

S. 3/17/98 Nat. Res.

MAR 3 1998

HOUSE FILE 2510

Place On Calendar

BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HSB 555)

Passed House, ^{p.744} Date 3-17-97

Passed Senate, Date _____

Vote: Ayes 106 Nays 0

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act requesting an interim study conference of the loess hills
2 areas of this state.

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

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HF 2510

1 Section 1. LOESS HILLS STUDY CONFERENCE. The legislative
2 council is requested to establish an interim study conference
3 to analyze and develop proposals for the designation and
4 protection of loess soil areas which possess outstanding
5 cultural and natural values, such as scenic, forest, prairie,
6 mineral, geological, historic, archaeological, recreational,
7 educational, water quality, or flood protection values. The
8 legislative council may authorize the loess hills development
9 authority to coordinate the study and develop recommendations
10 relating to the protection, preservation, and uses of land in
11 the loess hills areas of this state.

12 The interim study conference shall report its findings and
13 recommendations to the legislative council and to the members
14 of the general assembly.

15 EXPLANATION

16 This bill requests the legislative council to establish an
17 interim study conference to analyze and develop proposals for
18 the designation and protection of loess soil areas which
19 possess outstanding cultural and natural values. The
20 legislative council may authorize the loess hills development
21 authority to coordinate the study and develop recommendations
22 relating to the protection, preservation, and uses of land in
23 the loess hills areas of this state.

24 The interim study conference shall report its findings and
25 recommendations to the legislative council and to the members
26 of the general assembly.

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HOUSE FILE 2510

H-8225

- 1 Amend House File 2510 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 461D.1 DEFINITIONS.
5 As used in this chapter, unless the context
6 otherwise requires:
7 1. "Commission" means the natural resource
8 commission.
9 2. "Conservation easement" means an easement as
10 defined in section 457A.2.
11 3. "Department" means the department of natural
12 resources.
13 4. "Loess hills area" means a tract of hills,
14 bluffs, and accompanying lands located adjacent to the
15 Missouri river in the western part of this state
16 consisting primarily of loess soil deposits.
17 5. "Management plan" means a document that
18 includes the goals and objectives of a specific
19 protected Loess Hills area which has been proposed for
20 designation, the specific description of the area to
21 be protected, land use agreements with property
22 owners, the specific management programming
23 considerations for the area, the in-depth project
24 evaluations, analysis, justifications, and cost
25 estimates, the proposed acquisition of fee title and
26 conservation easements and other agreements, and the
27 specific design and layout of facilities.
28 6. "Prospective protected Loess Hills area" means
29 a Loess Hills area designated by the commission which
30 possesses outstanding cultural and natural values,
31 such as scenic, forest, prairie, mineral, geological,
32 historic, archaeological, recreational, educational,
33 water quality, or flood protection values, and for
34 which an in-depth study for permanent designation as
35 an element of the protected Loess Hills area system is
36 conducted.
37 7. "Protected Loess Hills area" means a Loess
38 Hills area permanently designated by the commission
39 for inclusion in the protected Loess Hills area
40 system.
41 8. "Protected Loess Hills area system" means a
42 comprehensive program to protect Loess Hills areas
43 that includes the goals and objectives, the state
44 plan, the individual management plans, the prospective
45 protected Loess Hills areas, the protected Loess Hills
46 areas, the acquisition of fee title and conservation
47 easements and other agreements, and the administration
48 and management of the areas.
49 9. "State plan" means a comprehensive document
50 that states the long-range goals and objectives of the
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WITHDRAWN

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1 protected Loess Hills area system, establishes the
2 procedure and criteria for prospective protected Loess
3 Hill area designation, provides the format for
4 prospective area analysis, establishes a priority
5 system for prospective area study, recommends
6 potential areas for inclusion into the system,
7 institutes interagency and intergovernmental
8 coordination, and outlines general administrative and
9 management needs to develop and administer the system.

10 Sec. 2. NEW SECTION. 461D.2 STATE PLAN.

11 The commission shall maintain a state plan for the
12 design and establishment of an administrative
13 framework of a protected Loess Hills area system and
14 those adjacent lands needed to protect the integrity
15 of that system.

16 Sec. 3. NEW SECTION. 461D.3 NOMINATION OF
17 PROSPECTIVE PROTECTED LOESS HILLS AREAS.

18 After basic resource and user data are gathered by
19 or provided to the commission and the commission deems
20 an area has merit for inclusion in a protected Loess
21 Hills area system, the commission may nominate the
22 area for prospective protected Loess Hills area
23 designation. Governmental subdivisions, public
24 agencies, interest groups, or citizens may also
25 recommend nomination of Loess Hills areas for
26 inclusion in the protected Loess Hills area system by
27 submitting to the commission a statement which
28 includes at minimum a general description of the area
29 being recommended for nomination, the resources
30 needing protection, and the benefits to be derived
31 from protecting the resources and a list of the
32 individuals, organizations, and public agencies
33 supporting the nomination.

34 Sec. 4. NEW SECTION. 461D.4 PROSPECTIVE
35 DESIGNATION.

36 The commission may designate all or part of any
37 Loess Hills area having any or all of the resource
38 values cited in section 461D.1, subsection 6, as a
39 prospective protected Loess Hills area. The
40 prospective designation shall be in effect for a
41 period not to exceed two years during which a
42 management plan is prepared for the protection and
43 enhancement of those values cited in section 461D.1,
44 subsection 6.

45 Sec. 5. NEW SECTION. 461D.5 PROSPECTIVE
46 DESIGNATION PUBLIC HEARINGS.

47 After the nomination of prospective protected Loess
48 Hills areas by the commission and prior to the
49 designation as a prospective protected Loess Hills
50 area, the commission shall conduct a public hearing in

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1 the vicinity of the Loess Hills area. Notice of the
2 hearing shall be published at least twice, not less
3 than seven days prior to the hearing, in a newspaper
4 having general circulation in each county in which the
5 proposed Loess Hills area is located.

6 Sec. 6. NEW SECTION. 461D.6 MANAGEMENT PLAN.

7 The commission shall prepare and maintain a
8 management plan containing the recommendations for the
9 establishment, development, management, use, and
10 administration of each prospective protected Loess
11 Hills area designated by the commission. The
12 management plan shall be completed during the two-year
13 prospective designation period.

14 Sec. 7. NEW SECTION. 461D.7 MANAGEMENT PLAN
15 PUBLIC HEARING.

16 The commission shall hold a final public hearing on
17 the completed management plan in the vicinity of the
18 Loess Hills area at least thirty days before permanent
19 designation by the commission. Notice of the hearing
20 shall be published at least twice, not less than seven
21 days prior to the hearing, in a newspaper having
22 general circulation in each county in which the Loess
23 Hills area is located.

24 Sec. 8. NEW SECTION. 461D.8 DESIGNATION.

25 The commission may adopt the management plan and
26 may permanently designate the area as part of the
27 protected Loess Hills area system. Upon the
28 commission's adoption of the management plan and
29 permanent designation of the area as a protected Loess
30 Hills area, the commission may submit the management
31 plan to the general assembly for funding
32 consideration.

33 Sec. 9. NEW SECTION. 461D.9 PROTECTION METHODS.

34 The commission may use any one or a combination of
35 the available methods, except eminent domain, for
36 managing and preserving a protected Loess Hills area,
37 including but not limited to fee and less than fee
38 title acquisition techniques such as easements,
39 leasing agreements, covenants, and existing tax
40 incentive programs.

41 Sec. 10. NEW SECTION. 461D.10 LANDOWNER
42 COOPERATION.

43 Recognizing that most of the protected Loess Hills
44 areas may be within privately owned lands, the
45 commission shall cooperate with the landowners within
46 the designated areas in achieving the purposes of this
47 chapter. The landowners within the designated areas
48 are encouraged to cooperate with the commission.
49 Commission staff shall meet separately or in small
50 groups with landowners within prospective protected

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1 Loess Hills areas during the preparation of the master
2 plan to establish workable and acceptable agreements
3 for the protection of the area and its accompanying
4 resources in a manner consistent with the purposes of
5 this chapter and the interest and concerns of the
6 landowners.

7 Sec. 11. NEW SECTION. 461D.11 JUDICIAL REVIEW.

8 Judicial review of action of the commission may be
9 sought in accordance with chapter 17A.

10 Notwithstanding chapter 17A, petitions for judicial
11 review may be filed in the district court of Polk
12 county or of any county in which the property affected
13 is located.

14 Sec. 12. NEW SECTION. 461D.12 LOCAL TAX
15 REIMBURSEMENT.

16 The state, subject to appropriation by the general
17 assembly, shall reimburse from the general fund of the
18 state any political subdivision the amount of tax
19 moneys lost due to any lower assessments of property
20 resulting from lease agreements, and the acquisition
21 of public lands and conservation easements stemming
22 from designation of a protected Loess Hills area.

23 Sec. 13. NEW SECTION. 461D.13 INTERAGENCY
24 COOPERATION.

25 All state agencies and governing bodies of cities
26 and counties and county conservation boards which are
27 participating in the process for designation of a
28 protected Loess Hills area under this chapter shall
29 cooperate with the commission and coordinate their
30 authorities, responsibilities, and program
31 administration in a manner which will aid in the
32 integrity of the protected Loess Hills area system as
33 outlined in the state plan, individual management
34 plans, and commission administrative rules.

35 Sec. 14. NEW SECTION. 461D.14 MANAGEMENT
36 COOPERATION WITH LOCAL GOVERNMENT SUBDIVISIONS.

37 The commission may enter into written cooperative
38 agreements with governing bodies of cities and
39 counties and county conservation boards for the
40 management of a protected Loess Hills area.

41 Sec. 15. NEW SECTION. 461D.15 PART OF A NATIONAL
42 PARK SYSTEM.

43 This chapter does not preclude a component of the
44 protected Loess Hills area system from being a part of
45 a national park system.

46 Sec. 16. NEW SECTION. 461D.16 DEPARTMENTAL
47 RULES.

48 The commission shall adopt under chapter 17A and
49 enforce the administrative rules it deems necessary to
50 administer this chapter."

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1 2. Title page, by striking lines 1 and 2 and
2 inserting the following: "An Act relating to the
3 designation and protection of tracts of deep loess
4 soil deposits and formation of this state."

By JOCHUM of Dubuque

BELL of Jasper

COHOON of Des Moines

DOTZLER of Black Hawk

DREES of Carroll

FREVERT of Palo Alto

O'BRIEN of Boone

MERTZ of Kossuth

MUNDIE of Webster

H-8225 FILED MARCH 4, 1998

WITHDRAWN

3-17-98

(p.743)

Weidman, Chair
Drees
Huseman

NATURAL RESOURCES

Sponsored By
HOUSE FILE ~~SE 111~~ 2510
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL BY
CHAIRPERSON KLEMME)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the designation and protection of tracts of
2 deep loess soil deposits and formation of this state.

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

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6 section 457A.2.

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9 accompanying lands located adjacent to the Missouri river in
10 the western part of this state consisting primarily of loess
11 soil deposits.

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13 goals and objectives of a specific protected Loess Hills area
14 which has been proposed for designation, the specific
15 description of the area to be protected, land use agreements
16 with property owners, the specific management programming
17 considerations for the area, the in-depth project evaluations,
18 analysis, justifications, and cost estimates, the proposed
19 acquisition of fee title and conservation easements and other
20 agreements, and the specific design and layout of facilities.

21 6. "Prospective protected Loess Hills area" means a Loess
22 Hills area designated by the commission which possesses
23 outstanding cultural and natural values, such as scenic,
24 forest, prairie, mineral, geological, historic,
25 archaeological, recreational, educational, water quality, or
26 flood protection values, and for which an in-depth study for
27 permanent designation as an element of the protected Loess
28 Hills area system is conducted.

29 7. "Protected Loess Hills area" means a Loess Hills area
30 permanently designated by the commission for inclusion in the
31 protected Loess Hills area system.

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33 comprehensive program to protect Loess Hills areas that
34 includes the goals and objectives, the state plan, the
35 individual management plans, the prospective protected Loess

1 Hills areas, the protected Loess Hills areas, the acquisition
2 of fee title and conservation easements and other agreements,
3 and the administration and management of the areas.

4 9. "State plan" means a comprehensive document that states
5 the long-range goals and objectives of the protected Loess
6 Hills area system, establishes the procedure and criteria for
7 prospective protected Loess Hill area designation, provides
8 the format for prospective area analysis, establishes a
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5 period not to exceed two years during which a management plan
6 is prepared for the protection and enhancement of those values
7 cited in section 461D.1, subsection 6.

8 Sec. 5. NEW SECTION. 461D.5 PROSPECTIVE DESIGNATION
9 PUBLIC HEARINGS.

10 After the nomination of prospective protected Loess Hills
11 areas by the commission and prior to the designation as a
12 prospective protected Loess Hills area, the commission shall
13 conduct a public hearing in the vicinity of the Loess Hills
14 area. Notice of the hearing shall be published at least
15 twice, not less than seven days prior to the hearing, in a
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28 completed management plan in the vicinity of the Loess Hills
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30 commission. Notice of the hearing shall be published at least
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32 newspaper having general circulation in each county in which
33 the Loess Hills area is located.

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35 The commission may adopt the management plan and may

1 permanently designate the area as part of the protected Loess
2 Hills area system. Upon the commission's adoption of the
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4 protected Loess Hills area, the commission may submit the
5 management plan to the general assembly for funding
6 consideration.

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8 The commission may use any one or a combination of the
9 available methods, except eminent domain, for managing and
10 preserving a protected Loess Hills area, including but not
11 limited to fee and less than fee title acquisition techniques
12 such as easements, leasing agreements, covenants, and existing
13 tax incentive programs.

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15 Recognizing that most of the protected Loess Hills areas
16 may be within privately owned lands, the commission shall
17 cooperate with the landowners within the designated areas in
18 achieving the purposes of this chapter. The landowners within
19 the designated areas are encouraged to cooperate with the
20 commission. Commission staff shall meet separately or in
21 small groups with landowners within prospective protected
22 Loess Hills areas during the preparation of the master plan to
23 establish workable and acceptable agreements for the
24 protection of the area and its accompanying resources in a
25 manner consistent with the purposes of this chapter and the
26 interest and concerns of the landowners.

27 Sec. 11. NEW SECTION. 461D.11 JUDICIAL REVIEW.

28 Judicial review of action of the commission may be sought
29 in accordance with chapter 17A. Notwithstanding chapter 17A,
30 petitions for judicial review may be filed in the district
31 court of Polk county or of any county in which the property
32 affected is located.

33 Sec. 12. NEW SECTION. 461D.12 LOCAL TAX REIMBURSEMENT.

34 The state, subject to appropriation by the general
35 assembly, shall reimburse from the general fund of the state

1 any political subdivision the amount of tax moneys lost due to
2 any lower assessments of property resulting from lease
3 agreements, and the acquisition of public lands and
4 conservation easements stemming from designation of a
5 protected Loess Hills area.

6 Sec. 13. NEW SECTION. 461D.13 INTERAGENCY COOPERATION.

7 All state agencies and governing bodies of cities and
8 counties and county conservation boards which are
9 participating in the process for designation of a protected
10 Loess Hills area under this chapter shall cooperate with the
11 commission and coordinate their authorities, responsibilities,
12 and program administration in a manner which will aid in the
13 integrity of the protected Loess Hills area system as outlined
14 in the state plan, individual management plans, and commission
15 administrative rules.

16 Sec. 14. NEW SECTION. 461D.14 MANAGEMENT COOPERATION
17 WITH LOCAL GOVERNMENT SUBDIVISIONS.

18 The commission may enter into written cooperative
19 agreements with governing bodies of cities and counties and
20 county conservation boards for the management of a protected
21 Loess Hills area.

22 Sec. 15. NEW SECTION. 461D.15 PART OF A NATIONAL PARK
23 SYSTEM.

24 This chapter does not preclude a component of the protected
25 Loess Hills area system from being a part of a national park
26 system.

27 Sec. 16. NEW SECTION. 461D.16 DEPARTMENTAL RULES.

28 The commission shall adopt under chapter 17A and enforce
29 the administrative rules it deems necessary to administer this
30 chapter.

31 EXPLANATION

32 This bill provides for the establishment of a state
33 management plan for the protection of Loess Hills areas which
34 are found to have outstanding cultural and natural values such
35 as scenic, forest, prairie, mineral, geological, historic,

1 archaeological, recreational, educational, water quality, and
2 flood protection values. The state plan is to be prepared and
3 implemented by the natural resource commission of the
4 department of natural resources. The department is to
5 encourage participation by governing bodies of cities and
6 counties, county conservation boards, and individual
7 landowners.

8 The bill provides that the natural resources commission
9 establish procedures for identifying those areas of the Loess
10 Hills and bluffs in western Iowa which should be protected
11 from harmful uses and erosion. The protections may be
12 implemented by acquiring fee simple title from willing
13 sellers, conservation easements, or other agreements.

14 The bill also provides for reimbursement by the state for
15 losses of local tax property tax revenue due to the public
16 acquisition of protected Loess Hills areas by purchase or
17 conservation easement or other leasing arrangements.

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