

Senate Amendment 5080

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1 1 Amend Senate File 2197 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 466B.1 SHORT TITLE.
1 5 This chapter shall be known and may be cited as the
1 6 "Surface Water Protection Act".
1 7 Sec. 2. NEW SECTION. 466B.2 DEFINITIONS.
1 8 For the purposes of this chapter, unless the
1 9 context otherwise requires:
1 10 1. "Council" means the water resources
1 11 coordinating council created in section 466B.3.
1 12 2. "Department" means the department of natural
1 13 resources.
1 14 3. "Regional watershed" means a watershed of
1 15 hydrologic unit code scale 8.
1 16 4. "Subwatershed" means a watershed of
1 17 hydrological unit code scale 12 or smaller.
1 18 5. "Watershed" means a geographic area in which
1 19 surface water is drained by rivers, streams, or other
1 20 bodies of water.
1 21 Sec. 3. NEW SECTION. 466B.3 WATER RESOURCES
1 22 COORDINATING COUNCIL.
1 23 1. COUNCIL ESTABLISHED. A water resources
1 24 coordinating council is established within the office
1 25 of the governor.
1 26 2. PURPOSE. The purpose of the council shall be
1 27 to preserve and protect Iowa's water resources, and to
1 28 coordinate the management of those resources in a
1 29 sustainable and fiscally responsible manner. In the
1 30 pursuit of this purpose, the council shall use an
1 31 integrated approach to water resource management,
1 32 recognizing that insufficiencies exist in current
1 33 approaches and practices, as well as in funding
1 34 sources and the utilization of funds. The integrated
1 35 approach used by the council shall attempt to overcome
1 36 old categories, labels, and obstacles with the primary
1 37 goal of managing the state's water resources
1 38 comprehensively rather than compartmentally.
1 39 3. ACCOUNTABILITY. The success of the council's
1 40 efforts shall ultimately be measured by the following
1 41 outcomes:
1 42 a. Whether the citizens of Iowa can more easily
1 43 organize local watershed projects.
1 44 b. Whether the citizens of Iowa can more easily
1 45 access available funds and water quality program
1 46 resources.
1 47 c. Whether the funds, programs, and regulatory
1 48 efforts coordinated by the council eventually result
1 49 in a long-term improvement to the quality of surface
1 50 water in Iowa.
2 1 4. MEMBERSHIP. The council shall consist of the
2 2 following members:
2 3 a. The director of the department of natural
2 4 resources or the director's designee.
2 5 b. The director of the soil conservation division
2 6 of the department of agriculture and land stewardship
2 7 or the director's designee.
2 8 c. The secretary of agriculture or the secretary's
2 9 designee.
2 10 d. The director of the department of public health
2 11 or the director's designee.
2 12 e. The director of the homeland security and
2 13 emergency management division of the department of
2 14 public defense or the director's designee.
2 15 f. The dean of the college of agriculture at Iowa
2 16 state university or the dean's designee.
2 17 g. The dean of the college of public health at the
2 18 university of Iowa or the dean's designee.
2 19 h. The dean of the college of natural sciences at
2 20 the university of northern Iowa, or the dean's
2 21 designee.
2 22 i. The director of the department of
2 23 transportation or the director's designee.
2 24 j. The director of the department of economic

2 25 development or the director's designee.
2 26 k. The director of the Iowa finance authority, or
2 27 the director's designee.
2 28 1. The governor, who shall be the chairperson, or
2 29 the governor's designee. As the chairperson, and in
2 30 order to further the coordination efforts of the
2 31 council, the governor may invite representatives from
2 32 any other public agency, private organization,
2 33 business, citizen group, or nonprofit entity to give
2 34 public input at council meetings provided the entity
2 35 has an interest in the coordinated management of land
2 36 resources, soil conservation, or water quality. The
2 37 governor shall also invite and solicit advice from the
2 38 following:
2 39 (1) The director of the Iowa water science center
2 40 of the United States geological survey or the
2 41 director's designee.
2 42 (2) The state conservationist from the Iowa office
2 43 of the United States department of agriculture's
2 44 natural resources conservation service or the state
2 45 conservationist's designee.
2 46 (3) The executive director for Iowa from the
2 47 United States department of agriculture's farm
2 48 services agency or the executive director's designee.
2 49 (4) The state director for Iowa from the United
2 50 States department of agriculture's office of rural
3 1 development or the state director's designee.
3 2 (5) The director of region seven of the United
3 3 States environmental protection agency or the
3 4 director's designee.
3 5 (6) The corps commander from the United States
3 6 army corps of engineers' Rock Island district or the
3 7 commander's designee.
3 8 5. MEETINGS AND QUORUM.
3 9 a. The council shall be convened by the office of
3 10 the governor at least quarterly.
3 11 b. A majority of the members fixed by statute
3 12 shall constitute a quorum, and any action taken by the
3 13 council must be adopted by a majority of the voting
3 14 membership.
3 15 6. DUTIES AND POWERS.
3 16 a. The council shall engage in the regular
3 17 coordination of water resource-related functions,
3 18 including protection strategies, planning, assessment,
3 19 prioritization, review, concurrence, advocacy, and
3 20 education.
3 21 b. In coordinating water resource related
3 22 functions, the council may do all of the following:
3 23 (1) Consider the steps necessary to address the
3 24 planning, management, and implementation of water
3 25 resource improvement.
3 26 (2) Identify ways to facilitate communication and
3 27 participation among all water resource stakeholders,
3 28 including owners of land in Iowa whether they are
3 29 residents or not.
3 30 (3) Identify inefficiencies in current programs
3 31 and recommend ways to eliminate duplicative services.
3 32 (4) Improve the availability and management of
3 33 water resource information.
3 34 (5) Provide incentives for, and recognition of,
3 35 environmental excellence.
3 36 (6) Regularly assess and identify measurable
3 37 improvements in water quality.
3 38 (7) Oversee the complete, statewide regional
3 39 watershed assessment, prioritization, and planning
3 40 process described in section 466B.5, including a
3 41 short-term interim program and a long-term
3 42 comprehensive state water quality and quantity plan
3 43 updated every five years as provided in sections
3 44 466B.5 and 466B.6.
3 45 (8) Develop a protocol which identifies high
3 46 priority watersheds, including local and
3 47 community-based subwatersheds, and which appropriately
3 48 directs resources to those watersheds.
3 49 (9) Review best available technologies on a
3 50 regular basis, so that investments of time and program
4 1 resources can be prioritized and directed to projects
4 2 that will best and most effectively improve water
4 3 quality within regional and community subwatersheds.
4 4 (10) Review voluntary, performance-based standards
4 5 for water resource management, land management, and

4 6 soil conservation.

4 7 (11) Develop a protocol for assigning multiagency
4 8 teams to regional watersheds and local subwatersheds
4 9 and guide those teams in the coordination of citizen
4 10 and agency activities within those watersheds.

4 11 (12) Engage in dialogue with, and pursue efforts
4 12 to make cooperative agreements with, other states when
4 13 a watershed extends beyond borders of this state.

4 14 (13) Enter into agreements and make contracts with
4 15 third parties for the performance of duties imposed by
4 16 this chapter.

4 17 (14) Prepare a memorandum of understanding
4 18 identifying the roles and responsibilities of council
4 19 members in the coordination of the implementation of
4 20 community-based subwatershed improvement plans. The
4 21 memorandum shall be a commitment by the agencies
4 22 participating in council meetings to reach consensus
4 23 regarding communications with subwatershed planning
4 24 units.

4 25 Sec. 4. NEW SECTION. 466B.4 LEGISLATIVE FINDINGS
4 26 AND MARKETING CAMPAIGN.

4 27 1. FINDINGS. The general assembly finds all of
4 28 the following:

4 29 a. Most Iowans desire to have improved water
4 30 quality throughout the state, but many Iowans do not
4 31 understand the problems with local water quality.

4 32 b. Most Iowans believe that the protection of fish
4 33 and wildlife benefits all Iowans.

4 34 c. The benefits of improving water quality could
4 35 far outweigh the costs of implementing mechanisms to
4 36 improve it.

4 37 d. Most Iowans look to some level of government
4 38 for the protection of water resources rather than to
4 39 themselves and their own actions. However, it is not
4 40 possible or desirable for state government to take
4 41 complete control and responsibility for water quality.

4 42 2. MARKETING CAMPAIGN. The water resources
4 43 coordinating council shall develop a marketing
4 44 campaign to educate Iowans about the need to take
4 45 personal responsibility for the quality of water in
4 46 their local watersheds. The emphasis of the campaign
4 47 shall be that not only is everyone responsible for
4 48 clean water, but that everyone benefits from it as
4 49 well. The goals of the campaign shall be to convince
4 50 Iowans to take personal responsibility for clean water
5 1 and to equip them with the tools necessary to effect
5 2 change through local water quality improvement
5 3 projects.

5 4 3. CONTINGENT ON FUNDING. The duties imposed in
5 5 subsection 2 are contingent upon the receipt of
5 6 funding sufficient to cover the costs associated with
5 7 the marketing campaign.

5 8 Sec. 5. NEW SECTION. 466B.5 REGIONAL WATERSHED
5 9 ASSESSMENT, PLANNING, AND PRIORITIZATION.

5 10 1. REGIONAL WATERSHED ASSESSMENT PROGRAM. The
5 11 department shall create a regional watershed
5 12 assessment program. The program shall assess all the
5 13 regional watersheds in the state.

5 14 a. The statewide assessment shall be conducted at
5 15 the rate of approximately one-fifth of the watersheds
5 16 per year, and an initial full assessment shall be
5 17 completed within five years. Thereafter, the
5 18 department shall review and update the assessments on
5 19 a regular basis.

5 20 b. Each regional watershed assessment shall
5 21 provide a summary of the overall condition of the
5 22 watershed. The information provided in the summary
5 23 may include land use patterns, soil types, slopes,
5 24 management practices, stream conditions, and both
5 25 point and nonpoint source impairments.

5 26 c. In conducting a regional watershed assessment,
5 27 the department may provide opportunities for local
5 28 data collection and input into the assessment process.

5 29 2. PLANNING AND PRIORITIZATION. In conducting the
5 30 regional watershed assessment program, the department
5 31 shall provide hydrological and geological information
5 32 sufficient for the water resources coordinating
5 33 council to prioritize watersheds statewide and for the
5 34 various communities in those watersheds to plan
5 35 remedial efforts in their local communities and
5 36 subwatersheds.

5 37 3. REPORT TO COUNCIL. Upon completion of the
5 38 statewide assessment, and upon updating the
5 39 assessments, the department shall report the results
5 40 of the assessment to the council and the general
5 41 assembly, and shall make the report publicly
5 42 available.

5 43 Sec. 6. NEW SECTION. 466B.6 COMMUNITY=BASED
5 44 SUBWATERSHED IMPROVEMENT PLANS.

5 45 1. FACILITATION OF COMMUNITY=BASED SUBWATERSHED
5 46 PLANS. After the department's completion of the
5 47 initial regional watershed assessment, and after the
5 48 council's prioritization of the regional watersheds,
5 49 the council shall designate one or more of the
5 50 agencies represented on the council to facilitate the
6 1 development and implementation of local,
6 2 community-based subwatershed improvement plans.

6 3 2. ASSESSMENT, PLANNING, PRIORITIZATION, AND
6 4 IMPLEMENTATION. In facilitating the development of
6 5 community-based subwatershed improvement plans, the
6 6 agency or agencies designated by the council shall,
6 7 based on the results of the regional watershed
6 8 assessment program, identify critical subwatersheds
6 9 within priority regional watersheds and recruit
6 10 communities, citizen groups, local governmental
6 11 entities, or other stakeholders to engage in the
6 12 assessment, planning, prioritization, and
6 13 implementation of a local community-based subwatershed
6 14 improvement plan. The agency or agencies designated
6 15 by the council may assist in the formation of a group
6 16 of initial local community-based subwatershed
6 17 improvement plans that can be implemented as pilot
6 18 projects, in order to develop an effective process
6 19 that can be replicated across the state.

6 20 Sec. 7. NEW SECTION. 466B.7 COMMUNITY=BASED
6 21 SUBWATERSHED MONITORING.

6 22 1. MONITORING ASSISTANCE. After completion of the
6 23 statewide regional watershed assessment and
6 24 prioritization, and throughout the implementation of
6 25 local community-based subwatershed improvement plans,
6 26 the department shall assist communities with the
6 27 monitoring and measurement of local subwatersheds.
6 28 The monitoring and measurement shall be designed for
6 29 the particular needs of individual communities.

6 30 2. DATA COLLECTION AND USE. Local communities in
6 31 which the department conducts subwatershed monitoring
6 32 shall use the information to support subwatershed
6 33 planning activities, do local data collection, and
6 34 identify priority areas needing additional resources.
6 35 Local communities shall also collect data over time
6 36 and use the data to evaluate the impacts of their
6 37 management efforts.

6 38 Sec. 8. NEW SECTION. 466B.8 WASTEWATER AND STORM
6 39 WATER INFRASTRUCTURE ASSESSMENT.

6 40 The department shall assess and prioritize
6 41 communities within a watershed presenting the greatest
6 42 level of risk to water quality and the health of
6 43 residents. This prioritization shall include both
6 44 sewer and unsewered communities.

6 45 Sec. 9. NEW SECTION. 466B.9 RULEMAKING
6 46 AUTHORITY.

6 47 The department and the department of agriculture
6 48 and land stewardship shall have the power and
6 49 authority reasonably necessary to carry out the duties
6 50 imposed by this chapter. As to the department, this

7 1 includes rulemaking authority to carry out the
7 2 regional watershed assessment program described in
7 3 section 466B.5. As to the department of agriculture
7 4 and land stewardship, this includes rulemaking
7 5 authority to assist in the implementation of
7 6 community-based subwatershed improvement plans.>

7 7 #2. Title page, by striking lines 1 through 6 and
7 8 inserting the following: <An Act relating to water
7 9 quality by establishing a water resources coordinating
7 10 council, authorizing a marketing campaign, directing
7 11 assistance to local communities for monitoring and
7 12 measurement, providing for a wastewater and storm
7 13 water infrastructure assessment, and creating a
7 14 regional assessment program and a community-based
7 15 improvement program.>

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