

House Study Bill 566 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to conservation and recreation policies and
2 programs within the department of natural resources.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455A.4, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. The department is, except as otherwise
4 provided by law, empowered to make and execute agreements,
5 contracts, grants, and other instruments necessary to carry out
6 the department's obligations.

7 Sec. 2. Section 456B.1, subsection 4, Code 2018, is amended
8 to read as follows:

9 4. ~~"Protected~~ "State protected wetlands" means type 3,
10 type 4, and type 5 wetlands as described in circular 39,
11 "Wetlands of the United States", 1971 Edition, published by
12 the United States department of the interior, or a palustrine
13 emergent wetland with a water regime of seasonally flooded,
14 semipermanently flooded, or permanently flooded as described
15 in "Classification of Wetlands and Deepwater Habitats of the
16 United States", published in 1979 by the United States fish
17 and wildlife service. However, a state protected wetland does
18 not include land where an agricultural drainage well has been
19 plugged causing a temporary wetland or land within a drainage
20 district or levee district.

21 Sec. 3. Section 456B.12, Code 2018, is amended by striking
22 the section and inserting in lieu thereof the following:

23 **456B.12 Inventory of state protected wetlands.**

24 The department shall inventory the wetlands and marshes
25 of each county and make a preliminary designation as to
26 which constitute state protected wetlands by using current
27 geographic information system technology and comparisons to
28 past inventories.

29 Sec. 4. Section 456B.13, Code 2018, is amended by striking
30 the section and inserting in lieu thereof the following:

31 **456B.13 State protected wetlands easement program.**

32 The department may develop and implement an easement program
33 for state protected wetlands and may obtain an easement on a
34 state protected wetland under the following conditions:

35 1. The grantor is a willing participant in the easement

1 program.

2 2. The value of the easement is based upon an appraisal
3 prepared by an independent certified appraiser.

4 3. The general assembly appropriates funding for the
5 easement program or the department receives funding from other
6 sources and such funding is eligible for use in the easement
7 program. This subsection expressly authorizes the department
8 to receive funds from public or private organizations or
9 persons for the purpose of developing and implementing the
10 easement program.

11 Sec. 5. REPEAL. Chapter 28N, Code 2018, is repealed.

12 Sec. 6. REPEAL. Sections 455A.8, 455A.8A, and 456B.14, Code
13 2018, are repealed.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill changes duties and responsibilities of the
18 department of natural resources.

19 The department currently does not have explicit
20 authorization to make and execute agreements, contracts,
21 grants, and other instruments necessary to carry out the
22 department's obligations. The bill grants the department this
23 authority.

24 In Code chapter 456B, the definition of "protected wetlands"
25 includes type 3, type 4, and type 5 wetlands as described in
26 circular 39, "Wetlands of the United States", 1971 Edition.
27 The department must inventory the wetlands and marshes of
28 each county and make preliminary designations as to which
29 constitute protected wetlands, in consultation with the
30 county conservation board. After completing the inventory,
31 the department shall use an existing map, or prepare a map,
32 and a list of the marshes and wetlands that the department
33 designated as protected wetlands in each county and file the
34 list and map with the county conservation board and county
35 recorder. The department must notify affected landowners,

1 who have the opportunity to challenge designations. A person
2 cannot drain a wetland without a permit from the department.
3 The department can only grant a permit if the landowner meets
4 certain conditions. A person who drains a wetland without a
5 permit or otherwise violated a permit is subject to a civil
6 penalty of no more than \$500 per day for each day the violation
7 continues, commencing on the fourth day after the violator
8 receives notice of the violation.

9 The bill changes the term "protected wetlands" in Code
10 chapter 456B to "state protected wetlands". The bill expands
11 the definition to include an alternate type of wetland to
12 the three types described in the existing definition. The
13 bill requires the department to preliminarily designate state
14 protected wetlands by using current geographic information
15 system technology and comparisons to past inventories. The
16 bill removes the prohibition against draining wetlands without
17 a permit and the associated civil penalty. The bill creates an
18 easement program that allows the department to obtain easements
19 on state protected wetlands if the grantor of the easement is a
20 willing participant, the value of the easement is based on an
21 appraisal prepared by an independent certified appraiser, and
22 the Iowa general assembly appropriates funding for the easement
23 program or the department receives funding from other sources
24 and such funding is eligible for use in the easement program.
25 The bill expressly allows public and private parties to donate
26 funds to the department to develop and implement the easement
27 program.

28 Currently, a Mississippi river partnership council provides
29 a forum for stakeholders to discuss matters relevant to the
30 health, management, and use of the Mississippi river. The
31 council has the authority to develop strategies and work with
32 communities, organizations, other states, and federal agencies
33 to further its goals.

34 The department currently contains the Brushy creek
35 recreation trails advisory board that has the purpose of

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1 maintaining and improving the trail system within the Brushy
2 creek recreation area and the adjoining state preserve.

3 The bill repeals the Mississippi river partnership council
4 and the Brushy creek recreation trails advisory board.