

# House Study Bill 555

## Bill Text

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1 1 Section 1. NEW SECTION. 461D.1 DEFINITIONS.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Commission" means the natural resource commission.  
1 5 2. "Conservation easement" means an easement as defined in  
1 6 section 457A.2.  
1 7 3. "Department" means the department of natural resources.  
1 8 4. "Loess hills area" means a tract of hills, bluffs, and  
1 9 accompanying lands located adjacent to the Missouri river in  
1 10 the western part of this state consisting primarily of loess  
1 11 soil deposits.  
1 12 5. "Management plan" means a document that includes the  
1 13 goals and objectives of a specific protected Loess Hills area  
1 14 which has been proposed for designation, the specific  
1 15 description of the area to be protected, land use agreements  
1 16 with property owners, the specific management programming  
1 17 considerations for the area, the in-depth project evaluations,  
1 18 analysis, justifications, and cost estimates, the proposed  
1 19 acquisition of fee title and conservation easements and other  
1 20 agreements, and the specific design and layout of facilities.  
1 21 6. "Prospective protected Loess Hills area" means a Loess  
1 22 Hills area designated by the commission which possesses  
1 23 outstanding cultural and natural values, such as scenic,  
1 24 forest, prairie, mineral, geological, historic,  
1 25 archaeological, recreational, educational, water quality, or  
1 26 flood protection values, and for which an in-depth study for  
1 27 permanent designation as an element of the protected Loess  
1 28 Hills area system is conducted.  
1 29 7. "Protected Loess Hills area" means a Loess Hills area  
1 30 permanently designated by the commission for inclusion in the  
1 31 protected Loess Hills area system.  
1 32 8. "Protected Loess Hills area system" means a  
1 33 comprehensive program to protect Loess Hills areas that  
1 34 includes the goals and objectives, the state plan, the  
1 35 individual management plans, the prospective protected Loess  
2 1 Hills areas, the protected Loess Hills areas, the acquisition  
2 2 of fee title and conservation easements and other agreements,  
2 3 and the administration and management of the areas.  
2 4 9. "State plan" means a comprehensive document that states  
2 5 the long-range goals and objectives of the protected Loess  
2 6 Hills area system, establishes the procedure and criteria for  
2 7 prospective protected Loess Hill area designation, provides  
2 8 the format for prospective area analysis, establishes a  
2 9 priority system for prospective area study, recommends  
2 10 potential areas for inclusion into the system, institutes  
2 11 interagency and intergovernmental coordination, and outlines  
2 12 general administrative and management needs to develop and  
2 13 administer the system.  
2 14 Sec. 2. NEW SECTION. 461D.2 STATE PLAN.  
2 15 The commission shall maintain a state plan for the design  
2 16 and establishment of an administrative framework of a  
2 17 protected Loess Hills area system and those adjacent lands  
2 18 needed to protect the integrity of that system.  
2 19 Sec. 3. NEW SECTION. 461D.3 NOMINATION OF PROSPECTIVE  
2 20 PROTECTED LOESS HILLS AREAS.  
2 21 After basic resource and user data are gathered by or

2 22 provided to the commission and the commission deems an area  
2 23 has merit for inclusion in a protected Loess Hills area  
2 24 system, the commission may nominate the area for prospective  
2 25 protected Loess Hills area designation. Governmental  
2 26 subdivisions, public agencies, interest groups, or citizens  
2 27 may also recommend nomination of Loess Hills areas for  
2 28 inclusion in the protected Loess Hills area system by  
2 29 submitting to the commission a statement which includes at  
2 30 minimum a general description of the area being recommended  
2 31 for nomination, the resources needing protection, and the  
2 32 benefits to be derived from protecting the resources and a  
2 33 list of the individuals, organizations, and public agencies  
2 34 supporting the nomination.

2 35 Sec. 4. NEW SECTION. 461D.4 PROSPECTIVE DESIGNATION.

3 1 The commission may designate all or part of any Loess Hills  
3 2 area having any or all of the resource values cited in section  
3 3 461D.1, subsection 6, as a prospective protected Loess Hills  
3 4 area. The prospective designation shall be in effect for a  
3 5 period not to exceed two years during which a management plan  
3 6 is prepared for the protection and enhancement of those values  
3 7 cited in section 461D.1, subsection 6.

3 8 Sec. 5. NEW SECTION. 461D.5 PROSPECTIVE DESIGNATION

3 9 PUBLIC HEARINGS.

3 10 After the nomination of prospective protected Loess Hills  
3 11 areas by the commission and prior to the designation as a  
3 12 prospective protected Loess Hills area, the commission shall  
3 13 conduct a public hearing in the vicinity of the Loess Hills  
3 14 area. Notice of the hearing shall be published at least  
3 15 twice, not less than seven days prior to the hearing, in a  
3 16 newspaper having general circulation in each county in which  
3 17 the proposed Loess Hills area is located.

3 18 Sec. 6. NEW SECTION. 461D.6 MANAGEMENT PLAN.

3 19 The commission shall prepare and maintain a management plan  
3 20 containing the recommendations for the establishment,  
3 21 development, management, use, and administration of each  
3 22 prospective protected Loess Hills area designated by the  
3 23 commission. The management plan shall be completed during the  
3 24 two-year prospective designation period.

3 25 Sec. 7. NEW SECTION. 461D.7 MANAGEMENT PLAN PUBLIC

3 26 HEARING.

3 27 The commission shall hold a final public hearing on the  
3 28 completed management plan in the vicinity of the Loess Hills  
3 29 area at least thirty days before permanent designation by the  
3 30 commission. Notice of the hearing shall be published at least  
3 31 twice, not less than seven days prior to the hearing, in a  
3 32 newspaper having general circulation in each county in which  
3 33 the Loess Hills area is located.

3 34 Sec. 8. NEW SECTION. 461D.8 DESIGNATION.

3 35 The commission may adopt the management plan and may  
4 1 permanently designate the area as part of the protected Loess  
4 2 Hills area system. Upon the commission's adoption of the  
4 3 management plan and permanent designation of the area as a  
4 4 protected Loess Hills area, the commission may submit the  
4 5 management plan to the general assembly for funding  
4 6 consideration.

4 7 Sec. 9. NEW SECTION. 461D.9 PROTECTION METHODS.

4 8 The commission may use any one or a combination of the  
4 9 available methods, except eminent domain, for managing and  
4 10 preserving a protected Loess Hills area, including but not  
4 11 limited to fee and less than fee title acquisition techniques  
4 12 such as easements, leasing agreements, covenants, and existing  
4 13 tax incentive programs.

4 14 Sec. 10. NEW SECTION. 461D.10 LANDOWNER COOPERATION.

4 15 Recognizing that most of the protected Loess Hills areas  
4 16 may be within privately owned lands, the commission shall  
4 17 cooperate with the landowners within the designated areas in  
4 18 achieving the purposes of this chapter. The landowners within

4 19 the designated areas are encouraged to cooperate with the  
4 20 commission. Commission staff shall meet separately or in  
4 21 small groups with landowners within prospective protected  
4 22 Loess Hills areas during the preparation of the master plan to  
4 23 establish workable and acceptable agreements for the  
4 24 protection of the area and its accompanying resources in a  
4 25 manner consistent with the purposes of this chapter and the  
4 26 interest and concerns of the landowners.

4 27 Sec. 11. NEW SECTION. 461D.11 JUDICIAL REVIEW.

4 28 Judicial review of action of the commission may be sought  
4 29 in accordance with chapter 17A. Notwithstanding chapter 17A,  
4 30 petitions for judicial review may be filed in the district  
4 31 court of Polk county or of any county in which the property  
4 32 affected is located.

4 33 Sec. 12. NEW SECTION. 461D.12 LOCAL TAX REIMBURSEMENT.

4 34 The state, subject to appropriation by the general  
4 35 assembly, shall reimburse from the general fund of the state  
5 1 any political subdivision the amount of tax moneys lost due to  
5 2 any lower assessments of property resulting from lease  
5 3 agreements, and the acquisition of public lands and  
5 4 conservation easements stemming from designation of a  
5 5 protected Loess Hills area.

5 6 Sec. 13. NEW SECTION. 461D.13 INTERAGENCY COOPERATION.

5 7 All state agencies and governing bodies of cities and  
5 8 counties and county conservation boards which are  
5 9 participating in the process for designation of a protected  
5 10 Loess Hills area under this chapter shall cooperate with the  
5 11 commission and coordinate their authorities, responsibilities,  
5 12 and program administration in a manner which will aid in the  
5 13 integrity of the protected Loess Hills area system as outlined  
5 14 in the state plan, individual management plans, and commission  
5 15 administrative rules.

5 16 Sec. 14. NEW SECTION. 461D.14 MANAGEMENT COOPERATION  
5 17 WITH LOCAL GOVERNMENT SUBDIVISIONS.

5 18 The commission may enter into written cooperative  
5 19 agreements with governing bodies of cities and counties and  
5 20 county conservation boards for the management of a protected  
5 21 Loess Hills area.

5 22 Sec. 15. NEW SECTION. 461D.15 PART OF A NATIONAL PARK  
5 23 SYSTEM.

5 24 This chapter does not preclude a component of the protected  
5 25 Loess Hills area system from being a part of a national park  
5 26 system.

5 27 Sec. 16. NEW SECTION. 461D.16 DEPARTMENTAL RULES.

5 28 The commission shall adopt under chapter 17A and enforce  
5 29 the administrative rules it deems necessary to administer this  
5 30 chapter.

5 31 EXPLANATION

5 32 This bill provides for the establishment of a state  
5 33 management plan for the protection of Loess Hills areas which  
5 34 are found to have outstanding cultural and natural values such  
5 35 as scenic, forest, prairie, mineral, geological, historic,  
6 1 archaeological, recreational, educational, water quality, and  
6 2 flood protection values. The state plan is to be prepared and  
6 3 implemented by the natural resource commission of the  
6 4 department of natural resources. The department is to  
6 5 encourage participation by governing bodies of cities and  
6 6 counties, county conservation boards, and individual  
6 7 landowners.

6 8 The bill provides that the natural resources commission  
6 9 establish procedures for identifying those areas of the Loess  
6 10 Hills and bluffs in western Iowa which should be protected  
6 11 from harmful uses and erosion. The protections may be  
6 12 implemented by acquiring fee simple title from willing  
6 13 sellers, conservation easements, or other agreements.

6 14 The bill also provides for reimbursement by the state for  
6 15 losses of local tax property tax revenue due to the public

6 16 acquisition of protected Loess Hills areas by purchase or  
6 17 conservation easement or other leasing arrangements.  
6 18 LSB 3596HC 77  
6 19 tj/jl/8