

House File 151 - Introduced

HOUSE FILE 151

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A BILL FOR

1 An Act relating to surface water quality by requiring the
2 establishment and maintenance of riparian protection measures,
3 providing for financing, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 161A.4, Code 2025, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. The division, in consultation with the
4 state soil conservation and water quality committee, and in
5 cooperation with the commissioners of the soil and water
6 conservation districts and the department of natural resources,
7 shall adopt rules pursuant to chapter 17A to implement,
8 administer, and enforce chapter 466B, subchapter V.

9 Sec. 2. Section 161A.42, subsection 4, Code 2025, is amended
10 by adding the following new paragraph:

11 NEW PARAGRAPH. d. The establishment of riparian protection
12 measures as provided in chapter 466B, subchapter V.

13 Sec. 3. Section 161A.42, Code 2025, is amended by adding the
14 following new subsections:

15 NEW SUBSECTION. 7A. "Permanent soil and water conservation
16 practice" means the planting of perennial grass, legumes,
17 shrubs, or trees, the establishment of a grassed waterway, the
18 construction of a terrace, or another permanent soil and water
19 practice approved by the division.

20 NEW SUBSECTION. 12. "Temporary soil and water conservation
21 practice" means the planting of annual or biennial crops, use of
22 strip-cropping, contour planting, or minimum or mulch tillage, or
23 any other cultural practice approved by the division.

24 Sec. 4. Section 161A.42, subsection 9, Code 2025, is amended
25 to read as follows:

26 9. ~~"Soil and water conservation practices"~~ "Soil and water
27 conservation practice" means any of the practices designated
28 ~~in or pursuant to this subsection practice which serve~~ serve
29 to prevent erosion of soil by wind or water, in excess of
30 applicable soil loss limits, from land used for agricultural or
31 horticultural purposes only.

32 ~~a. "Permanent soil and water conservation practices" means~~
33 ~~planting of perennial grasses, legumes, shrubs, or trees, the~~
34 ~~establishment of grassed waterways, and the construction of~~
35 ~~terraces, or other permanent soil and water practices approved by~~

1 ~~the division.~~

2 ~~b. "Temporary soil and water conservation practices" means~~
3 ~~planting of annual or biennial crops, use of strip-cropping,~~
4 ~~contour planting, or minimum or mulch tillage, and any other~~
5 ~~cultural practices approved by the division.~~

6 Sec. 5. Section 161A.48, subsection 1, Code 2025, is amended
7 to read as follows:

8 1. a. An Except as provided in paragraph "b", the owner
9 or occupant of agricultural land in this state is not required
10 to establish any new permanent or temporary soil and water
11 conservation practice unless cost-share or other public moneys
12 have been specifically approved for that land and made available
13 to the owner or occupant pursuant to section 161A.74.

14 b. Paragraph "a" does not apply to riparian protection
15 measures as provided in chapter 466B, subchapter V.

16 Sec. 6. Section 161A.49, Code 2025, is amended to read as
17 follows:

18 **161A.49 Petition for court order.**

19 1. The Except as provided in subsection 2, the commissioners
20 shall petition the district court for a court order requiring
21 immediate compliance with an administrative order previously
22 issued by the commissioners as provided in section 161A.47, if
23 all of the following apply:

24 1. a. The work necessary to comply with the administrative
25 order is not commenced on or before the date specified in
26 such order, or in any supplementary order subsequently issued
27 as provided in section 161A.48, unless in the judgment of the
28 commissioners the failure to commence or complete the work as
29 required by the administrative order is due to factors beyond the
30 control of the person or persons to whom such order is directed
31 and the person or persons can be relied upon to commence and
32 complete the necessary work at the earliest possible time.

33 2. b. Such work is not being performed with due diligence,
34 or is not satisfactorily completed by the date specified in the
35 administrative order, or when completed does not reduce soil

1 erosion from such land below the limits established by the soil
2 and water conservation district's regulations.

3 ~~3.~~ c. The person or persons to whom the administrative order
4 is directed advise the commissioners that they do not intend to
5 commence or complete such work.

6 2. Subsection 1 does not apply to the extent that the
7 division proceeds against a landowner for violating a riparian
8 protection measure as provided in chapter 466B, subchapter V.

9 Sec. 7. Section 161A.72, Code 2025, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 1A. The division shall provide a priority to
12 financing the establishment of riparian protection measures as
13 provided in chapter 466B, subchapter V.

14 Sec. 8. Section 161C.2, subsection 1, paragraph a, Code 2025,
15 is amended to read as follows:

16 a. Each soil and water conservation district, alone and
17 whenever practical in conjunction with other districts, shall
18 carry out district-wide and multiple-district projects to support
19 water protection practices in the district or districts,
20 including projects to protect this state's groundwater and
21 surface water from point and nonpoint sources of contamination,
22 including but not limited to contamination by agricultural
23 drainage wells, sinkholes, sedimentation, or chemical pollutants.
24 A district acting alone or in conjunction with other districts
25 shall provide priority to establishing riparian protection
26 measures as provided in chapter 466B, subchapter V.

27 Sec. 9. Section 455B.171, subsection 11, Code 2025, is
28 amended to read as follows:

29 11. "Iowa nutrient reduction strategy" means a water quality
30 initiative developed and updated by the department of agriculture
31 and land stewardship, the department of natural resources, and
32 the college of agriculture and life sciences at Iowa state
33 university of science and technology in order to assess do all
34 of the following:

35 a. Assess and reduce nutrients in this state's watersheds

1 that utilize a pragmatic, strategic, and coordinated approach
2 with the goal of accomplishing reductions over time.

3 b. Evaluate the progress of water quality initiatives
4 including but not limited to the programs and riparian protection
5 measures provided in chapter 466B, subchapter V.

6 Sec. 10. Section 466B.5, Code 2025, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 2A. *Riparian protection.* The department of
9 natural resources shall provide for the assessment of regional
10 watersheds and subwatersheds that are identified in the riparian
11 protection inventory and map.

12 Sec. 11. Section 466B.6, Code 2025, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 3. *Riparian protection.* A community-based
15 subwatershed improvement plan shall provide for methods to
16 increase compliance with riparian protection measures provided in
17 subchapter V.

18 Sec. 12. Section 466B.7, subsection 2, Code 2025, is amended
19 to read as follows:

20 2. *Data collection and use.* Local communities in which the
21 department of natural resources conducts subwatershed monitoring
22 shall use the information to support subwatershed planning
23 activities, do local data collection, and identify priority
24 areas needing additional resources. Local communities shall
25 also collect data regarding the effect of riparian protection
26 measures, and collect data over time and use the data to evaluate
27 for use in evaluating the impacts of their management efforts.

28 Sec. 13. NEW SECTION. **466B.51 Definitions.**

29 As used in this subchapter, unless the context otherwise
30 requires:

31 1. "Department" means the department of natural resources.

32 2. "District" means a soil and water conservation district
33 established in section 161A.5.

34 3. "Division" means the division of soil conservation and
35 water quality created within the department of agriculture and

1 land stewardship pursuant to section 159.5.

2 4. "Landowner" means a person listed on the tax assessment
3 rolls as responsible for the payment of real estate taxes imposed
4 on the land adjacent to a public water source.

5 5. "Normal water level" means the level evidenced by the
6 long-term presence of surface water as indicated directly by
7 hydrophytic plants or hydric soils or indirectly determined via
8 hydrological models or analysis.

9 6. a. "Process wastewater" means water directly or
10 indirectly used in the operation of an animal feeding operation
11 as defined in section 459.102 for spillage or overflow from
12 animal or poultry watering systems; washing, cleaning, or
13 flushing of pens, barns, manure pits, or other facilities; direct
14 contact swimming, washing, or spray-cooling of animals; or dust
15 control.

16 b. "Process wastewater" also includes any water that comes
17 into contact with any raw materials, products, or byproducts,
18 including manure, litter, feed, milk, eggs, or bedding.

19 7. "Public water source" means waters of the state having
20 definite banks and a bed.

21 8. "Riparian protection measure" means a riparian protection
22 buffer or an alternative riparian protection practice as provided
23 in section 466B.55.

24 9. "Waters of the state" means any stream, lake, pond,
25 marsh, watercourse, waterway, well, spring, reservoir, aquifer,
26 irrigation system, drainage system, and any other body or
27 accumulation of water, surface or underground, natural or
28 artificial, public or private, which is contained within, flows
29 through, or borders upon the state or any portion of the state.

30 **Sec. 14. NEW SECTION. 466B.52 Purposes and goals.**

31 1. The purpose of this subchapter is to establish riparian
32 protection measures for public water sources that do all of the
33 following:

34 a. Provide protection from erosion and runoff pollution.

35 b. Stabilize soils, shores, and banks.

1 c. Protect or provide riparian corridors for public use.

2 2. In administering this subchapter, the division, in
3 consultation with the department, shall advance all of the
4 following goals:

5 a. Reduce soil erosion and sediment loss, including by doing
6 any of the following:

7 (1) Stabilizing the soil or otherwise limiting sediment from
8 being conveyed by surface water runoff.

9 (2) Filtering sediment-laden water.

10 b. Manage nutrients and reduce contributing contaminant loads
11 to receiving public surface waters.

12 c. Provide a setback distance from an input applied to
13 adjacent land, including pesticides as defined in section 206.2,
14 nutrients as defined in section 455B.171, commercial fertilizers
15 or soil conditioners as those terms are defined in section 200.3,
16 manure as defined in section 459.102, open feedlot effluent or
17 animal truck wash effluent as those terms are defined in section
18 459A.102, or process wastewater.

19 d. Reduce the volume or velocity of precipitation-induced
20 surface water.

21 e. Improve stream or ditch bank stability with deep-rooted
22 plants.

23 f. Provide an infiltration area for surface water.

24 g. Provide an uptake and denitrification zone for shallow
25 subsurface flow.

26 h. Retire adjacent land from crop production in areas that
27 have low productivity or are inefficient to farm.

28 i. Provide habitat for beneficial wildlife species if a
29 corridor is sufficiently wide or the buffer connects larger
30 habitat areas together.

31 **Sec. 15. NEW SECTION. 466B.53 Administration and**
32 **enforcement.**

33 1. The division shall administer and enforce this chapter
34 in consultation with the department. The division shall adopt
35 all rules necessary or desirable to carry out this subchapter,

1 including rules necessary or desirable to effectuate this
2 subchapter's purposes and goals as provided in section 466B.52.

3 2. The division shall assist the department and the water
4 resources coordinating council established in section 466B.3,
5 including in the completion of a statewide regional watershed
6 assessment, prioritization, and planning process described in
7 section 466B.5.

8 3. a. The commissioners of a district shall consult with
9 department field office staff in assisting the division in the
10 administration and enforcement of this subchapter.

11 b. The commissioners of a district shall assist landowners in
12 establishing and maintaining riparian protection measures. The
13 assistance may be in the form of planning, technical support, and
14 tracking progress toward compliance with the requirements of this
15 subchapter.

16 4. The division, acting on its own or on behalf of the
17 commissioners of a district, may obtain an administrative search
18 warrant to determine compliance with this subchapter as provided
19 in section 808.14.

20 Sec. 16. NEW SECTION. **466B.54 Riparian protection inventory**
21 **and map.**

22 1. The department shall prepare, revise, and publish a
23 riparian protection inventory and map for each county which shall
24 be used as the basis of designating public water sources that
25 require riparian protection from nonpoint sources of pollution as
26 provided in this subchapter.

27 2. In preparing and revising a riparian protection inventory
28 and map, the department shall provide priority to a public water
29 source classified as any of the following:

30 a. Part of a subwatershed that drains into a water body or
31 water segment placed on the department's section 303(d) list
32 as defined in section 455B.171, regardless of whether a total
33 maximum daily load for that water body or water segment has been
34 developed.

35 b. A high-quality water resource as defined in section

1 459.102.

2 c. The Mississippi river basin as part of the Mississippi
3 river basin healthy watersheds initiative as provided in chapter
4 161G.

5 3. Each tract of land where each riparian protection measure
6 is to be established shall be identified according to a system of
7 parcels identified by a property identification number according
8 to uniform criteria developed by the department.

9 4. The division, and a board governing a drainage or
10 levee district as provided in chapter 468, shall provide all
11 cooperation requested by the department in order to prepare and
12 revise a riparian protection inventory and map.

13 Sec. 17. NEW SECTION. **466B.55 Riparian protection**
14 **measures.**

15 1. A landowner shall establish and maintain riparian
16 protection measures as provided in this section.

17 2. a. A landowner of property adjacent to a public water
18 source identified as part of a riparian protection inventory and
19 map shall maintain a continuous riparian protection buffer as
20 follows:

21 (1) The riparian protection buffer must consist of perennial
22 vegetation, excluding invasive plants and weeds declared noxious
23 pursuant to section 317.1A, if the area is adjacent to a public
24 water source.

25 (2) (a) Except as provided in subparagraph division (b), the
26 riparian protection buffer shall have a fifty-foot average width
27 and a thirty-foot minimum width.

28 (b) A landowner shall comply with subparagraph division
29 (a) twelve months after the land is identified in a riparian
30 protection inventory and map published under section 466B.54.
31 The commissioners of a district may grant a landowner a one-time
32 waiver of this requirement for not more than one year.

33 (3) (a) For a ditch, tile drain, watercourse, or settling
34 basin established as part of a drainage or levee district
35 governed under chapter 468, the buffer shall have a sixteen and

1 one-half foot minimum width.

2 (b) A landowner shall comply with subparagraph division (a)
3 twenty-four months after the land is identified as part of a
4 riparian protection inventory and map published under section
5 466B.54. The commissioners of a district may grant a landowner a
6 one-time waiver of this requirement for not more than one year.

7 b. The width of a riparian protection buffer shall be
8 measured from the crown of the bank. Where there is no defined
9 bank, the measurement shall be from the edge of the normal
10 water level. The division may provide a different measurement
11 method for a ditch, tile drain, watercourse, or settling basin
12 established as part of a drainage or levee district governed
13 under chapter 468.

14 3. a. A landowner of property adjacent to a public water
15 source identified as part of a riparian protection inventory
16 and map may meet the requirements described in subsection 1 by
17 adopting an alternative riparian protection practice alone or
18 in combination with a modified riparian protection buffer. The
19 alternative riparian protection practice as established alone or
20 in combination with a riparian protection buffer shall provide
21 water quality protection comparable to the riparian protection
22 described in subsection 2.

23 b. A landowner shall comply with paragraph "a" twelve
24 months after the land is identified as part of a riparian
25 protection inventory and map published under section 466B.54.
26 The commissioners of a district may grant a one-time waiver of
27 this requirement for not more than one year.

28 4. The terms and conditions of a riparian protection measure
29 shall be set forth in a parcel-specific riparian protection
30 compliance plan approved by the commissioners of the district
31 where the land is located and filed by the commissioners with
32 the division which shall be published on the division's internet
33 site. The riparian protection plan may be part of a financing
34 agreement entered into by the landowner and the division or
35 commissioners of a district as provided in chapter 161A.

1 5. The establishment and maintenance of a riparian protection
2 measure shall at least comply with all requirements of soil
3 and water conservation practices or erosion control practices
4 as described in chapter 161A, unless otherwise provided by
5 the division and agreed to by the commissioners. A riparian
6 protection measure qualifies for water quality agriculture
7 infrastructure programs created in section 466B.43 and the water
8 quality urban infrastructure program as provided in section
9 466B.44. A riparian protection measure shall be inspected and
10 certified by the commissioners of the district where the land is
11 located as required by the division.

12 6. This section does not prevent a landowner from using land
13 established for riparian protection in any manner that does not
14 interfere with the requirements of this subchapter, including a
15 riparian protection compliance plan. The division shall upon
16 request of a landowner issue a declaratory order regarding the
17 use as provided in section 17A.9.

18 Sec. 18. NEW SECTION. **466B.56 Exemptions.**

19 1. A landowner is not required to comply with the
20 requirements in section 466B.55 if any of the following apply:

21 a. The public water source is located adjacent to land where
22 only one landowner is riparian.

23 b. A person's contribution of a pollutant to a public water
24 source is regulated by the department under chapter 455B or
25 pursuant to a permit related to the administration of the
26 national pollutant discharge elimination system permit program
27 pursuant to the federal Water Pollution Control Act, 33 U.S.C.
28 ch. 26, as amended, and 40 C.F.R. pt. 124. However, this
29 paragraph does not apply to the discharge or application of
30 manure or other nutrients under chapter 459, 459A, or 459B.

31 c. The land where riparian protection measures are otherwise
32 required pursuant to section 466B.55 is any of the following:

33 (1) Enrolled in the federal conservation reserve program as
34 described in 7 C.F.R. pt. 1410.

35 (2) A wetland that could qualify under the conservation

1 reserve enhancement program as provided in section 466.5.

2 (3) Subject to a conservation easement as provided in chapter
3 457A.

4 (4) Covered by a road, trail, building, or other structure.

5 (5) Subject to a crop approved by the division, including
6 alfalfa or other perennial crop or part of a water-inundation
7 cropping system.

8 (6) Part of a prairie, forest area, other biologically
9 significant area, or that contains significant archaeological,
10 historical, or cultural value.

11 (7) Contains geological characteristics which are unsuitable
12 for vegetation.

13 (8) In a temporary nonvegetated condition due to drainage
14 tile installation and maintenance, plant seeding, or the
15 construction of a conservation project authorized by the federal
16 government, the state, or a political subdivision thereof.

17 2. The division may excuse a landowner from complying with
18 the requirements of section 466B.55 if the division determines
19 that compliance would not significantly further the purposes and
20 goals of this chapter as described in section 466B.52. The
21 exemption may be based on but is not limited to any of the
22 following:

23 a. The normal water level, which may exclude periods of
24 drought or flooding.

25 b. The average water flow, which may exclude periods of
26 drought or flooding.

27 c. The total drainage area, which may exclude periods of
28 drought or flooding.

29 Sec. 19. NEW SECTION. **466B.57 Corrective action —**
30 **compliance order.**

31 1. The division shall take enforcement action against a
32 landowner who violates a term or condition of a riparian
33 protection compliance plan as provided in section 466B.55. The
34 division, in cooperation with the department and commissioners of
35 a district where the land is located, shall issue a compliance

1 order that includes a list of corrective actions that the
2 landowner must correct. The compliance order shall include a
3 practical period for the landowner to complete the corrective
4 actions and for the commissioners to inspect the land and approve
5 the corrective actions. A corrective action must be approved by
6 the commissioners within one year after the division issues the
7 compliance order, unless the commissioners grant an extension.

8 2. If the landowner is in violation of a protection
9 compliance plan as provided in section 466B.55 and an
10 administrative order is issued by the commissioners under chapter
11 161A, subchapter V, part 1, to the landowner, the division may
12 waive its right to take an enforcement action under this chapter.

13 Sec. 20. NEW SECTION. **466B.58 Removal or degradation.**

14 1. A landowner shall not engage in any work to remove or
15 degrade a riparian protection measure, in whole or in part,
16 unless the person has obtained a signed statement from the
17 commissioners of the district where the land is located granting
18 authorization to engage in the work as required by the division.

19 2. A person other than a landowner shall not engage in any
20 work to remove or degrade a riparian protection measure, in whole
21 or in part, unless the person has obtained a signed statement
22 from the landowner granting authorization to engage in the work
23 subject to the requirements in subsection 1.

24 Sec. 21. NEW SECTION. **466B.59 Civil penalty.**

25 1. Except as provided in subsection 2, a landowner who does
26 not complete a corrective action within the period stated in
27 the compliance order under section 466B.57 is subject to a civil
28 penalty as follows:

29 a. One hundred dollars per parcel as described in
30 the riparian protection compliance plan which shall be
31 assessed, imposed, and collected on a thirty-day basis for a
32 one-hundred-eighty-day period.

33 b. After the period described in paragraph "a", five hundred
34 dollars per parcel as described in the riparian protection
35 compliance plan which shall be assessed, imposed, and collected

1 on a thirty-day basis.

2 2. A person who is in violation of section 466B.56 is
3 subject to a civil penalty of five hundred dollars per parcel
4 as described in the riparian protection compliance plan which
5 shall be assessed, imposed, and collected by the division on a
6 thirty-day basis.

7 3. Civil penalties collected pursuant to this section shall
8 be credited to the general fund of the state.

9 EXPLANATION

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

12 GENERAL. This bill amends Code chapter 466B, which provides
13 for a number of programs to protect surface water and provide for
14 flood mitigation and watershed management. The bill creates a
15 new Code subchapter which requires a landowner having an interest
16 in property adjoining a public water source (e.g., a watercourse
17 such as a river, stream, or drainage ditch; or a body of water
18 such as a pond, lake, or reservoir) to establish and maintain
19 a riparian protection measure (measure) in compliance with a
20 riparian protection compliance plan (plan). The plan is derived
21 from a riparian protection inventory and map developed by the
22 department of natural resources (DNR).

23 ADMINISTRATION. The plan must be prepared by the landowner and
24 approved by the division of soil conservation and water quality
25 (division) of the department of agriculture and land stewardship.
26 The division must act in partnership with commissioners of
27 soil and water conservation districts (commissioners), and in
28 cooperation with a number of other government entities, including
29 the state soil conservation and water quality committee, the
30 water resources coordinating council, and DNR.

31 REQUIREMENTS. Under an approved plan, a landowner must
32 establish and maintain a measure which is either a riparian
33 protection buffer consisting of perennial vegetation, or an
34 alternative riparian protection practice (e.g., erosion control
35 practice or soil and water conservation practice) alone or in

1 combination with a modified riparian protection buffer. The
2 landowner must establish and maintain the measure after the
3 division completes a riparian protection inventory and map which
4 identifies the land subject to riparian protection. A landowner
5 may apply for financial assistance to establish a measure under a
6 number of programs, including cost-share moneys awarded under the
7 authority of the division.

8 EXCEPTIONS. The bill creates a number of exceptions that
9 excuse compliance, including if (1) there is only one riparian
10 landowner; (2) other regulations apply, including storm water
11 outlets regulated by DNR, or a conservation program regulated
12 by the federal or state government; (3) the land is covered by
13 another object or structure; (4) the land is used to produce
14 a designated crop; (5) the land is part of an environmentally
15 designated area (e.g., a forest); (6) the land contains unique
16 geological characteristics; or (7) the land is subject to
17 construction. The division may also create other exceptions if
18 it determines that the exception would not interfere with the
19 bill's purposes.

20 ENFORCEMENT. The division is to take enforcement action
21 against a landowner who violates a term or condition of a
22 plan, unless the division allows the commissioners to take an
23 enforcement action in court for the landowner's violation of the
24 terms of an administrative order (e.g., for violating the terms
25 of a cost-share agreement). If the division enforces the plan,
26 it must first issue a compliance order listing items that the
27 landowner must complete within a specified time but not more than
28 one year after the compliance order has been issued. The bill
29 also prohibits a landowner or another person from engaging in any
30 work to remove or degrade a riparian protection measure, unless
31 the person has obtained authorization. The bill provides a
32 range of civil penalties based on the number of parcels included
33 in the plan and the period that the violation continues after
34 the compliance order was delivered. The amounts of the civil
35 penalties range from \$100 to \$500 per parcel.