SENATE FILE 516
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1198)

(As Amended and Passed by the Senate March 14, 2023)

* = Language Stricken by the Senate

A BILL FOR

An Act relating to the management of open space properties and recreational trails.

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

Section 1. Section 465A.2, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

465A.2 Open space maintenance, protection, and acquisition — agency duties.

1. For purposes of this chapter, unless the context otherwise requires:

a. "Department" means the department of natural resources.

b. "Open space property" includes lakes, streams, wetlands, forests, prairies, preserves, hatcheries, wildlife areas, parks, grazing land, and tillable land.

2. The department shall prepare and conduct new education and awareness programs designed to create greater public understanding of the needs, issues, and opportunities for protecting the state's significant open spaces. The department shall incorporate the recommendations of other state agencies and private sector organizations that have interests in open space protection. The department may enter into contracts with other agencies and the private sector in preparing and conducting these programs.

3. The department shall prepare a statewide, long-range plan that shall prioritize the maintenance and protection of significant open space property throughout the state. The plan shall also include the department's criteria for identifying high-priority open space properties for potential acquisition, but shall require the department to first consider and prioritize available partnership programs with private landowners as an alternative to acquiring new property. The department shall review the plan every five years and amend the plan as necessary. The department of transportation, the department of economic development, private organizations, county conservation boards, city park and recreation agencies, and federal agencies with lands in the state shall be directly involved in preparing and reviewing the plan. The plan shall include but is not limited to the following elements:

a. Specific maintenance, protection, and acquisition needs

and priorities for open space areas based on the following sequence of priorities:

(1) National.

(2) Regional.

(3) Statewide.

(4) Local.

b. Identification of open space maintenance, protection, and acquisition techniques available or needed to carry out the plan.

c. Additional education and awareness programs that are needed to encourage the maintenance and protection of areas identified in the plan.

d. Management needs including maintenance, rehabilitation, and improvements.

e. Funding levels needed to maintain and protect open space property and the funding levels that may be necessary for the acquisition of open space property.

f. Recommendations as to how federal programs can be modified or developed to assist the state in maintaining, protecting, and potentially acquiring open space property.

4. The department shall maintain and protect, and may acquire, open space property as identified by priority in the plan as funding is made available for this purpose. In maintaining, protecting, and acquiring open space property, the department shall:

a. Accept applications for funding assistance from federal agencies, other state agencies, regional organizations, county conservation boards, city park and recreation agencies, and private organizations with an interest in open space property.

b. Obtain the maximum efficiency of funds appropriated for maintaining, protecting, and acquiring open space property through the use of maintenance, protection, and acquisition techniques that provide the degree of protection required at the lowest cost.

c. Encourage the provision of supporting or matching funds,

but the absence of these funds shall not prevent the approval of those projects of clear national importance.

5. The department may enter into contracts with private consultants for preparing all or part of the plan required under subsection 3. The plan shall be submitted to the general assembly by July 1, 2024. Prior to submission of the plan to the general assembly, the department shall request comments on the proposed plan from state and federal agencies and private organizations with interests in open space protection. The comments shall be submitted to the general assembly with the plan.

Sec. 2. Section 465A.3, subsection 2, Code 2023, is amended to read as follows:

2. The department may enter into agreements with other state agencies, political subdivisions of the state, and private organizations for the purposes of ~~carrying out this natural open space program or specific elements of the program~~ maintaining, protecting, and acquiring open space property.

Sec. 3. Section 465B.2, Code 2023, is amended by striking the section and inserting in lieu thereof the following:

465B.2 Trail development — department duties.

1. The state department of transportation shall undertake the following actions to develop recreational trails in this state:

a. Prepare a long-range plan for the development, promotion, management, and acquisition of recreational trails throughout the state. The plan shall identify needs and opportunities for recreational trails of different kinds having national, statewide, regional, and multicounty importance. The department of transportation shall review the plan every five years and amend the plan as necessary. Recommendations in the plan shall include but not be limited to:

(1) Specific acquisition needs and opportunities for different types of trails with emphasis on connecting existing trails.

(2) Development needs including trail surfacing, restrooms, shelters, parking, and other needed facilities.

(3) Promotional programs that will encourage Iowans and state visitors to increase use of trails.

(4) Management activities including maintenance, enforcement of rules, and replacement needs.

(5) Funding levels needed to accomplish the statewide trails objectives.

(6) Ways in which trails can be more fully integrated with parks, cultural sites, and natural resource sites.

b. Include, within the plan, recommendations for standards for establishing functional classifications for all types of recreational trails, including a system for determining jurisdictional control over trails. Levels of jurisdiction may be vested in the state, counties, cities, and private organizations.

2. *a.* The state department of transportation may enter into contracts for the preparation of the trails plan. The department of transportation shall involve the department of natural resources and the Iowa department of economic development in the preparation of the plan. The recommendations and comments of organizations representing different types of trail users and others with interests in recreational trails shall also be incorporated in the preparation of the trails plan and shall be submitted with the plan to the general assembly. The plan shall be submitted to the general assembly no later than January 15, 2024.

b. The department of transportation shall give priority to funding maintenance projects and the development of trail portions that will complete segments of existing trails, which may include acquisition after the department first considers and prioritizes available partnership programs with private landowners as an alternative to acquiring new property. The department shall only consider and approve proposals for the establishment or expansion of a recreational trail when the

entity sponsoring the establishment or expansion project demonstrates to the department how the trail will be maintained using federal, local, or private revenue sources. When acquiring trail routes, the department of transportation shall give preference to the acquisition of trail routes that use existing or abandoned railroad rights-of-way, river valleys, and natural greenbelts. Multiple recreational uses of routes for trails, other forms of transportation, utilities, and other uses compatible with trails shall be given priority.

c. The department of transportation may acquire property by negotiated purchase and hold title to property for development of trails. The department of transportation may enter into agreements with other state agencies, political subdivisions of the state, and private organizations for the planning, development, promotion, management, operations, maintenance, and potential acquisition of recreational trails.

3. The department of transportation may adopt rules under chapter 17A to carry out a trails program.

Sec. 4. REPEAL. Sections 465A.1 and 465B.1, Code 2023, are repealed.