

Reprinted 5/2/83

MAR 10 1983

HOUSE FILE 446

Place On Calendar

BY COMMITTEE ON NATURAL RESOURCES

(Formerly Study Bill 146)

Passed House, Date 3-29-83 (p. 957) Passed Senate, Date _____

Vote: Ayes 58 Nays 10 Vote: Ayes _____ Nays _____

Approved _____

Motion to reconsider (p. 960) prevailed 4/27

Reconsidered & Reported House

4-27-83 (p. 1587)
92-5

A BILL FOR

1 An Act providing for the creation, management, and administra-
2 tion of a protected water area system in this state.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 446

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 Chapter 108A, Code 1983, is repealed and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

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

5 1. "Commission" means the state conservation commission.

6 2. "State plan" means a long-range comprehensive document
7 that states the goals and objectives of the protected water
8 area system, establishes the procedure and criteria for
9 prospective protected water area designation, provides the
10 format for prospective area analysis, establishes a priority
11 system for prospective area study, recommends potential areas
12 for inclusion into the system, institutes interagency
13 coordination, and outlines general administrative and
14 management needs to develop and administer this system.

15 3. "Management plan" means the document that states the
16 goals and objectives of a specific protected water area which
17 has been proposed for designation, the specific description
18 of the area to be protected, land use agreements with property
19 owners, the specific management programming considerations
20 for the area, the in-depth project evaluations, analysis,
21 justifications, and cost estimates, the proposed acquisition
22 of fee title and conservation easements, and the specific
23 design and layout of facilities.

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

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

35 6. "Protected water area" means a water area permanently

1 designated by the commission for inclusion in the protected
2 water area system.

3 7. "Protected water area system" means a total comprehen-
4 sive program that includes the goals and objectives, the state
5 plan the individual management plans, the prospective
6 protected water areas, the protected water areas, the
7 acquisition of fee title and conservation easements, and the
8 administration and management of such areas.

9 8. "Legislature" means the Iowa general assembly.

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

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

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

34 Sec. 5. NEW SECTION. NOMINATION OF PROSPECTIVE PROTECTED
35 WATER AREAS. After basic resource and user data are gathered

1 by or provided to the commission and the commission deems
2 an area has merit for inclusion into a protected water area
3 system, it may nominate the area for prospective protected
4 water area designation. Other public agencies, interest
5 groups, or citizens, may also recommend nomination of water
6 areas for consideration of inclusion into the protected water
7 area system by submitting to the commission a statement which
8 includes at minimum a general description of the area being
9 recommended for nomination, the resources needing protection,
10 and the benefits to be derived from protecting the resources
11 and a list of the individuals, organizations, and public
12 agencies supporting the nomination.

13 Sec. 6. NEW SECTION. PROSPECTIVE DESIGNATION. The
14 commission may designate all or part of any water area having
15 any or all of the resource values cited in section 2,
16 subsection 5, of this Act as a prospective protected water
17 area. The prospective designation shall be in effect for
18 a period not to exceed two years during which a management
19 plan is prepared for the protection and enhancement of those
20 values cited in section 2, subsection 5, of this Act.

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

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

1 period.

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

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

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

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

35 Sec. 13. NEW SECTION. JUDICIAL REVIEW. Judicial review

1 of action of the commission may be sought in accordance with
2 chapter 17A. Notwithstanding chapter 17A, petitions for
3 judicial review may be filed in the district court of Polk
4 county or of any county in which the property affected is
5 located. If the commission, the district court, or the supreme
6 court determines that the order of the commission shall be
7 stayed, the petitioner shall file an appropriate bond approved
8 by the court.

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

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

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

28 Sec. 17. NEW SECTION. PART OF A NATIONAL SYSTEM. This
29 chapter does not preclude a component of the protected water
30 area system from being a part of the national wild and scenic
31 river system under the federal Wild and Scenic Rivers Act,
32 16 U.S.C., secs. 1271 through 1287. The commission may enter
33 into written cooperative agreement for joint federal-state
34 administration of rivers which may be designated under that
35 federal Act.

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

4 EXPLANATION

5 This bill repeals and replaces chapter 108A. Authority
6 is given to the state conservation commission to designate
7 certain lakes, rivers, streams, marshes, and other bodies
8 of water and their adjacent lands as prospective protected
9 water areas. The prospective designation will be in effect
10 for a period not to exceed two years during which the
11 commission prepares a management plan for the area's
12 protection. The commission will have the sole authority to
13 permanently designate protected water areas as a part of a
14 state protected water area system. Political subdivisions
15 of this state are encouraged to cooperate with the commission
16 upon notice by developing and implementing zoning ordinances
17 or special land use districts to afford protection adequate

HOUSE FILE 446
FISCAL NOTE

REQUESTED BY REPRESENTATIVE O'KANE

In compliance with a written request received December 29, 1983 there is hereby submitted a Fiscal Note for HOUSE FILE 446 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

House File 446 is an Act for the creation, management and administration of a Protected Water Area System in the state.

The activities authorized by this bill could be handled by existing staff in FY 1984 and FY 1985. The cost of this staff work would be \$31,500 each year.

If a Protected Water Areas is designated as a result of the authority granted additional funds would have to be appropriated.

The cost to study a prospective Protected Water Area is approximately \$31,500 per year.

(0185D, 83-041, AHS)

Source: Iowa Conservation Commission

FILED MARCH 29, 1983

BY DENNIS PROUTY, FISCAL DIRECTOR

LSB 185H 70

dsb/rr/8

HOUSE FILE 446

H-3308

- 1 Amend House File 446 as follows:
- 2 1. Page 1, line 2, by inserting after the figure
- 3 "2" the word and figure "and 4".
- 4 2. Page 2, line 12, by striking the words "NEW
- 5 SECTION."

H-3308 FILED MARCH 18, 1983 BY SPEAR of Lee
Adopted 3/29/83 (p. 958)

HOUSE FILE 446

H-3327

- 1 Amend House File 446 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "easements" the words "and other agreements".
- 4 2. Page 2, line 7, by inserting after the word
- 5 "easements" the words "and other agreements".

H-3327 FILED MARCH 21, 1983 BY McKEAN of Jones
O'KANE of Woodbury
Adopted 3/29 (p. 958)

HOUSE FILE 446

H-3369

- 1 Amend House file 446 as follows:
- 2 1. Page 5, by striking lines 5 through 8 and
- 3 inserting in lieu thereof the word "located."

H-3369 FILED MARCH 24, 1983 BY O'KANE of Woodbury
WELDEN of Hardin
Adopted 3/29 (p. 959)

HOUSE FILE 446

H-3484

- 1 Amend House File 446 as follows:
- 2 1. Page 4, line 17, by inserting after the word
- 3 "methods" the words ", except condemnation,".

H-3484 FILED MARCH 30, 1983 BY HALVORSON of Clayton
Adopted 4/27/83 (p. 1586)

Gen. Natural Resources 4/29
Do Pass 2/8 (p. 362)

HOUSE FILE 446 2/13/84

Appropriations
Hall, Chair
Tiedem
Schwengel

Do Pass 4/10 (p. 1427)

HOUSE FILE 446

BY COMMITTEE ON NATURAL
RESOURCES

(As Amended and Passed by the House)

Be Passed House, Date 4-27-83 (p. 1587) Passed Senate, Date 4-17-84 (p. 1581)

Vote: Ayes 92 Nays 5 Vote: Ayes 46 Nays 0

Approved May 11, 1984

A BILL FOR

1 An Act providing for the creation, management, and administra-
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House Amendments _____

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15 management needs to develop and administer this system.

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20 owners, the specific management programming considerations
21 for the area, the in-depth project evaluations, analysis,
22 justifications, and cost estimates, the proposed acquisition
23 of fee title and conservation easements and other agreements,
24 and the specific design and layout of facilities.

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

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30 permanent designation as an element of the protected water
31 area system is conducted. Such areas shall possess outstanding
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18 fish, wildlife, geological, recreation, and archaeological
19 resources of the state for the economic and social well-being
20 of the state and its citizens. The legislature declares that
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22 legitimate land use that contributes to erosion control,
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16 commission may designate all or part of any water area having
17 any or all of the resource values cited in section 2,
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19 area. The prospective designation shall be in effect for
20 a period not to exceed two years during which a management
21 plan is prepared for the protection and enhancement of those
22 values cited in section 2, subsection 5, of this Act.

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21 water area, including but not limited to fee and less than
22 fee title acquisition techniques, such as easements, leasing
23 agreements, covenants, and existing tax incentive programs.

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

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3 of action of the commission may be sought in accordance with
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HOUSE FILE 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:

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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.
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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.

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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.

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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

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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.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 446, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1984

TERRY E. BRANSTAD
Governor