

PRESERVES, STATE ADVISORY BOARD FOR[575]

Former State Preserves Advisory Board [790]. 1986 Iowa Acts, Senate File 2175, placed this Board under the "umbrella" of Natural Resources, Department of [561]

CHAPTER 1

ORGANIZATION AND OPERATION

- 1.1(465C) Function
- 1.2(465C) Staff
- 1.3 Reserved
- 1.4(465C) Meetings
- 1.5(465C) Open records
- 1.6(465C) Biennial reports
- 1.7(465C) Budget
- 1.8(465C) Petition for adoption of rules under Iowa Code section 17A.7

CHAPTER 2

MANAGEMENT OF STATE PRESERVES

- 2.1(465C) General provisions
- 2.2(465C) Management provisions

CHAPTER 3

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES (Uniform Rules)

- 3.1(17A,22) Adoption by reference

CHAPTER 1
ORGANIZATION AND OPERATION

575—1.1(465C) Function. The state advisory board for preserves was created by Iowa Code chapter 465C and is charged with the responsibility of locating, identifying, evaluating, and dedicating areas as state preserves.

1.1(1) Organization and operation location. The state advisory board for preserves is located within the Department of Natural Resources office, Wallace State Office Building, Capitol Complex, Des Moines, Iowa 50319. Office hours are from 8 a.m. to 4:30 p.m., Monday through Friday.

1.1(2) Membership. The state advisory board for preserves consists of seven members, six of whom are appointed by the governor following the procedures detailed in the Code of Iowa.

575—1.2(465C) Staff. The director shall employ, upon recommendation by the board, at salaries fixed by the board, a trained ecologist and other personnel as necessary to carry out the powers and duties of the board.

575—1.3(465C) Advisors. Rescinded IAB 9/19/01, effective 10/24/01.

575—1.4(465C) Meetings. The board shall organize annually by the election of a chairperson. The board shall meet annually and at such times as it deems necessary. Meetings may be called either by the chairperson or on request to the chairperson by three board members.

All board meetings shall comply with Iowa Code chapter 21. A quorum of two-thirds of the board members must be present to transact business. Meetings follow Robert's Rules of Order. Minutes of each meeting are available from the Chairperson, State Preserves Advisory Board, Department of Natural Resources, Wallace State Office Building, Capitol Complex, Des Moines, Iowa 50319.

575—1.5(465C) Open records. All public records of the board are available for public inspection during business hours. Requests to obtain records may be made by mail, telephone, or in person to the Director's Office, Department of Natural Resources. Minutes of the board meetings may be obtained without charge. Other records requiring more than five copies may be obtained upon payment of the actual cost for copying. Information concerning the nature and location of any preserve for which the excavation, destruction, or removal of a resource contained therein may be made available to the public unless such disclosure would create a risk or harm to such resources or to the site at which such resources are located.

575—1.6(465C) Biennial reports. The state preserves advisory board shall prepare a report accounting for the number of preserves in the state preserve system and containing any other pertinent information to be presented to the governor and legislature before January 15 on odd-numbered years.

575—1.7(465C) Budget. The state preserves advisory board shall prepare a budget for inclusion in the department of natural resources budget, for appropriation from the state general fund.

575—1.8(465C) Petition for adoption of rules under Iowa Code section 17A.7. A petition under Iowa Code section 17A.7 shall be made to the State Preserves Advisory Board, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319. The petition shall be submitted in writing; state the full name and address of the petitioner; set forth clearly and concisely the text of the proposed rule, or as precisely as possible the substance of the proposed rule; and state the facts, arguments, and data that favor the proposed rule. The petition must be subscribed by the petitioner, by an authorized officer of the petitioner if it be a corporation, organization, or other legal entity, or by the petitioner's attorney. The preserves board shall either initiate rule-making proceedings or deny the

petition within 60 days of receipt of the petition. If the petition is denied, the preserves board shall cause a statement to be sent to the petitioner which indicates the reasons for denial.

These rules are intended to implement Iowa Code section 465C.8.

[Filed 2/20/85, Notice 1/2/85—published 3/13/85, effective 4/18/85]

[Filed without Notice 10/17/86—published 11/5/86, effective 12/10/86]

[Filed 8/31/01, Notice 5/30/01—published 9/19/01, effective 10/24/01]

CHAPTER 2
MANAGEMENT OF STATE PRESERVES

575—2.1(465C) General provisions.

2.1(1) Definitions. As used in these rules, the following definitions shall apply:

“*Articles of dedication*” means those terms described in Iowa Code section 465C.9.

“*Board*” means the state preserves advisory board.

“*Commission*” means the natural resource commission.

“*Department*” means the department of natural resources.

“*Director*” means director of the department of natural resources.

“*Preserve*” means the same as defined in Iowa Code section 465C.1.

2.1(2) Types of preserves. There shall be five major classes of preserves.

a. Natural preserves. These areas contain natural communities, habitats, native flora and fauna, or endangered, threatened, or rare organisms.

b. Archaeological preserves. These areas contain significant deposits left by prehistoric or early historic peoples.

c. Historical preserves. These are sites that contain structures or places that are of significance in studying the tenure of humans in Iowa since the advent of the first Euro-American explorers.

d. Geological preserves. These are areas which contain rare or distinctive landforms, fossils, stratigraphic sections, mineral deposits or examples of mining history; type or reference sections; or other special features or deposits which represent the events and processes of Iowa’s earth history.

e. Scenic preserves. These are areas that contain scenic features of aesthetic, scientific, or educational value.

575—2.2(465C) Management provisions.

2.2(1) Administration and management. The administrative and management authority shall be agreed upon by the board, the property owner, and the manager.

2.2(2) Management plan. For each preserve, an authorized representative of the owner shall prepare a management plan in consultation with the department staff assigned to the board. The management plan shall be consistent with the articles of dedication and shall include identification of uses of the preserve that are compatible and incompatible with its dedication as a preserve. The management plan shall be amended from time to time as appropriate in response to new information. The management plan and amendments shall be submitted to the board for approval. The department shall keep a copy of the current management plan. A management plan for a new preserve shall be submitted for approval by the board in conjunction with approval of dedication of the preserve. Management plans for existing preserves shall be prepared and submitted for approval as resources are available. If the director and board disagree concerning the plan for a department-managed preserve, the disagreement shall be resolved by obtaining commission approval of a management plan.

These rules are intended to implement Iowa Code section 465C.8.

[Filed 3/17/67]

[Filed 2/20/85, Notice 1/2/85—published 3/13/85, effective 4/18/85]

[Filed without Notice 10/17/86—published 11/5/86, effective 12/10/86]

[Filed 8/31/01, Notice 5/30/01—published 9/19/01, effective 10/24/01]

[Filed emergency 10/23/01—published 11/14/01, effective 10/23/01]

[Filed 2/1/02, Notice 11/14/01—published 2/20/02, effective 3/27/02]

CHAPTER 3
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

575—3.1(17A,22) Adoption by reference. The board adopts by reference 561—Chapter 2, Iowa Administrative Code.

These rules are intended to implement Iowa Code section 22.11.

[Filed emergency 9/16/88—published 10/5/88, effective 9/16/88]