eligible for membership in the authority pursuant to [section 161D.1](#) and shall be appointed to a term of office as determined by the authority. The directors of the alliance shall carry out their responsibilities pursuant to bylaws approved by the authority.

[99 Acts, ch 119, §5](#); [2000 Acts, ch 1111, §3](#)

Referred to in [§161D.3](#)

161D.6 Responsibilities.

The board of directors of the alliance shall have the following responsibilities:

1. To prepare and adopt a comprehensive plan for the development and conservation of the loess hills area subject to the approval of the authority. The plan shall provide for the designation of significant scenic areas, the protection of native vegetation, the education of the public on the need for and methods of preserving the natural resources of the loess hills area, and the promotion of tourism and related business and industry in the loess hills area.

2. To apply for, accept, and expend public and private funds for planning and implementing projects, programs, and other components of the mission of the alliance subject to approval of the authority.

3. To study different options for the protection and preservation of significant historic, scenic, geologic, and recreational areas of the loess hills including but not limited to a federal or state park, preserve, or monument designation, fee title acquisition, or restrictive easement.

4. To make recommendations to and coordinate the planning and projects of the alliance with the authority.

5. To develop and implement pilot projects for the protection of loess hills areas with the use of restrictive easements from willing sellers and fee title ownership from willing sellers subject to approval of the authority.

6. To report annually not later than January 15 to the general assembly the activities of the alliance during the preceding fiscal year including, but not limited to, its projects, funding, and expenditures.

[99 Acts, ch 119, §6, 7, 9](#)

Referred to in [§161D.2](#)

161D.7 Program coordination.

The department of natural resources shall coordinate the bluffslands protection program within the program and projects of the loess hills alliance.

[99 Acts, ch 119, §8](#)

Bluffslands protection program; §161A.80A

161D.8 Annual report — audit.

1. The authority shall submit to the department of management, the legislative services agency, and the division of soil conservation and water quality of the department of agriculture and land stewardship, on or before December 31 annually, a report including information regarding all of the following:

a. Its operations and accomplishments.

b. Its budget, receipts, and actual expenditures during the previous fiscal year, in accordance with classifications it establishes for its operating and capital accounts.

- c. Its assets and liabilities at the end of the previous fiscal year and the status of reserve, special, and other funds.
 - d. A statement of its proposed and projected activities.
 - e. Recommendations to the governor and the general assembly, as deemed necessary.
 - f. Any other information deemed necessary.
2. The annual report shall identify performance goals of the authority, and clearly indicate the extent of progress during the reporting period in attaining these goals.
3. The fund shall be subject to an annual audit by the auditor of state.
- [2001 Acts, ch 185, §45; 2003 Acts, ch 35, §45, 49; 2015 Acts, ch 103, §37](#)
Subsection 1, unnumbered paragraph 1 amended

161D.9 Restriction.

The loess hills development and conservation authority or the board of directors of the loess hills alliance shall not enter into any agreement with a local government or the state or federal government if the agreement regulates, on an involuntary basis, the action of a private landowner or the use of a private landowner's land.

[2015 Acts, ch 111, §1](#)
NEW section

161D.10 Reserved.

SUBCHAPTER II

SOUTHERN IOWA DEVELOPMENT AND CONSERVATION AUTHORITY

161D.11 Southern Iowa development and conservation authority created — membership and duties.

1. A southern Iowa development and conservation authority is created. The counties of Appanoose, Clarke, Davis, Decatur, Jefferson, Lucas, Monroe, Van Buren, Wapello, and Wayne are entitled to one voting member each on the authority, but membership or participation in projects of the authority is not required. Each member of the authority shall be appointed by the respective board of supervisors for a term to be determined by each board of supervisors, but the term shall not be for less than one year. An appointee shall serve without compensation, but an appointee may be reimbursed for actual expenses incurred while performing the duties of the authority as determined by each board of supervisors. The authority shall meet, organize, and adopt rules of procedures as deemed necessary to carry out its duties. The authority may appoint working committees that include other individuals in addition to voting members.

2. The mission of the authority is to develop and coordinate plans for projects related to the unique natural resources, rural development, and infrastructure problems of counties in the most fragile areas of the southern Iowa drift plain. The authority's mission is established in part as a response to the erosion of soils, degradation of water resources, and the destabilization of stream channels in the fragile glacial till soils of southern Iowa that have occurred in a large part due to unchecked conversion of grassland to cropland. This land use conversion was brought about by the economic pressures of past federal agricultural policies that disregarded the fragile nature of the southern Iowa soil resource and the incompatibility of these soils with the subsidized commodities. The resulting erosion of the land has damaged the rural infrastructure of this area, destroyed public roads and bridges, adversely impacted stream water quality and riparian habitat, affected other public and private improvements, and severely threatens the potable water supply of the region. Reducing soil erosion, preventing sedimentation, and stopping nutrients and pesticides from entering water resources are all necessary to protect the rural infrastructure in the southern area of the state. Important protection measures include structural improvements and the reestablishment of grasslands for sustainable economic uses.

3. The authority shall cooperate with the division of soil conservation and water quality

of the department of agriculture and land stewardship and the affected soil and water conservation districts, the department of natural resources, and the state department of transportation in carrying out its mission and duties. The authority shall also cooperate with appropriate federal agencies, including the United States environmental protection agency, the United States department of interior, and the United States department of agriculture natural resources conservation service. The authority shall make use of technical resources available through member counties and cooperating agencies.

4. The authority shall administer the southern Iowa development and conservation fund created under [section 161D.12](#) and shall deposit and expend moneys in the fund for the planning, development, and implementation of development and conservation activities or measures in the member counties.

5. [This section](#) is not intended to affect the authority of the department of natural resources in its acquisition, development, and management of public lands within the counties represented by the authority.

[99 Acts, ch 30, §1; 2015 Acts, ch 103, §38](#)

Referred to in [§161D.12](#)

Subsection 3 amended

161D.12 Southern Iowa development and conservation fund.

A southern Iowa development and conservation fund is created in the state treasury, to be administered by the southern Iowa development and conservation authority. The proceeds of the fund shall be used for the purposes specified in [section 161D.11](#). The southern Iowa development and conservation authority may accept gifts, bequests, other moneys including, but not limited to, state or federal moneys, and in-kind contributions for deposit in the fund. The gifts, grants, bequests from public and private sources, state and federal moneys, and other moneys received by the authority shall be deposited in the fund and any interest earned on moneys in the fund shall be credited to the fund to be used for the purposes specified in [section 161D.11](#). Notwithstanding [section 8.33](#), any unexpended or unencumbered moneys remaining in the fund at the end of the fiscal year shall not revert to the general fund of the state, but the moneys shall remain available for expenditure by the authority in succeeding fiscal years.

[99 Acts, ch 30, §2](#)

Referred to in [§161D.11](#)

161D.13 Annual report — audit.

1. The southern Iowa development and conservation authority shall submit to the department of management, the legislative services agency, and the division of soil conservation and water quality of the department of agriculture and land stewardship, on or before December 31 annually, a report including information regarding all of the following:

- a. Its operations and accomplishments.
- b. Its budget, receipts, and actual expenditures during the previous fiscal year, in accordance with classifications it establishes for its operating and capital accounts.
- c. Its assets and liabilities at the end of the previous fiscal year and the status of reserve, special, and other funds.
- d. A statement of its proposed and projected activities.
- e. Recommendations to the governor and the general assembly, as deemed necessary.
- f. Any other information deemed necessary.

2. The annual report shall identify performance goals of the authority, and clearly indicate the extent of progress during the reporting period in attaining these goals.

3. The southern Iowa development and conservation fund shall be subject to an annual audit by the auditor of state.

[2001 Acts, ch 185, §46; 2003 Acts, ch 35, §45, 49; 2015 Acts, ch 103, §39](#)

Subsection 1, unnumbered paragraph 1 amended