

Senate Study Bill 3098 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED REBUILD IOWA
OFFICE BILL)

A BILL FOR

1 An Act relating to flood plain management.

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

1 Section 1. NEW SECTION. 455B.276A Flood plains.

2 1. When an area of the state is identified as a two-tenths
3 percent flood plain on a flood insurance rate map certified by
4 the federal emergency management agency or on a flood plain
5 map produced by the department, the two-tenths percent flood
6 plain shall be the applicable flood plain designation for the
7 purposes of this chapter and rules adopted pursuant to this
8 chapter. An area of this state on the landward side of a flood
9 control levee recognized by the federal emergency management
10 agency as protecting against a two-tenths percent flood shall
11 not be considered part of a two-tenths percent flood plain and
12 shall not be subject to regulations for a two-tenths percent
13 flood.

14 2. The department and political subdivisions of this state
15 shall do all of the following:

16 a. Prohibit the reconstruction of structures and
17 infrastructure substantially damaged by a flood in a floodway.
18 This paragraph shall not apply to structures and infrastructure
19 necessary for the construction or maintenance of utility
20 facilities, transportation infrastructure, water control
21 facilities, or public infrastructure if more restrictive local
22 ordinances, permitting requirements, or other regulations
23 apply.

24 b. Limit reconstruction or new construction in a two-tenths
25 percent flood plain to not more than three vertical feet
26 of fill above the natural ground line. The department and
27 political subdivisions may permit means other than fill to
28 elevate structures.

29 c. Require new construction of facilities critical for
30 health and safety of the public and the environment to be
31 located in areas that are not designated two-tenths percent
32 flood plains whenever practicable. If not practicable, new
33 construction of facilities critical for health and safety of
34 the public and the environment built in a two-tenths percent
35 flood plain shall be designed to ensure that the operation

1 and function of the facility can be maintained during the
2 occurrence of a two-tenths percent flood. Facilities critical
3 for health and safety of the public and the environment include
4 hospitals and nursing homes; emergency operations centers
5 including fire, police, and rescue facilities; vital data
6 storage centers; power generation and other utilities including
7 related infrastructure such as principal points of utility
8 systems; and any facilities that produce, use, or store toxic
9 pollutants.

10 Sec. 2. NEW SECTION. **466.10 Hydrological tiling study.**

11 The department of agriculture and land stewardship shall
12 conduct a hydrological tiling study in conjunction with
13 hydrology experts from the Iowa flood center and Iowa state
14 university of science and technology to determine the impact
15 tile drainage has on infiltration, surface runoff, and flooding
16 and to evaluate the feasibility of seasonal retention of water
17 in tile drained fields as a drainage management strategy. The
18 impact of potholes, wetlands, and water retention structures
19 shall also be considered in the study.

20 Sec. 3. Section 466B.4, subsection 2, Code Supplement 2009,
21 is amended to read as follows:

22 2. *Marketing campaign.* The water resources coordinating
23 council shall develop a marketing campaign to educate Iowans
24 about the need to take personal responsibility for the quality
25 and quantity of water in their local watersheds. The emphasis
26 of the campaign shall be that not only is everyone responsible
27 for clean water, but that everyone benefits from it as well,
28 and that everyone is responsible for and benefits from reducing
29 the risk for flooding and mitigating possible future flood
30 damage. The goals of the campaign shall be to convince Iowans
31 to take personal responsibility for clean water and reducing
32 the risk of flooding and to equip them with the tools necessary
33 to effect change through local water quality improvement
34 projects and better flood plain management and flood risk
35 programs.

1 Sec. 4. NEW SECTION. **466B.10 Multipurpose wetlands.**

2 The department of agriculture and land stewardship, in
3 cooperation with the council, shall initiate programs to
4 integrate multipurpose wetlands into watersheds with drainage
5 districts or larger drainage systems and shall prioritize
6 funding for such programs that incorporate a holistic approach.
7 Existing drainage systems shall be retrofitted to provide for
8 nutrient trapping and treatment, more water infiltration and
9 evapotranspiration, greater water runoff retention, and habitat
10 to support biodiversity.

11 Sec. 5. NEW SECTION. **466B.11 Watershed demonstration pilot**
12 **project.**

13 The department of natural resources and the department of
14 agriculture and land stewardship, in collaboration with the
15 United States department of agriculture's natural resources
16 conservation service and the Iowa flood center established
17 pursuant to section 466C.1, and in cooperation with the
18 council, shall seek funding to plan, implement, and monitor a
19 watershed demonstration pilot project for urban and rural areas
20 involving a twelve-digit hydrologic unit code subwatershed as
21 defined by the United States geological survey. The pilot
22 project shall include features that seek to do all of the
23 following:

- 24 1. Maximize soil water holding capacity from precipitation.
- 25 2. Minimize severe scour erosion and sand deposition during
26 floods.
- 27 3. Manage water runoff in uplands under saturated soil
28 moisture conditions.
- 29 4. Reduce and mitigate structural and nonstructural flood
30 damage.

31 Sec. 6. NEW SECTION. **466B.12 Flood plain managers.**

32 The council shall encourage and support the formation
33 of a local chapter of the association of state flood plain
34 managers in Iowa that would provide a vehicle for local flood
35 plain managers and flood plain planners to further pursue

1 professional educational opportunities.

2 Sec. 7. NEW SECTION. 466B.13 Flood education.

3 The Iowa state university agricultural extension service,
4 the council, and agency members of the council shall work
5 with flood plain and hydrology experts to educate the general
6 public about flood plains, flood risks, and basic flood plain
7 management principles. This educational effort shall include
8 all of the following:

9 1. Developing a statewide soil moisture monitoring network
10 for assessing flood risk through the Iowa water center of Iowa
11 state university of science and technology and the Leopold
12 center for sustainable agriculture established in section
13 266.39, and make extensive use of existing tools and knowledge
14 focused on soil health, specifically the soil conditioning
15 index of the United States department of agriculture's natural
16 resources conservation service as a common metric for improved
17 agronomic and conservation practices.

18 2. Developing educational materials and programs in
19 consultation with flood plain experts.

20 3. Expanding use of existing integrated farm and land
21 resource management tools to assist planners, landowners,
22 and farmers in planning and creating infiltration systems to
23 accommodate rainfalls of up to one and one-quarter inch and
24 support conservation and business planning.

25 Sec. 8. NEW SECTION. 466B.14 Climate criteria.

26 The department of natural resources and the department
27 of agriculture and land stewardship, in cooperation with
28 the council, shall work with the United States department
29 of agriculture's natural resources conservation service to
30 reassess criteria for conservation practices due to changing
31 climate. This shall include all of the following technical
32 standards and manuals:

33 1. The field office technical guide of the natural resources
34 conservation service for conservation criteria.

35 2. The engineering field manual of the natural resources

1 conservation service for design criteria.

2 Sec. 9. Section 558A.4, subsection 1, Code 2009, is amended
3 to read as follows:

4 1. The disclosure statement shall include information
5 relating to the condition and important characteristics
6 of the property and structures located on the property,
7 including significant defects in the structural integrity of
8 the structure, the type of flood plain where the structure
9 is located, and whether alluvial soils are present on the
10 property, as provided in rules which shall be adopted by the
11 real estate commission pursuant to section 543B.9. The rules
12 may require the disclosure to include information relating
13 to the property's zoning classification; the condition of
14 plumbing, heating, or electrical systems; or the presence of
15 pests.

16 Sec. 10. STORM WATER STANDARDS. The department of natural
17 resources shall adopt minimum storm water standards to be
18 implemented by July 1, 2011. The standards shall limit
19 water runoff, reduce potential future flood damage, assess
20 the effects of stream channelization, and improve watershed
21 management in terms of both water quality and water quantity.

22 Sec. 11. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
23 PERMITS FOR STORM WATER DISCHARGE. The department of natural
24 resources shall modify permits valid on July 1, 2010, and
25 issued under the national pollutant discharge elimination
26 system permit program to require the mitigation of soil
27 compaction and replacement of topsoil as part of completing
28 the construction for permitted actions involving one or more
29 acres of land disturbance. The department shall include such
30 requirements in new permits issued on or after July 1, 2010.

31 Sec. 12. LEVEE INVESTMENT.

32 1. The department of natural resources shall establish
33 criteria to prioritize investments in levees in situations
34 where no other practicable alternatives exist for mitigating
35 flood damage risk.

1 2. In lieu of levees in rural areas, the department
2 shall encourage policies and practices that give priority to
3 reconnecting streams and rivers to their flood plains through
4 modification or removal of existing levees and discourage the
5 construction of additional levees.

6 3. The department shall work cooperatively with state and
7 federal departments and agencies and with private organizations
8 to develop an interagency assessment and prioritization
9 process to guide easement and land purchase decisions and
10 other infrastructure management efforts in flood plain areas.
11 The department shall utilize all available state and federal
12 resources to provide project planning and support for rural
13 levee modification and compensatory agreements with rural
14 landowners.

15 EXPLANATION

16 This bill relates to flood plain management.

17 The bill designates the proper flood plain percentage
18 for purposes of applicability to Code chapter 455B and rules
19 adopted pursuant to that Code chapter. The bill requires
20 the department and political subdivisions in the state to
21 prohibit the reconstruction of structures and infrastructure
22 substantially damaged by a flood in a floodway, limit
23 reconstruction or new construction in an applicable flood
24 plain to not more than three vertical feet of fill above
25 the natural ground line, and require new construction of
26 facilities critical for health and safety of the public and
27 the environment to be located in areas that are not designated
28 two-tenths percent flood plains whenever practicable.

29 The bill requires the department of agriculture and land
30 stewardship in conjunction with hydrology experts from the
31 Iowa flood center and Iowa state university to conduct a
32 hydrological tiling study.

33 Currently, the water resources coordinating council is
34 required to develop a marketing campaign to educate Iowans
35 regarding water quality and watersheds. The bill provides that

1 the campaign must also include information regarding reducing
2 the risk of flooding and mitigating possible future flood
3 damage.

4 The bill requires the department of agriculture and
5 land stewardship, in cooperation with the water resources
6 coordinating council, to initiate programs to integrate
7 multipurpose wetlands into watersheds with drainage districts
8 or larger drainage systems and shall prioritize funding for
9 such programs that incorporate a holistic approach.

10 The bill requires the department of natural resources
11 and the department of agriculture and land stewardship, in
12 collaboration with the natural resources conservation service
13 and the Iowa flood center, and in cooperation with the water
14 resources coordinating council, to seek funding to plan,
15 implement, and monitor a watershed demonstration pilot project
16 for urban and rural areas involving a twelve-digit hydrologic
17 unit code subwatershed as defined by the United States
18 geological survey.

19 The bill requires the water resources coordinating council
20 to encourage and support the formation of a local chapter of
21 the association of state flood plain managers in Iowa.

22 The bill requires the Iowa state university agricultural
23 extension service, the water resources coordinating council,
24 and agency members of the council to work with flood plain
25 and hydrology experts to educate the general public about
26 flood plains, flood risks, and basic flood plain management
27 principles.

28 The bill requires the department of natural resources
29 and the department of agriculture and land stewardship, in
30 cooperation with the water resources coordinating council, to
31 work with natural resources conservation service to reassess
32 criteria for conservation practices due to changing climate.

33 The bill requires disclosure statements for certain real
34 estate transactions to include disclosures regarding the type
35 of flood plain where the structure is located and whether

1 alluvial soils are present on the property.

2 The bill requires the department of natural resources to
3 adopt minimum storm water standards to be implemented by July
4 1, 2011.

5 The bill requires the department of natural resources to
6 modify permits valid on July 1, 2010, and issued under the
7 national pollutant discharge elimination system permit program
8 to require the mitigation of soil compaction and replacement of
9 topsoil as part of completing the construction for permitted
10 actions involving one or more acres of land disturbance. The
11 department must also include such requirements in new permits
12 issued on or after July 1, 2010.

13 The bill requires the department of natural resources to
14 establish criteria to prioritize investments in levees in
15 situations where no other practicable alternatives exist for
16 mitigating flood damage risk.

17 The bill requires the department of natural resources,
18 in lieu of levees in rural areas, to encourage policies and
19 practices that give priority to reconnecting streams and rivers
20 to their flood plains through modification or removal of
21 existing levees and discourage the construction of additional
22 levees.

23 The bill requires the department of natural resources
24 to work cooperatively with state and federal departments
25 and agencies and with private organizations to develop an
26 interagency assessment and prioritization process to guide
27 easement and land purchase decisions and other infrastructure
28 management efforts in flood plain areas.