

FEB 25 1997

NATURAL RESOURCES

HOUSE FILE 348
BY BURNETT, WITT, MASCHER,
SHOULTZ, DOTZLER, SCHERRMAN,
TAYLOR, WHITEAD, KINZER,
FOEGE, FALLON, BRAND, MURPHY,
HUSER, BERNAU, MORELAND,
and SCHRADER

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

A BILL FOR

1 An Act establishing a biological diversity program.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 348

1 Section 1. NEW SECTION. 268.6 CENTER FOR ENERGY AND
2 ENVIRONMENTAL EDUCATION.

3 1. The center for energy and environmental education at
4 the university of northern Iowa shall establish and administer
5 the statewide biological diversity education program created
6 under chapter 481C.

7 2. An advisory committee is established to assist the
8 center to implement chapter 481C. The advisory committee
9 consists of a representative or designee from each of the
10 following:

- 11 a. The state ecologist.
- 12 b. The Iowa academy of science.
- 13 c. The Leopold center for sustainable agriculture.
- 14 d. The state advisory board for preserves.
- 15 e. The Iowa association of naturalists.
- 16 f. The Iowa conservation education council.
- 17 g. The Iowa environmental council.

18 Sec. 2. Section 335.4, Code 1997, is amended to read as
19 follows:

20 335.4 AREAS AND DISTRICTS.

21 For any and all of said purposes the board of supervisors
22 may divide the county, or any area or areas within the county,
23 into districts of such number, shape, and area as may be
24 deemed best suited to carry out the purposes of this chapter;
25 and within such districts or between two or more contiguous
26 districts it may regulate and restrict the erection,
27 construction, reconstruction, alteration, repair, or use of
28 buildings, structures or land. All such regulations and
29 restrictions shall be uniform for each class or kind of
30 buildings throughout each district, but the regulations in one
31 district may differ from those in other districts.

32 Sec. 3. Section 335.5, unnumbered paragraph 1, Code 1997,
33 is amended to read as follows:

34 The regulations shall be made in accordance with a
35 comprehensive plan and designed to preserve the availability

1 of agricultural land; to consider the protection of soil from
2 wind and water erosion; to preserve and enhance biological
3 diversity; to encourage efficient urban development patterns;
4 to lessen congestion in the street or highway; to secure
5 safety from fire, flood, panic, and other dangers; to protect
6 health and the general welfare; to provide adequate light and
7 air; to prevent the overcrowding of land; to avoid undue
8 concentration of population; to promote the conservation of
9 energy resources; to promote reasonable access to solar
10 energy; and to facilitate the adequate provision of
11 transportation, water, sewerage, schools, parks and other
12 public requirements. However, provisions of this section
13 relating to the objectives of energy conservation and access
14 to solar energy shall not be construed as voiding any zoning
15 regulation existing on July 1, 1981, or to require zoning in a
16 county that did not have zoning prior to July 1, 1981.

17 Sec. 4. Section 414.3, unnumbered paragraph 1, Code 1997,
18 is amended to read as follows:

19 The regulations shall be made in accordance with a
20 comprehensive plan and designed to preserve the availability
21 of agricultural land; to consider the protection of soil from
22 wind and water erosion; to preserve and enhance biological
23 diversity; to encourage efficient urban development patterns;
24 to lessen congestion in the street; to secure safety from
25 fire, flood, panic, and other dangers; to promote health and
26 the general welfare; to provide adequate light and air; to
27 prevent the overcrowding of land; to avoid undue concentration
28 of population; to promote the conservation of energy
29 resources; to promote reasonable access to solar energy; and
30 to facilitate the adequate provision of transportation, water,
31 sewerage, schools, parks, and other public requirements.
32 However, provisions of this section relating to the objectives
33 of energy conservation and access to solar energy do not void
34 any zoning regulation existing on July 1, 1981, or require
35 zoning in a city that did not have zoning prior to July 1,

1 1981.

2 Sec. 5. NEW SECTION. 456A.38 FORESTRY MANAGEMENT PLAN
3 AND PROHIBITIONS.

4 The department shall review and revise forestry management
5 plans for public lands and waters within the boundaries of any
6 state park, preserve, recreation area, wildlife area, forest,
7 stream, or any other lands or waters under the jurisdiction of
8 the natural resource commission to be consistent with the
9 provisions of chapter 481C.

10 Notwithstanding any other provisions to the contrary, the
11 department shall not harvest trees within the boundaries of
12 any state park, preserve, recreation area, wildlife area,
13 forest, or any other land under the jurisdiction of the
14 natural resource commission without first completing a species
15 status report as required under section 481C.3.

16 Notwithstanding any other provisions to the contrary, the
17 department shall not harvest trees within the boundaries of
18 any state park, preserve, recreation area, wildlife area,
19 forest, or any other land under the jurisdiction of the
20 natural resource commission where there would be a negative
21 impact on threatened, endangered, or rare flora or fauna or
22 other migratory or nongame species.

23 Sec. 6. Section 465C.8, Code 1997, is amended by adding
24 the following new subsections:

25 NEW SUBSECTION. 13. To direct the state ecologist to
26 coordinate the development of the statewide biological
27 diversity education program to be created and implemented by
28 the center for energy and environmental education at the
29 university of northern Iowa under section 268.6.

30 NEW SUBSECTION. 14. To direct the state ecologist to
31 review action taken by state agencies as required under
32 section 481C.5 which affects public land and to issue comments
33 which will further the preservation of biological diversity in
34 the affected area.

35 Sec. 7. NEW SECTION. 481C.1 BIOLOGICAL DIVERSITY

1 PRESERVATION -- POLICY OF STATE.

2 1. Preservation of biological diversity is a state goal.

3 2. The actions and programs of all state departments and
4 agencies shall be consistent with the goal of preservation of
5 biological diversity to the maximum extent possible.

6 3. All state departments and agencies, prior to taking any
7 action or making any changes affecting any area of state
8 government, shall make an explicit examination of the effects
9 that the action or change may have on biological diversity.

10 4. All state departments and agencies shall choose the
11 action or make the change that has the least negative effect
12 on biological diversity.

13 Sec. 8. NEW SECTION. 481C.2 DEFINITIONS.

14 For purposes of this chapter:

15 1. "Biological diversity" or "biodiversity" means the full
16 range of variety and variability within and among living
17 organisms and the natural associations in which they occur.
18 Biological diversity includes ecosystem diversity, species
19 diversity, and genetic diversity.

20 2. "Ecosystem" means an interdependent community of
21 species together with its physical environment, considered as
22 a unit.

23 3. "Ecosystem diversity" means the distinctive communities
24 of species and ecological processes that occur in different
25 physical settings of the biosphere.

26 4. "Genetic diversity" means the differences in genetic
27 composition within and among populations of a given species.

28 5. "Species diversity" means the richness and variety of
29 native species. "Species diversity" does not include the
30 introduction of nonnative or exotic species.

31 Sec. 9. NEW SECTION. 481C.3 STATUS REPORT.

32 The state ecologist shall send a status report by January
33 15 of each year to the department of natural resources. The
34 report shall give a detailed account of the losses and gains
35 to rare, threatened, or endangered species within the state

1 and the efforts which have been made to protect and enhance
2 biological diversity. The report shall specifically include
3 all of the following:

4 1. Identification of the department's impact on biological
5 diversity, noting which ecosystems and species are impacted,
6 how they are affected, the extent of the impact, and the
7 existence and effectiveness of mitigation measures.

8 2. Techniques that can be used to improve the protection
9 and maintenance of this state's biological diversity, and the
10 long-term viability of ecosystems and ecosystem processes,
11 including all of the following:

12 a. Enhancement of scientific knowledge through improved
13 and more complete biological surveys, and research designed to
14 identify factors limiting population viability or persistence.

15 b. Identification of habitats and species of special
16 concern and methods to protect them.

17 c. Improvement of management techniques based on
18 scientific knowledge of the conservation of biological
19 diversity.

20 d. Effective restoration methods for ecosystems or species
21 of concern.

22 e. Broad-based education efforts regarding the importance
23 of biological diversity and the need for preservation.

24 f. The use of areas demonstrating management techniques
25 that preserve or restore native biological diversity.

26 g. The use of cooperative biological diversity programs
27 among government agencies, public and private ventures, and
28 the public sector.

29 Sec. 10. NEW SECTION. 481C.4 BIOLOGICAL DIVERSITY
30 EDUCATION PROGRAM.

31 The center for energy and environmental education at the
32 university of northern Iowa and the state ecologist, in
33 conjunction with the Iowa academy of science, shall establish
34 a program to inventory all species which exist on lands within
35 the state and to educate landowners as to the need for

1 preservation of the biological diversity of existing species.
2 A private landowner may voluntarily request to participate in
3 the program. A record shall be kept of the occurrence of rare
4 species.

5 Sec. 11. NEW SECTION. 481C.5 REPORT ON ACTIONS AFFECTING
6 PUBLIC LANDS.

7 All state agencies, prior to taking any action which will
8 affect public land, shall submit a report to the state
9 ecologist which describes the area, the action being taken,
10 and the attempts which will be made by the acting party to
11 ensure that the balance of species diversity on the land is
12 equal to what it was prior to any action being taken. The
13 state ecologist shall review the report within thirty days of
14 its receipt and shall offer recommendations to the agency
15 regarding the proposed action and preserving the biological
16 diversity which exists in the area.

17 Sec. 12. The department of natural resources shall fill
18 the position of state ecologist, as provided for under section
19 465C.7, by July 1, 1998, to implement the provisions of this
20 Act.

21 EXPLANATION

22 This bill addresses the issue of biological diversity and
23 its importance to the world and to the state as a natural
24 resource in need of protection. Biological diversity is
25 defined in the bill as the full range of variety and
26 variability within and among living organisms and the natural
27 associations in which they occur. The bill states that it is
28 the policy of this state that preservation of biological
29 diversity is a state goal and that the actions of all state
30 departments and agencies should be consistent with this goal.
31 In addition, it requires an explicit examination of the
32 effects on biological diversity of any changes or actions
33 taken by state government.

34 The bill places the authority for establishing and
35 administering the biological diversity program with the center

1 for energy and environmental education which exists at the
2 university of northern Iowa. The bill creates an advisory
3 committee to assist the center. There are several components
4 to the biological diversity program created in this bill. The
5 state ecologist is required to submit a status report on the
6 losses and gains to rare, threatened, or endangered species
7 within the state by January 15 of each year to the department
8 of natural resources.

9 A biological diversity education program is established to
10 inventory species existing on private lands and to provide an
11 opportunity for a private landowner to have an inventory
12 conducted. An essential part of this program is to educate
13 the private landowner as to the variety of species which exist
14 on the property and the ways in which these species can be
15 preserved and enhanced to maintain the biological diversity
16 which exists on the land.

17 The bill directs that county or city zoning regulations
18 take into account the need to preserve and enhance biological
19 diversity and allows for zoning regulations between two or
20 more contiguous districts.

21 All state agencies are directed to submit a report to the
22 state ecologist prior to taking any action which may affect
23 the diversity of species on public lands. The state ecologist
24 must review the report and make recommendations to the agency
25 to facilitate the preservation of biological diversity in the
26 area.

27 The bill requires the department of natural resources to
28 review and revise forestry management plans to be consistent
29 with the goals of biological diversity as set forth under new
30 Code chapter 481C. In addition, the department is prohibited
31 from harvesting trees on public lands without first completing
32 a species status report and from harvesting trees on public
33 lands where there would be a negative impact on threatened,
34 endangered, or rare flora or fauna or other migratory or
35 nongame species.

1 Finally, the bill directs the department of natural
2 resources to fill the position of state ecologist by July 1,
3 1998, to implement the provisions of this Act. The position
4 of state ecologist currently exists and is created under
5 section 465C.7.

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