Wapsipinicon River Protected Water Area Management Plan

Iowa Department of Natural Resources
Larry J. Wilson, Director
January 1990

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Office of Trails & Waterways

Parks, Recreation & Preserves Division

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Table of Contents

Chapter 1

Introduction to the Protected Water Area Program

The Protected Water Area (PWA) program was initiated in 1978 with the preparation of a statewide general plan to guide its development and implementation. The plan was completed in early 1981, approved by the Iowa Conservation Commission, (now the Department of Natural Resources) and submitted to the state legislature. The legislature enacted the PWA law in 1984 (see Appendix B).

The basic purpose of the PWA program is to maintain existing natural and scenic qualities of selected lakes, rivers, and marshes and their adjacent land areas. Areas designated in the program will be cooperatively managed by the people and agencies owning land along the lake, river, or marsh. The Department of Natural Resources (DNR) will provide leadership and coordination for those property owners who are interested in assuring that their land next to the water resource will look much the same in the future as it does today. This coordinated management will be accomplished through agreements between the landowners and DNR. These agreements can be in the form of conservation easements, leases, property tax breaks, or state preserve dedications. Land may also be acquired from willing sellers by the DNR. The actual method or methods used will depend upon the landowners' individual interests and preferences, and upon the specific resources identified for protection.

Most of today's property owners along lakes, rivers, and marshes that qualify for the PWA program are taking good care of their land. However, economic pressures statewide are inducing many landowners to pursue more intensive land uses, generally at the expense of natural and cultural resources. Land also changes hands frequently over time, and new owners may not be as conscientious about resource management as the previous owners. The PWA program can help assure that future landowners will follow the same land use practices as those of current and past owners; thereby assuring designated areas will remain the outstanding natural resources they are today.

Goals and Objectives of PWA Designation: The goal of PWA designation is to maintain and enhance the river valley, lake or marsh basin's natural and cultural resources for future generations. Resources of primary interest include water, soil, vegetation, fish, wildlife, geological features, historical elements, and archaeological sites.

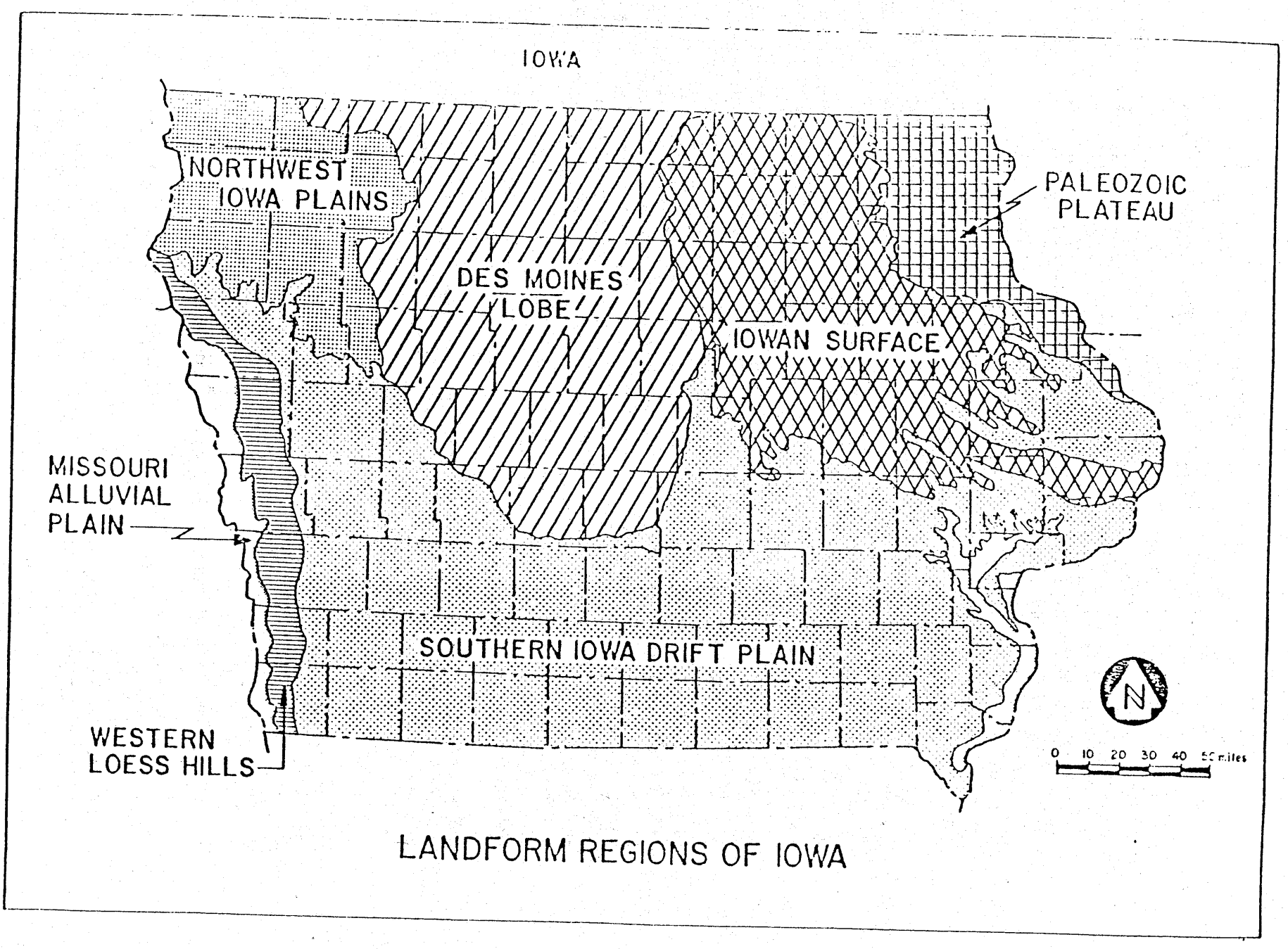
The long-range goal of the PWA program is to designate and protect at least one example of a natural water area in each of Iowa's seven landform regions. This accomplishment will assure that natural water areas throughout the state are represented in the program. (see Figure 1)

Specific objectives of PWA designations are to:

1. Protect and perpetuate the existing natural and pastoral character of the area's landscape.

2. Promote public health, safety, and general welfare by preventing scenic and environmental damage to the areas' outstanding water and associated

FIGURE 1



LANDFORM REGIONS OF IOWA

land resources that might otherwise result from undesirable development patterns.

3. Protect and enhance specific water and priarian environments in a manner which ensures continued fish and wildlife propagation.

4. Maintain or improve water quality.

5. Preserve natural, cultural, and scenic features which enhance recreational and educational experiences within the area.

6. Maintain the natural, free-flowing character of the river.

7. Develop and implement recreational use guidelines aimed at directing human use of the area in a manner to ensure: (a) resource protection; (b) observance of private landowners' rights; and (c) enhancement of quality recreational experiences.

8. Coordinate management with associated programs of other local, state, and federal agencies and private organizations in a manner that will provide comprehensive, complementary protection of the area.

Protected Water Areas As Open Spaces:

The original intent of the Protected Water Area Program and its' implementation overlaps with a renewed emphasis and directives for open space protection from the Iowa Legislature.

The state legislature during their 72nd General Assembly in 1987 addressed the need for additional open space protection in Iowa. It directed the Iowa Department of Natural Resources in House File 620 to "prepare a statewide, long-range plan for the acquisition and protection of significant open space lands...". Other government agencies and private sector organizations are also specified to be directly involved in preparing the plan. An overall goal stated in H.F. 620 is "...that a minimum of ten percent of the state's land area be included under some form of public open space protection by the year 2000.

The overall goal of the Open Spaces Program is to protect more of the best, remaining land and water areas in Iowa having natural vegetation, fish, wildlife, historic, scenic, recreation, and outdoor education value for public use, enjoyment, and benefit.

A survey of Iowans conducted for the program identified a number of reasons why it is important to protect open spaces. These reasons include:

1. Enhance quality of life.
2. Increase tourism.
3. Keep natural ecosystems functioning properly.
4. Prevent erosion.
5. Provide habitat for plants and animals.
6. Maintain natural diversity.
7. Provide examples of natural and cultural heritage.
8. For people to enjoy/relax.

9. For future generations.
10. Attract businesses to Iowa, as well as other forms of economic development.
11. Maintain and enhance scenic beauty and visual pleasure.
12. Create or enhance areas that provide "micro" climates and habitats for relatively rare and unique plant and animal communities.

All of these ideas perceived by the public are reasons for protecting Iowa's open spaces and are in keeping with the goals and objectives of the Protected Water Area Program.

Additional legislative emphasis on open space and natural resource protection came from the passage of the Resource Enhancement and Protection (REAP) Act by the 1989 session of the Iowa General Assembly. This act states that the REAP program "shall be a long-term integrated effort to wisely use and protect Iowa's natural resources through the acquisition and management of public lands; the upgrading of public park and preserve facilities; environmental education, monitoring and research; and other environmentally sound means. The resource enhancement program shall strongly encourage Iowans to develop a conservation ethic, and to make necessary changes in our activities to develop and preserve a rich and diverse natural environment."

This legislation provides funds for carrying out the goals and objectives of the program and for the first time, provides significant funding for implementing the Protected Water Area Program.

Chapter 2

Wapsipinicon River Study Area

Study Area Identification

The Iowa Protected Water Area General Plan identified a proposed Wapsipinicon River study area. For the purposes of this plan, the portion of the Wapsipinicon River being considered for designation runs from the rivers junction with Highway 93 in Bremer County at the Sweet Marsh Wildlife Management Area downstream to its junction with the Mississippi River on the Clinton/Scott County line. (See Figures 2A & 2B) This segment is 177 miles in length.

The study area includes all water areas along and contiguous with the river up to the normal high water mark. Adjacent land areas are also included:

1. A minimum fifty foot buffer strip on each side of the river.
2. Adjacent natural areas such as woodlands, wetlands, prairie and scenic geologic features.
3. Areas of historical or archaeological significance.
4. Other areas whose visual degradation would adversely impact the scenic qualities of the river corridor.

Approximately 300 private landowners own land adjacent to the river within the Wapsipinicon River PWA study area. Several municipalities as well as each of the County Conservation Boards along the length of the river and the State Department of Natural Resources also own land along this portion of the river.

The portion of the Wapsipinicon River from its mouth to the west line of township 86N, Range 6W above Central City in Linn County is designated as a meandered stream. Chapter 111.18 of the Iowa Code confers jurisdiction over all meandered streams and lakes of this state and of state lands bordering them upon the commission (DNR). The water and the bed of the river up to the ordinary high water line is publicly owned. (See Figure 3)

The Wapsipinicon River above this point is classified as non-meandered. In non-meandered streams the water is publically owned while ownership of the bottom and banks lies with whoever holds title (See Figure 3).

Fig. 2a

WAPSIPINICON RIVER PROTECTED WATER AREA

(Upper Reach)

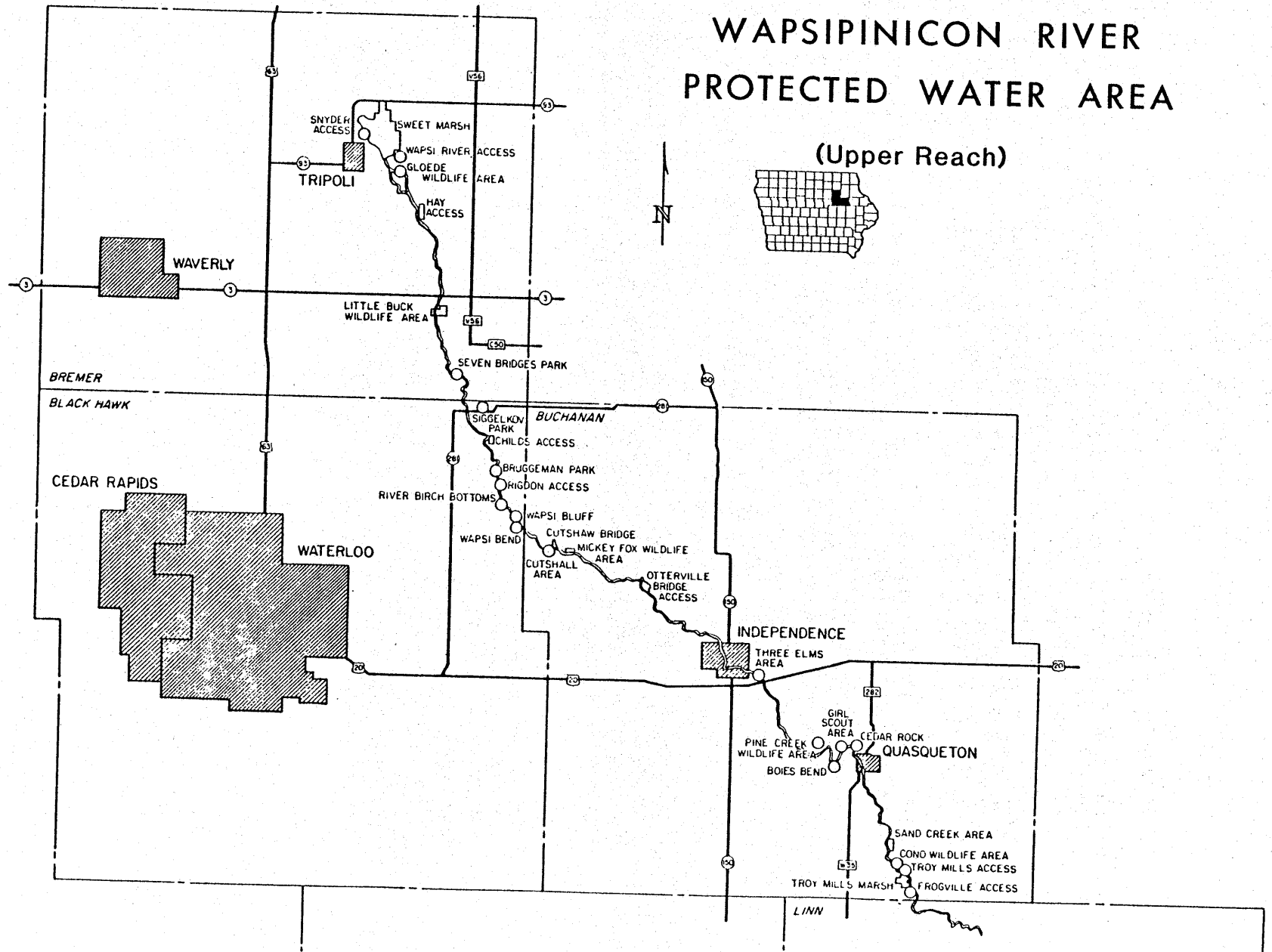


Fig. 2b

WAPSIPINICON RIVER PROTECTED WATER AREA

(Lower Reach)

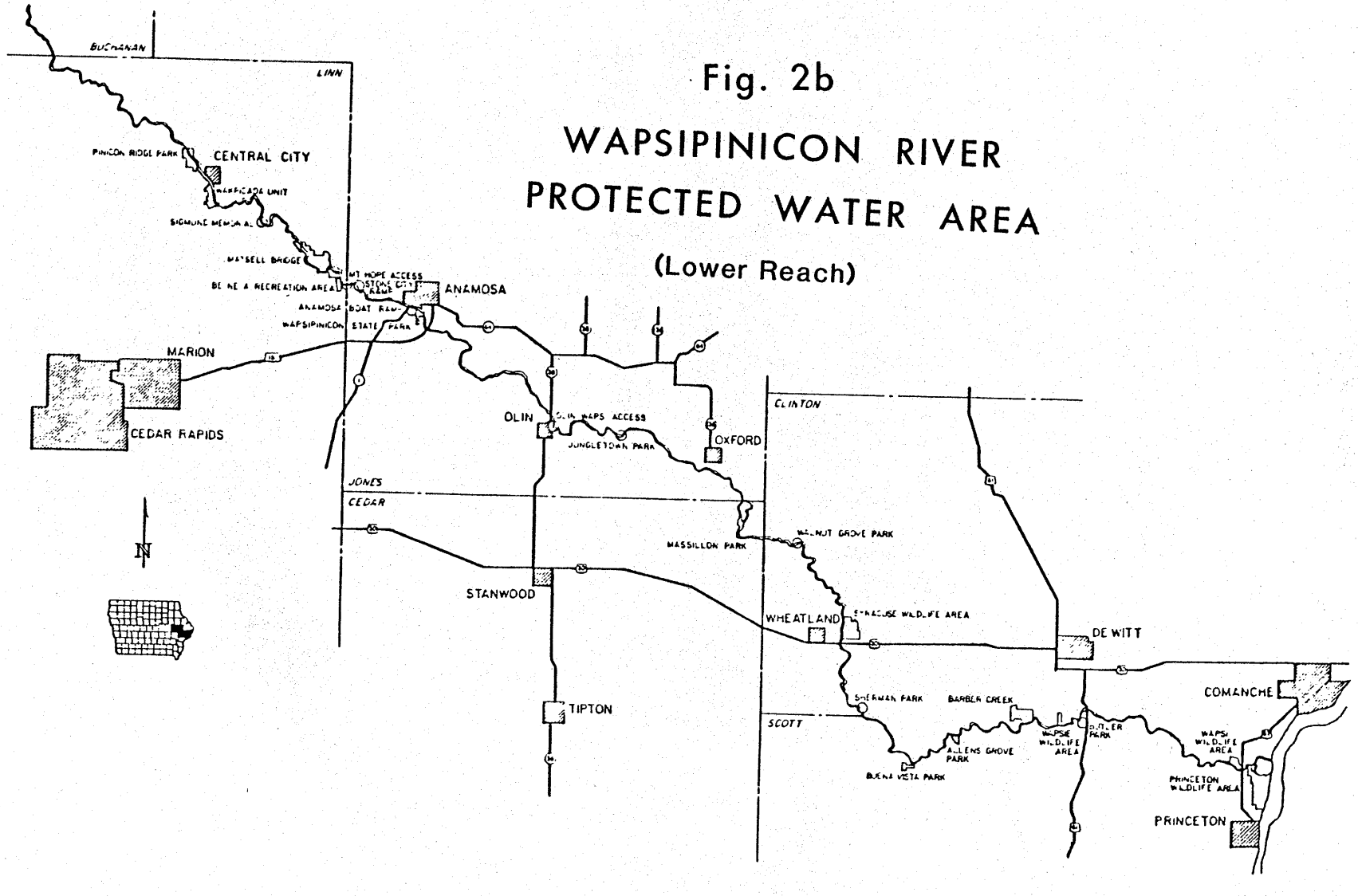
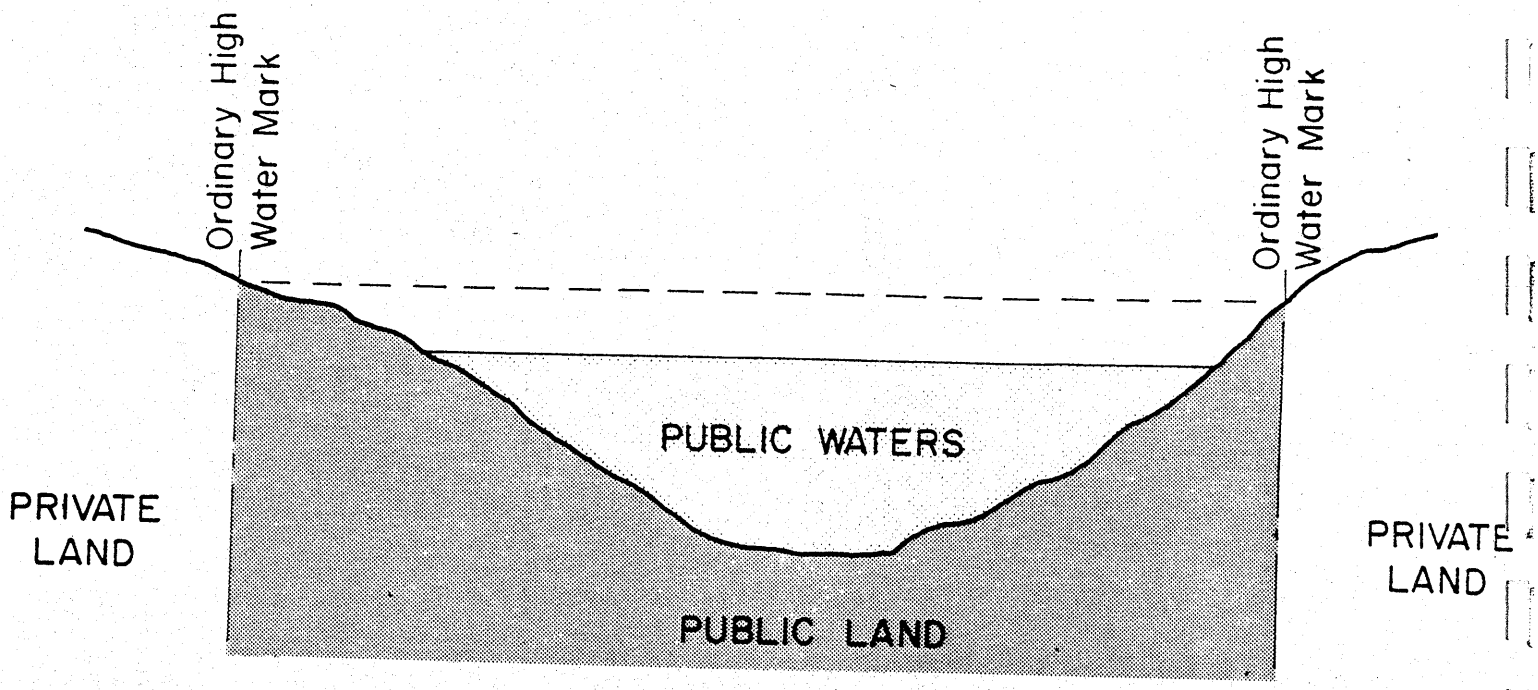
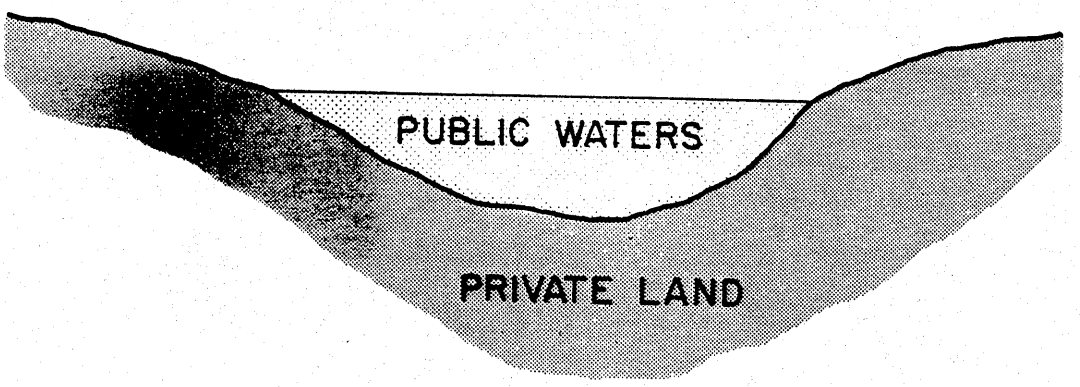


FIGURE 3



MEANDERED RIVER



NON-MEANDERED RIVER

Chapter 3

Resource Analysis

Geology

Iowa is divided into seven major landform regions. The Wapsipinicon River flows primarily through the Iowan Surface Region with several meanders into the Southern Iowa Drift Plain Region.

The Iowan Surface landform region has a relatively level landscape and is blanketed with agricultural land uses. Many areas in this region have been cleared of their native vegetation and/or tiled to increase their row crop and grazing potential. The rivers in this region have a low gradient and slowly meander within wide valleys. Broad flood plains are common throughout the area; many of which are cultivated. Poor drainage and large quantities of water link together in some flood plains to make tiling and diking for agricultural purposes impractical. In these cases, the valleys have remained in a relatively native state with a free flowing river meandering through a wide, wooded flood plain.

The Wapsipinicon River has the longest, continuous stretch of natural and scenic river corridor in the Iowan Surface region, and quite possibly in the entire state.

The Southern Iowa Drift Plain is the largest landform region in the state. "The topography of this area is best described as one of steeply rolling hills interspersed with areas of uniformly level upland divides and level alluvial lowlands." (Prior, 1976, p. 45). The steep slopes are typically covered with woodlands and the areas with intermediate gradients are mostly used for livestock grazing and perennial crops. Cultivated fields are commonly restricted to the upland flats and stream bottom lands.

Soils

A number of soil associations are found within the Wapsipinicon River flood plain. Most are classified as nearly level to moderately sloping. Drainage ranges from excessive to poor and most are formed from sandy and loamy material.

Water

The Wapsipinicon River has a drainage area of 2,540 square miles at it's mouth. A protected flow rate of 17 cubic feet per second has been established at the city of Independence and 150 cubic feet per second at DeWitt. The purpose of a protected flow is to protect and maintain adequate water supplies for ordinary household and livestock use; fish and wildlife use; recreational use; in-stream wasteload assimilation and pollution control; beneficial water use needs in the watershed; preservation of aesthetic values; and other uses of a public nature.

During normal years, floods on the Wapsipinicon are frequent and dramatic. The large watershed and broad flood plain provide for extensive flooding. A high silt load is carried by the river during high water periods.

Due to the predominately agricultural nature of land use in the watershed runoff containing fertilizes and agricultural chemicals present a water quality problem.

Land Use

Farming is the dominant land use within the watershed. Cash grain is the most common type of farming with lesser amounts of livestock and dairy production. Corn and soybeans are the most common row crop being produced in the watershed.

Wildlife and Fish

The Wapsipinicon River Valley supports a diverse wildlife population due to the variety of natural habitat types interspersed with agricultural lands. This same habitat diversity allows for a diverse population of hunted as well as non-game wildlife species.

A number of invertebrate and vertebrate animal species found within the Wapsipinicon River Watershed have been listed as state endangered, threatened, of special concern, or rare by the Natural Areas Inventory staff of the Department of Natural Resources. These include the following:

Upper Wapsipinicon River

Scientific Name	Common Name	Status
Invertebrates		
Mussels		
Alasmidonta marginata	Elktoe	T
Anodontoides ferussacianus	Cylinder	T
Lasmigona compressa	Creek heelsplitter	T
Venustaconcha ellipsiformis	Ellipse	T
Fish		
Ammocrypta clara	Western sand darter	T
Amphibians		
Necturus maculosus	Mudpuppy	E
Notophthalmus viridescens	Central newt	E
Birds		
Accipiter cooperii	Cooper's hawk	E
Buteo lineatus	Red-shouldered hawk	E
Asio flammeus	Short-eared owl	E

Middle Wapsipinicon River

Invertebrates		
Butterflies		

Problema byssus	Bunchgrass skipper	T
Calephelis muticum	Swamp metalmark	SC
Euphydryas phaeton	Baltimore	E
Mussels		
Alasmidonta marginata	Elktoe	T
Vertebrates		
Fish		
Lampetra appendix	American brook lamprey	E
Birds		
Sayornis saya	Say's phoebe	SC

Lower Wapsipinicon River

Invertebrates		
Butterflies		
Problema byssus	Bunchgrass skipper	T
Mussells		
Lampsilis higginsi	Higgins eye	E
Vertebrates		
Fish		
Notropis heterolepis	Blacknose shiner	T
Ammocrypta clara	Western sand darter	T
Amphibians		
Notophthalmus viridescens	Central newt	E
Reptiles		
Sistrurus catenatus	Massasauga	E
Birds		
Buteo lineatus	Red-shouldered hawk	E
Mammals		
Lutra canadensis	River otter	T

This Wapsipinicon River Valley habitat diversity is also reflected in the diversity and change in fish species found along the rivers length. Sport fish species in the northern reaches of the study area are charactirzed by northern pike and channel catfish. The middle stretch of the river exhibits a steeper gradient and a rockier substrate. Associated fish species would include smallmouth bass, rock bass and channel catfish. The lower reaches of the Wapsipinicon again becomes a typical prairie stream and is more impacted by Mississippi River fish species.

Vegetation

Timber types along the Wapsipinicon River vary with soil types and moisture conditions. Typical upland soils on the higher ground support white oak/hickory forests. As you move down towards the river, red and black oak,

black walnut and ash would be common. Typical river bottom species include willow, silver maple and cottonwood. The Wapsipinicon valley is unusual in the extent of birch found along the flood plain, especially in the upper reaches.

The Wapsipinicon River Valley is as rich in its' plant diversity as it is in its' animal diversity. A number of state listed threatened, endangered and special concern plant species have been identified as occuring within the PWA study area. These include the following:

Upper Wapsipinicon River

Scientific Name	Common Name	Status
Plants		
Pteridophytes		
Equisetum fluviatile	Water horsetail	
Ophioglossum pusillum	Adder's tongue	T
Monocotyledons		
Eriophorum angustifolium	Tall cotton grass	SC
Cypripedium candidum	Small white lady's slipper	SC
Cypripedium reginae	Showy lady's slipper	E
Platanthera leucophaea	Eastern prairie fringed orchid	E
Platanthera psycodes	Purple fringed orchid	E
Dicotyledons		
Cacalia suaveolens	Sweet-scented indian-plantain	T
Betula pumila	Swamp birch	T
Menyanthes trifoliata	Buckbean	E
Brasenia schreberi	Water shield	E
Salix candida	Sage willow	SC
Salix pedicellaris	Bog willow	T
Valeriana edulis	Hairy valerian	SC

Middle Wapsipinicon River

Scientific Name	Common Name	Status
Plants		
Pteridophytes		
Equisetum sylvaticum	Woodland horsetail	E
Ophioglossum pusillum	Adder's tongue	T
Monocotyledons		
Eriophorum angustifolium	Tall cotton grass	SC
Cypripedium candidum	Small white lady's slipper	SC
Platanthera flava	Southern rein-orchid	E
Potamogeton vaseyi	Vasey pondweed	T
Xyris torta	Twisted yellow-eyed-grass	E
Dicotyledons		
Polygala incarnata	Pink milkwort	E
Salix candida	Sage willow	SC

Salix pedicellaris	Bog willow	T
Mimulus glabratus	Yellow monkey flower	T

Lower Wapsipinicon River

Scientific Name	Common Name	Status
Plants		
Pteridophytes		
Osmunda regalis	Royal fern	E
Monocotyledons		
Carex tonsa	Deep green sedge	E
Platanthera flava	Southern rein-orchid	E
Dicotyledons		
Krigia virginica	Dwarf dandelion	E
Proserpinaca palustris	Marsh mermaid-weed	E
Callirhoe triangulata	Poppy mallow	E
Rhexia virginica	Meadow beauty	T
Polygala polygama	Racemed milkwort	E
Polygonella articulata	Eastern jointweed	E
Phlox bifida	Cleft phlox	T

Historical/Archaeological Resources

At least eight major dams have been constructed on the Wapsipinicon River within the study area as shown in the table below.

Dam Location	Year Built	Reason
Fairbank	1880	Water/Recreation
Five Mile NE of Littleton	1932	Recreation
Independence	1870	Power
Quasqueton	1932	Water/Recreation
Central City	1906	Power
Troy Mills	1905	Power
Oxford Junction	1927	Power
Anamosa	1917	Power

Other historic sites include the Wapsi Mills/Frogtown grist mill and town site in Black Hawk County and an historic farmstead in Scott County.

Many archaeological sites have been identified and many more are yet to be identified. Several mound groups, Late Woodland rockshelters, village sites and campsites have been located. The Wapsipinicon River was obviously an important travel corridor for Native Americans and is a rich source of historical and archaeological information.

Chapter 4

Zones of Protection

Three zones of protection have been established within the broad boundaries of a protected water area. The three categories are described below:

1. **Primary Protection Zone** - These are the most sensitive areas, and are least adaptable to disturbance without damaging the character of river. High levels of resource protection are desirable to maintain the integrity of these resources.

   This zone may contain resources unique to the area and/or plant or animal species that are on Iowa's list of "threatened" or "endangered"; and resources susceptible to land development and other disturbance. Resources included in this area are:

   a. Unique ecological features.

   b. The "most often seen area" from the river which, when properly managed, will (1) maintain the scenic quality of the river; (2) maintain or establish a vegetative strip next to the river to protect water quality and stabilize the bank; and (3) provide a continuous wildlife corridor.

   c. Prominent views and significant visual features.

2. **Secondary Protection Zone** - These areas are identified as less sensitive than the Primary Protection Zone. They are not the wooded steep bluffs and undisturbed wooded flood plain next to the river, but rather the wooded uplands, savannas, tributaries, and intermittent streams further back from the river. These areas contain significant resources worthy of some form of protection. Resources in this area include:

   a. Soils identified as most suitable for Natural Areas which did not fall in the Primary Protection Zone.

   b. Forest and savannas on the uplands that are further back from the river, unable to be seen from the river but still play a major role in the healthy and diverse ecosystem along the river.

3. **Tertiary Protection Zone** - These areas are typically in the flood plain surrounded by Primary Protection Zones. These areas have been cleared and are currently cropfields. They should never be changed to industrial, commercial, or residential uses. Home development will probably not be a threat to these areas since they are prone to periodic flooding.

Each parcel of land being considered for protection must be looked at individually. Land uses change, and the land's classification as a primary, secondary or tertiary zone may change as well. Lands being acquired or being considered for other forms of protection should be prioritized according to the amount of primary, secondary or tertiary land area involved.

Chapter 5

Protection Methods

Many private landowners as well as a number of federal, state or local government agencies may be involved in the management of lands within a designated protected water area. These individuals and agencies have varying interests in the land and varying amounts of financial backing for land protection efforts. As a result, no one protection method will be effective for protecting all lands within the protected water area project limits. Existing natural resources and intended uses may require that a blend of protection methods be used.

Factors that influence the success of protection methods include:

a. Protection must be effective through changing economic conditions and ethics of landowners interested in the property.

b. Method of protection must guarantee public benefits in perpetuity.

c. On going monitoring to assure that resource quality is maintained.

d. Protection methods must be acceptable to the landowner.

e. Protection methods must take into account adjacent land uses and resources.

f. Protection must be economically feasible, administratively practical, and publicly and politically supported.

g. Degree of cooperation among all levels of government, private organizations and landowners.

h. Funding allocation and the availability of supplemental funds.

i. Success of public education and awareness programs.

A number of methods are presently available for protecting lands within a designated protected water area. Any one or more of the following options may be used to aid in the protection of lands and waters within a designated PWA.

Fee Title Land Acquisition

Fee title land acquisition refers to the acquisition of land with all associated rights of ownership. Fee title acquisition may be costly and at times, a very slow process. Lands acquired utilizing PWA funding provided through the REAP legislation must be acquired from willing sellers. Condemnation is not an option. Political subdivisions shall be reimbursed for tax monies lost due to any lower assessments of property resulting from the acquisition of PWA lands. Fee title acquisition provides the greatest control over land use and management. Donations are also means of acquiring title to the land, and may offer tax advantages to the donating party.

Feasibility of fee title acquisition depends on the willingness of landowners to sell, the amount of funds allocated for acquisition, the degree of management authority needed, and the degree of public access required. Examples where fee title acquisition might be necessary include areas of endangered plants/animals, sensitive geologic features, public access areas, and areas with extensive public use such as campgrounds and picnic areas.

Conservation Easements

An easement is the acquisition of specific rights, through donation or for a fee, regarding land use while ownership and the majority of rights remain with the landowner. If ownership changes hands, conditions associated with any easements remain with the title and must be adhered to by the new owner. Conservation easements are generally granted in perpetuity and cost anywhere from 10% to 90% of the land's fee title value. Cost is often determined by the estimated loss of value resulting from conditions of the easement.

Conditions under which conservation easements are drawn include:

a. Conservation easements are generally granted in perpetuity.

b. Land upon which the easement is drawn remains on the tax roll.

c. Conservation easements do not automatically allow public access.

d. Conservation easement restrict land use to conditions established in the easement.

Advantages in using conservation easements as a means of protecting Iowa's open spaces arise in the lower cost and flexibility with which easements can be drawn. The best interest of both landowner and the easement recipient can be addressed. Landowners may be eligible for tax breaks on the land taken out of production, particularly if the easement is donated to a nonprofit organization or public agency. Easements also tend to have lower administration and management costs, but higher monitoring costs when compared to fee title acquisition.

Scenic or facade easements offer limited protection to cultural resource open spaces. Scenic easements have applicability when the view of a public right of way comprises a significant element of a historic district, a public area designed by a noted landscape architect, or the frontage of a historic farm or urban residence. Facade easements apply when a significant architectural or historically significant facade is present. Facade easements can be accepted by the state through the Board of Trustees, State Historical Society of Iowa. A tax credit is available as an incentive for making such an easement. The easement then functions as a protective covenant on the property, offering a higher degree of protection for the primary facade of a historic building or structure.

The Food and Security Act of 1985 includes the authority for Farmers Home Administration to grant conservation easements on inventory lands held by FmHA. Easements may be granted to federal, state, or local governments as well as non-profit organizations who are eligible to hold easements. Easements may be granted for conservation, recreation and wildlife purposes.

Lease Agreements

Lease agreements for preserving Iowa's natural areas are similar to conservation easements, but differ in the length of time the lease is valid. Lease agreements in general are a rental of the land for a specified number of years at which time the lease may be discontinued, renegotiated or renewed. Conservation easements on the other hand include the granting of specific rights that will not be given up unless sale of these rights takes place or conditions of the easement are changed.

Lease agreements are used in two common ways:

a. Lease specific rights from the landowner.

b. Purchase the land fee title and lease back a portion of the property rights to the original owner.

Tax Credits

Tax credits are designed, in part, to provide incentives for landowners to maintain their land in its native state. They are also a consideration for those thinking about donating their property or easement to a nonprofit organization or public agency. Credits can come in the form of reduced property or income taxes. The public attitude survey indicates 75% of the respondents favored the use of tax incentives as a protection method.

Two property tax credit programs currently available to qualifying landowners that benefit the landowner as well as effectively protect open space include the Natural Conservation and Wildlife Area Tax Exemption (Slough Bill) and the Forest and Fruit Tree Reservation Exemption.

Natural Conservation and Wildlife Area Tax Exemption - exempts landowners from paying taxes on certified natural conservation or wildlife areas. Certification requires that the natural resource and management practices conform with specifications in the bill. Procedures and conditions required for exemptions are identified in Chapter 427.1(36) of the Code of Iowa. Types of areas that may be eligible for exemption include: wildlife habitat, native prairie, wetlands, open prairie, forest cover, rivers and streams, river and stream banks, and recreational lakes. County board of supervisors determine the extent to which such exemptions may be granted within each of Iowa's 99 counties. The local county assessor should be contacted for further information on this program.

Forest and Fruit Tree Reservation Exemption - exempts landowners from paying taxes on certified woodlands and orchards that are managed to the specifications of the bill. Procedures and conditions required for exemption are specified in Chapter 161 of the Code of Iowa. Further information may be obtained from the county assessor.

Income tax credits leading to the protection of Iowa's natural resources may also be available. In certain cases, it would be financially advantageous for a landowner to donate property, grant an easement, or sell at below the appraised value to realize a reduction in income tax. Consulting a lawyer

specializing in real estate or income taxes to analyze the specific set of circumstances is necessary since each land sale or donation is different.

State Preserves

Preserves must be formally dedicated with final approval by the Governor. Certain conditions must be met for an area to qualify as a preserve:

a. The area must have the potential to be maintained in its natural state.

b. The area contains unusual flora/fauna, geologic, scenic, archaeological or historic features of scientific and/or educational values.

Preserve dedication protects against environmental impacts from outside pressures, but does not include penalties for improper management nor does it provide tax incentives for continued preserve maintenance for the landowner.

Zoning

Zoning is generally accepted as a means of controlling development and protecting individual property owners at the county and municipal levels. The State of Iowa does not have statewide zoning regulations that protect its natural resources. At present, zoning authority is the responsibility of local county zoning boards and city zoning departments to protect Iowa's natural resources within their jurisdictions. Cooperation between these two bodies and the DNR is necessary to be effective in protecting Iowa's open spaces through zoning.

The Greenbelt/Conservation District of Story County is an example of the use of zoning as an open space protection method. Though no residences are permitted in the Greenbelt/Conservation District, the zoning ordinance allows reasonable economic use of the area until acquisition for public use is completed. The district is designed primarily to protect flood plain, significant visual periphery, primary vegetative cover, high-quality wildlife habitat, travel corridors, cultural and/or historic areas, steep slopes, erosive soils and significant geologic formations.

National Natural Landmarks

The National Natural Landmark Program was established to help identify and encourage preservation of significant natural areas. Objectives of the program are to encourage preservation of sites illustrating the geological and ecological character of the United States, to enhance scientific and educational values, to strengthen public appreciation of natural history and to foster greater concern in the conservation of the Nation's natural heritage.

National Natural Landmark designation may occur for sites under any land ownership. Designation does not affect ownership or management of a site, nor are there any regulations or restrictions on use or future development. Voluntary, nonbinding agreements between the landowner and the National Park Service are established for designation.

Two sets of criteria are used in determining sites designated as a national natural landmark. First, the site must be determined to be one of the best examples of biotic or geologic representations of the areas natural characteristics and its present condition. Secondly, the diversity and rarity of other features within the site and their scientific and educational value is also considered.

National Register of Historic Places

Because public ownership plays a less important role in the management and protection of cultural resources, a stronger reliance must be placed upon resource designation and protection incentives. The primary designatory program in Iowa is the National Register of Historic Places program, a National Park Service program which is administered by the Bureau of Historic Preservation, Department of Cultural Affairs.

The primary program function is the formulation and maintenance of a list of the state's significant cultural resources. This list currently consists of 1,100 listings, including 53 historic districts. Two hundred of these are owned by governments or public entities. Because it merely designates significance, the program does not restrict the freehold rights of the property owner, imposes no obligation on owners, and does not require public access.

For the same reason, economic incentives offered by the program have historically been fairly minimal, and when utilized carry with them some requirements and obligations. Federal grants-in-aid, periodically available and limited in overall funding, offer restoration funding in exchange for matched funds and a reasonable protective covenant to the property. Restoration plans must abide by the Secretary of the Interior's Standards for Restoration. The Investment Tax Act offers a 20% tax credit in response to the completion of a Certified Historic Rehabilitation. This program applies only to depreciable or income-producing resources. Participation again requires compliance with the Secretary's standards and the owner has to retain the property for at least five years.

Protection of listed properties is offered when a Federally owned, funded, or licensed project threatens to directly or indirectly impact a resource. The Bureau of Historic Preservation staff reviews all such projects and consults with the appropriate Federal agency. When those parties fail to agree, the Advisory Council on Historic Preservation is called upon to resolve the impasse. Federal agencies are obligated by Federal law to consider and minimize the impact of their programs on cultural resources. The agency must make the ultimate decision when a project effects such a resource.

National Register designation is uniformly used by local preservation commissions as a "yardstick" for creating historic districts or for reviewing local landmark designations. Such designations on the local level frequently trigger design review of new construction or alterations within those districts. Such controls can offer substantial resource protection, quite beyond the scope of protection offered by the Nation Register program itself.

Locally Designated Districts and Landmarks

Local historic preservation commissions, on the municipal or county level, can designate local historic districts and landmarks. The Bureau of Historic Preservation staff reviews local ordinances and district nominations for compliance with National Register compliance. When combined with zoning or other protective authorities, these resources are protected and are frequently eligible for locally provided tax deferrals, targeted loans or grants, and other incentives. Such designated districts may or may not be actually listed on the National Register and in some instances when so listed, have different boundaries, usually larger, than those of the listed district.

Historic Covenants

Covenants, lasting from five to fifteen years, are placed upon those National Register listed resources which receive Federal grants-in-aid. These covenants basically require the owner(s) to preserve the public investment made in the resource.

Certified Local Governments Program

Local historic preservation commissions are certified through municipal or county governments to be eligible to receive Historic Preservation Funds through the Bureau of Historic Preservation. Such commissions must be composed of qualified individuals, being representative of the various primary professional disciplines, who have evidenced a positive interest in preservation. Basically, the commission takes on responsibility for preservation programming on the local level. Impowered by a resolution (county) or ordinance (municipality) the body maintains a local inventory of significant resources, plays an integral role in reviewing National Register of Historic Places nominations, and through grants, plans and surveys, evaluates surveyed resources, nominates, and protects local resources. The commission, working frequently with neighborhood associations and economic development organizations, can through local design review, offer meaningful protection to cultural resources.

Indian Burial Site Protection

The Office of the State Archeologist, in consultation with the State Indian Council, is responsible for protecting Native American burial sites. Burials in exceed of 150 years of age are protected by state law. Permission for limited archeological testing must be obtained from the State Archeologist. Many burial sites realize additional protection through the States Preserves program and state historic sites.

Conservation Reserve Program (CRP)

The CRP is not by itself an open space protection method. Participation in the program is at the landowners' discretion and only a ten-year commitment is required. Beyond that time period, continued management of the land consistent with open space objectives will depend on individual landowner ethics, economic pressures, and future congressional action.

The CRP is a portion of the Food Security Act of 1985. It involves taking highly erodible land out of production by planting them in permanent cover, such as trees and grasses. The program also includes restoring wetlands by plugging agricultural tile lines. In these cases, the CRP contracts are modified to permit water instead of vegetative cover. Long-term public protection of these properties, or more likely a portion thereof, can be accomplished if after the ten-year CRP agreements expire, one of the previously described open space protection methods is applied.

A number of U.S. Department of Agriculture programs administered by the Soil Conservation Service or Agricultural Stabilization and Conservation Service are available which provide funding for soil erosion control projects or commodity reduction efforts. These may have direct beneficial impacts on the lands and waters within a designated protected water area. Many of these are annual programs. These agencies should be consulted when plans are prepared for management of agricultural lands within a protected water area system.

Transfer of Development Rights

Open space protection through the use of development rights is a relatively new concept that involves land ownership rights and zoning principles.

A preservation district is overlayed on an area or areas currently zoned to maintain a certain amount of open space. In this district, development other than farming or low intensity recreation is generally prohibited. Persons owning land in the newly designated preservation district are awarded certificates as compensation for losing their development rights. These landowners can then sell these certificates to contractors wishing to develop in other parts of the county or city.

For this system to work, a market for development rights must exist. This is accomplished by the municipality allowing a contractor to build at higher densities than allowed under existing zoning regulations in designated portions of the city. In order to build at the higher densities, the contractor must purchase development right certificates from landowners in the preservation district.

Chapter 6

Public/Landowner Participation

Public input and acceptance of a protected water area plan is important to the overall success of the program. A series of public information meetings will be held before a PWA plan is finalized.

The first meeting was held at the Cedar Rock Visitors Center near Independence on September 27, 1989. This preliminary meeting was intended to inform local landowners and government agencies about the program and to solicit their comments. This meeting was advertised in the local newspaper and individual letters of invitation were sent out to local county conservation boards and boards of supervisors. The meeting was attended by 32 individuals including representatives from the Bremer, Black Hawk and Buchanan County Conservation Boards and individual landowners.

A second meeting was held in DeWitt on October 4, 1989 to reach landowners along the southern reaches of the stream. This meeting was attended by 29 individuals and included representatives from the Clinton County Conservation Board, Clinton County Board of Supervisors, Clinton County Soil conservation Service and local landowners. Attendance lists are on file in the offices of the Department of Natural Resources.

No adverse comments concerning the program were received during the meeting and support was expressed by representatives from all county conservation boards attending the meetings. Participants were asked to discuss the program with their neighbors and staff and were asked to submit written comments if they wished. A letter of support was received from the Buchanan County Conservation Board.

Following preparation of the preliminary management plan two additional public meetings were held to review the plan with landowners and government officials. The first was held in DeWitt on February 13, 1990. It was attended by 39 individuals. Comments were generally very favorable for designation of the river as a Protected Water Area. Office hours were held at the Clinton County Conservation Board Office the next morning, but no concerned landowners showed up.

The second meeting was held at the Cedar Rock Visitors Center on February 22nd. This meeting was attended by 24 individuals. Comments were again generally favorable for PWA designation. Office hours were also held at Cedar Rock the following morning. Five individuals showed up to discuss the program and two phone calls were received.

Additional correspondence and phone calls have been received since these meetings. They are on file at the Department of Natural Resources.

Chapter 7

Resource Management Guidelines

The basic management principle for the Protected Water Area Program is that a variety of land uses can coexist within a protected water area but that these uses should be located and managed in a manner which will have minimal impact on one another, and on the natural and scenic characteristics of the area. Management within a protected water area will be accomplished through the joint efforts of private and public landowners in the project area, and through associated resource management programs administered by government agencies.

The following are general guidelines for management of resources within the protected water area.

Agricultural Lands

Agricultural lands within the Wapsipinicon River drainage area should utilize all available erosion control practices. The movement of silt into the river along with the associated herbicides, insecticides, fertilizers and manure carried by silt laden run-off waters greatly degrade river water quality and impact fish and wildlife populations utilizing the river valley. Farm managers in the area should utilize the service of the county Soil Conservation Service office to have soil conservation plans prepared for their lands to keep soil loss at a minimum. (See Appendix C -- Soil Conservation Service Directory.)

Agriculture is the dominant land use and income for landowners along the Wapsipinicon River. Sound conservation farming techniques are important on agricultural fields since they are within the river's watershed. Examples of these farming practices are no tillage, minimum tillage, contour plowing, and terracing.

Some very fertile cropfields are located in the river bottoms. Landowners are urged to maintain a buffer strip of natural vegetation at least 50 feet wide between these cropfields and the river bank. This buffer strip will help protect water quality in the river by reducing siltation into the river from adjacent croplands. Keeping the silt particles on the land will also help to keep chemicals carried by the silt out of the river.

Bank erosion is a problem which can add significant silt loads to the river. Grass filter strips and even trees have only limited value in reducing high bank erosion problems. The meandering of a river and bank erosion are natural processes. There may, however, be special cases where some form of bank protection is necessary. Sources of state and federal money wil be sought for these special problem areas.

Livestock grazing in well-managed pastures is compatible with the PWA program. However, livestock grazing in woodlands is a serious agricultural threat to the PWA's scenic character. When the cattle market is profitable, many landowners graze livestock in their woodlands. This land use eliminates regeneration of woodlands, compacts soil, and induces soil erosion on steep

slopes. All these impacts over a 50 to 100 year period cause a slow death of woodlands in return for low quality pasture.

Landowners who release livestock into woodlands often mention that grazing controls brushy growth and allows them to easily walk through and enjoy the woods. This claim is valid since livestock browse the brush and young tree seedlings, but in doing so, they eliminate natural forest regeneration. Natural regeneration quickly occurs in woodlands when livestock no longer graze them. Dense thickets and brush soon cover the forest floor and provide good shelter for many wildlife species. Landowners wishing to enjoy these woodlands and the associated wildlife will want to maintain some walking paths by periodic mowing. Young trees will eventually emerge through the brush in the unmowed areas to maintain the woodland for years to come.

Livestock feedlots are an agricultural land use that conflict with the PWA program. Feedlots completely denude the landscape and subsequently destroy the area's natural and scenic character. They are also very susceptible to soil erosion, particularly when located on hillsides. The Iowa DNR administers regulations on feedlot operations. These regulations protect public health by prohibiting toxic runoff and solids from filtering onto the properties of others and into the state's waters. Feedlot operators are reluctant to locate adjacent to rivers since very costly control structures would be required to meet regulations.

Woodlands

Timbered lands within the Wapsipinicon River PWA should be maintained whenever possible. Woodlands that can be seen from the river should be managed to protect the natural quality of the timber. Most timber stand improvement practices and regulated harvest such as selective cutting and fuelwood production may be carried out.

Timber management plans with an emphasis on protecting and enhancing the natural quality of the timbered lands within the PWA can be prepared by the DNR district forester or other professional forest manager.

A Forest Reserve Law exists which provides that landowners who meet the requirements of the law pay no property tax on their forest lands. These requirements include protection from grazing and maintenance of a minimum number of trees per acre. Information about this tax incentive program may be obtained from the district forester or local county assessor.

Wildlife

Abundant and diverse wildlife resources within the protected water area enhance the natural experience of recreational users of the PWA and serve as an indicator of the health of natural communities associated with the river. Deer and wild turkey populations are increasing in the area. These and other wildlife species including those classified as "non-game" can benefit from wildlife management plans prepared by area wildlife management biologists for individual farm units. Areas holding endangered or threatened species may require special protection and management considerations.

Fisheries

As discussed in Chapter 3, the diverse Wapsipinicon River habitat supports a diverse fish population. Important sport fish species include northern pike, channel catfish, smallmouth bass and rock bass.

Non-point source pollution including siltation and agricultural chemicals and fertilizers pose the major threat to these species as well as lesser known species. Streambank degradation caused by livestock further reduce water quality and harm healthy fish populations. Standard soil erosion control practices should be encouraged as well as controlling the harmful impacts of livestock on the river bank.

Recreational Use and Facilities

The PWA program will enhance and maintain outdoor recreation resources of the Wapsipinicon River. However, recreation is considered a by-product of PWA designation and not the primary purpose. The primary purpose of the PWA program is to maintain the area's natural and cultural resources. Recreation use and facilities must also be consistent with the goals of the PWA program.

PWA designation will not open private property for public access and recreation. Whether or not the public will be allowed on a certain piece of property will be left up to the private landowner.

PWA designation would not alter the legal relationship between a person who enters on land and the owner of the land. Landowners have been given additional protection from liability by a section that the legislature added to the Iowa Code to encourage landowners to allow public recreational use of private lands. Chapter 111C (1985) specifies that a landowner owes no duty of care to keep property safe for entry or use by others for recreational purposes, or to give warning of a dangerous condition, use, structure, or activity on such property to persons entering for recreational purposes. There are three exceptions that create a duty to warn or make the property safe for recreational use:

1. When the landowner charges a fee for recreational use of the property;

2. When the landowner willfully or maliciously fails to guard or warn against a dangerous condition, use, structure, or activity;

3. When the property contains a hazard that would be an attractive nuisance to children.

Landowners who do not want uninvited recreational users on their property may wish to post "no trespass" warning signs.

The public does have the right to navigate the Wapsipinicon River in accordance with Chapter 106.69, Code of Iowa. This law is relatively new (passed in 1982) and is intended to resolve potential conflicts between landowners constructing livestock fences or other barriers across rivers and recreationists navigating those rivers. Landowners required to contain livestock by fencing across the river must recognize the the water is publicly owned and the public has the right to navigate rivers. Landowners can either

design fences across rivers to allow vessel passage or allow boaters to portage around the fence. Canoeists and boaters have the responsibility to recognize the landowner's rights and properly use the passage structures through the fence or portage rights around it without abusing the laws' intent. This law will be to everyone's benefit if landowners and recreationists share the responsibility of implementing it.

Hiking, canoeing, cross-country skiing, hunting, fishing, trapping, and primitive camping are recreational activities which, with few exceptions, will be compatible with the PWA designation. This compatibility is, of course, contingent upon the activities occurring on public land and waters, or on property to which the recreationist gains access by permission of the private landowner. Motorized recreation such as speedboating, snowmobiling, and motorcycling are examples of activities having greater possibility to be inconsistent with the program, especially when they take place on environmentally sensitive areas. These activities will require close monitoring and appropriate management action to assure continued resource protection.

Canoeing and fishing are the most popular summertime recreation activities on the river. Public access to the river is not adequate for all segments. The river is heavily used by canoeists. Improvements to existing access sites are currently being designed.

Visitors to the Wapsipinicon River PWA must be responsible recreationists and respect other visitors, landowners, private and public property, and natural and cultural resources. Good user ethics will be mandatory for a successful PWA program in Iowa.

A public education/relations program should be increased on the Wapsipinicon River, particularly if the popularity of canoeing continues to increase. This program should be designed to assure that canoeists and other recreationist respect the river's resources and the rights of adjacent private landowners. Issues such as littering, trespassing, camping, and campfire building will be key elements of the program. Personal contacts, brochures, newspaper articles, and radio programs are possible methods for getting information to recreationists. Specific information presented to river users can include:

1. Location of private and public lands;
2. Permitted activities on these properties;
3. Description of river resources and their sensitivity level;
4. Water safety;
5. Boating and canoeing skills;
6. Overall good river use etiquette; and
7. Interpretation of natural features.

Conflicts between landowners and river recreationists will be minimized through a public education program which presents the above information.

Cultural Resources

Cultural resources are classified as historic and prehistoric. The historic time period begins with written records and the prehistoric time period existed before written records.

The Wapsipinicon River is rich in historic resources because of its attractiveness for providing subsistence for early settlers. Recommendations for management of all these areas include strict preservation and possible preserve dedication.

Prehistoric cultural resources include native American habitation and burial sites, some of which have been studied. Numerous unstudied sites, however, do exist. The Iowa State Historical Department's Office of Historic Preservation requests that if an item or items which might be of archaeological, historic, or architectural interest comes to light in the area, their office be notified in order that their significance can be determined. Archaeological sites should not be destoryed or looted, but protected and preserved. Indian burial sites are protected by state law (Chapter 305A, Code of Iowa). The Office of the State Archaeologist should be contacted immediately if human remains are found.

Preservation is multi-faceted and can be accomplished in many different ways. Preserving local history can enrich the lives of residents and collectively provides a rich state heritage. With adequate interpretation, preserved cultural resources can add to the enjoyment of a protected water area.

Water Quality

The National Clean Water Act of 1977 established a goal that all waters in the nation shall be fishable and swimmable by 1988. This goal is the general guide to water quality management on the Wapsipinicon River PWA. The Wapsipinicon River is currently fishable and swimmable during low runoff periods. The management program will be to maintain or improve the existing water quality, especially through soil erosion control methods in the watrshed.

Sources of contamination of the Wapsipinicon River include non-point source pollution originating from agricultural lands within the rivers' drainage area as well as effluent from storm sewers in nearby communities, and from other residential and industrial sources within the watershed. These sources often contain harmful pollutants (chemicals) and sediment. The origination point of these contaminants is difficult to locate and monitor, so overall wise watershed management is a good PWA guideline. Maintaining the valley's woodlands and vegetated buffers between cropfields and the river will reduce or filter these water pollutants.

Water withdrawals from the river can also affect water quality by decreasing the dilution factor. To date, this effect is incidental in the Wapsipinicon River since few withdrawals have beend. The number of permits and associated

amount of withdrawals must be closely monitored to assure protected flows are maintained and minimum water quality standards are met.

Residential/Commercial/Industrial Development

Any residential construction or commercial development within the Protected Water Area designated boundaries must meet established flood plain zoning and restrictions imposed by county sanitary regulations. Construction projects within line-of-sight from the river should be sensitive to the visual impacts of construction activity and the completed structure. Soil erosion and fuel and oil spillage during construction activities should be closely controlled.

Roads and Bridges

While a limited number of roads may be beneficial, too many quite possibly will adversely affect a PWA. Every road that goes over or near the river takes away some of its natural character. Existing roads provide plenty of opportunities for pleasure driving, riding, and walking, as well as access to the river itself for canoing, boating, and fishing. Proposals for new roads must consider all these factors and place higher priority on alternative routes outside the PWA when feasible and practical.

Road improvements and/or realignments will occasionally be necessary within the PWA. The following guidelines for road work should be followed:

1. All abandoned bridges shall be torn down and removed from the site, except those having documented historical or cultural significance, or recreational potential (i.e. trail crossing, fishing access, etc.)

2. No changes to the existing river channel shall be made and vegetation removal and topographic alterations shall be kept at a minimum to control bank erosion and road undercuts, except in situations where no other solution is available.

3. Vegetation screens shall be used to buffer the visual and audio impacts that the road improvement and its traffic have on visitors of the river. Private farm and forest lanes also exist along the river. These private roads generally do not conflict with the PWA program unless they are susceptible to severe erosion. In areas where the topography and resources are very sensitive to any kind of traffic, such as low-lying marshy or excessively steep sites, roads should not be constructed.

Chapter 8

Administrative Requirements

Administrative requirements for the Wapsipinicon River PWA are categorized into four basic components:

1. Administrative actions by agencies;

2. Protection agreements with landowners;

3. Facility developments; and

4. Resource and public use management.

This chapter will discuss these general areas of administrative concern.

Administrative Actions by Agencies

Chapter 108A of the Code of Iowa outlines procedures which must be followed before a water area can be officially designated as a Protected Water Area. Section 108A is summarized below.

108A.8. DESIGNATION: The commission may adopt the management plan and may permanently designate the area into the protected water area system. Upon the commission adopting the management plan and permanently designating the area as a protected water area, the commission may submit the management plan to the legislature for funding consideration.

The DNR is required to hold a public hearing in the vicinity of proposed PWAs at least thirty days prior to permanent designation.

Other agencies can complement the DNR's Wapsipinicon River PWA designation by recognizing the area's natural and cultural resource values in respect to their associated programs and policies.

The Iowa Division of Soil Conservation, U.S. Soil Conservation Service (SCS), and Agricultural Stabilization and Conservation Service (ASCS) administer various technical and financial assistance programs. The DNR recommends that these agencies place a high priority on assistance for soil conservation measures within the Wapsipinicon River PWA watershed.

Various federal, state, and local agencies not mentioned above also administer programs which could impact river resource management. The DNR, as a general rule, recommends that all agencies recognize the Wapsipinicon River PWA designation and administer their program in a manner consistent with goals and objectives represented in Chapter One of this Management Plan.

Protection Agreements with Landowners

Since much of the land within the Wapsipinicon River Protected Water Area boundaries is in private ownership, private landowner cooperation is essential to the success of the program. Where landowners are concerned with the future

management of their lands after they are gone, various easements may be negotiated which will bind future owners of covered parcels of land. These easements are one form of long term protection and may offer tax advantages to the landowner over outright land sale.

Facility Developments

Certain portions of the Wapsipinicon River are navigable by boat during most of the year. Boat ramp development is needed where existing access sites are more than five miles apart.

Resource and Public Use Management

Resource management on the Wapsipinicon River will be accomplished by the coordinated efforts of landowners, DNR, and the various County Conservation Boards. Technical assistance will be provided to landowners upon their request to help maintain the overall quality of the PWA. This management plan will serve as a guide to management activities.

The Wapsipinicon River currently receives relatively heavy canoe, fishing, and hunting use. PWA designation may attract additional public use. A public use survey should be conducted to obtain the information required to develop a public use management program. The survey should collect the following information:

1. Who uses the river;
2. Type and amount of river use;
3. User's perception of river quality;
4. User's perception of available facilities; and
5. User's contacts with landowners.

The DNR Planning Bureau will be responsible for designing and administering the survey.

Public use management on the PWA is just as important as resource management. Recreationists must respect both the sensitivity of resources being protected and the rights of adjacent landowners. A public relations program consisting of the following activities should be conducted if survey results identify the need.

1. Supervising activity and maintaining order at public access sites;
2. Establishing dialogue with the public, stressing appropriate water area use, safety aspects, and cautions against littering, and trespassing.
3. Developing and presenting educational programs and informational materials for water area users;
4. Organizing water area clean-up and rehabilitation projects using local and special groups for volunteer labor;

5. Collecting and disposing of trash from public access areas;

6. Developing a positive relationship between landowners in protected water areas and the DNR and assisting landowners where appropriate in solving resource management and public use problems; and

7. Establishing a cooperative relationship with local canoe rental and other recreation orientated businesses.

These work activities would be accomplished during the busy recreation times, with emphasis on canoeing and hunting seasons.

Funding Sources

All Protected Water Areas funds will be administered through the Department of Natural Resources Office of Trails and Waterways. The primary funding source will be from the PWA fund established by the Resource Enhancement and Protection (REAP) legislation enacted in 1989.

Other supplemental funding sources may include other REAP funding sources as well as the State Marine Fuel Tax Fund, Fish and Wildlife Trust Fund, and various Soil Conservation and Agricultural Stabilization and Conservation Service cost-share programs.

Nonprofit, private organizations such as the Nature Conservancy and Iowa Natural Heritage Foundation may also provide financial assistance.

Appendix A

Related Literature of Special Concern.

Iowa Conservation Commission, 1985. Boone River Protected Water Area Management Plan.

Iowa Conservation Commission, 1981. Iowa Protected Water Areas General Plan.

Iowa Department of Natural Resources, 1988. Iowa Open Spaces Plan - A Supplement to the 1988 SCORP.

Iowa Department of Natural Resources, 1989. Report dated August 15, 1989, subject Protected Water Areas from Natural Area Inventory staff to Jim Zohrer.

Iowa Department of Natural Resources, 1989. Resource Enhancement and Protection Newsletter, Vol. 1, No. 1.

Iowa Highway Research Board, 1974. Drainage Areas of Iowa Streams, Bulletin Number 7.

Prior, Jean Cutler, 1976. A Regional Guide to Iowa Sandforms. Iowa Geological Survey, State of Iowa.

State Historical Society of Iowa, 1989. Report dated November 13, 1989, from Kay Simpson to James J. Zohrer

U.S. Army Corps of Engineers, 1980. Streambank Erosion Control Methods.

United States Department of Natural Resources, 1971. The Wapsipinicon River - A Wild and Scenic River Study.

Wild and Scenic rivers, 1986. United States General Accounting Office.

Appendix B

Chapter 108A

Protected Water Area System
Referred to in §109.1

Chapter 108A, Code 1983, Scenic Rivers System, repealed by 84 Acts, ch 1261, §1. See Table of corresponding Sections of Code 1983 to Code 1985 at the end of Vol. III.

108A.1 Definitions

As used in this chapter, unless the context otherwise requires:

1. "Commission: means the state conservation commission.

2. "State plan" means a long-range comprehensive document that states the goals and objectives of the protected water area system, establishes the procedure and criteria for prospective protected water area designation, provides the format for prospective area analysis, establishes a priority system for prospective area study, recommends potential areas for inclusion into the system, institutes interagency coordination, and outlines general administrative and management needs to develop and administer this system.

3. "Management plan" means the document that states the goals and objectives of a specific protected water area which has been proposed for designation, the specific description of the area to be protected, land use agreements with property owners, the specific management programming considerations for the area, the in-depth project evaluations, analysis, justification, and cost estimates, the proposed acquisition of fee title and conservation easements and other agreements, and the specific design and layout of facilities.

4. "Water area" means a river, lake, wetland, or other body of water and adjacent lands where the use of those lands affects the integrity of the water resource.

5. "Prospective protected water area" means a water area designated by the commission for which an in-depth study for permanent designation as an element of the protected water area system is conducted. Such areas shall possess outstanding cultural and natural resource values such as

water conservation, scenic, fish, wetland, forest, prairie, mineral, geological, historic, archaeological, recreation, education, water quality, or flood protection values.

6. "Protected water area" means a water area permanently designated by the commission for inclusion in the protected water area system.

7. "Protected water area system" means a total comprehensive program that includes the goals and objectives, the state plan, the individual management plans, the prospective protected water areas, the protected water area, the acquisition of fee title and conservation easements and other agreements, and the administration and management of such areas.

8. "Legislature" means the Iowa general assembly.

9. "Conservation easement" means an easement as defined in section 111D.2.

84 acts, ch 1261, §2.
Referred to in §108A.4

Section 108A.1, Code 1983, repealed by 84 Acts, ch 1261.§1.

108A.2 State plan

The commission shall maintain a state plan for the design and establishment of an administrative framework of a protected water area system and those adjacent lands needed to protect the integrity of that system.

84 Acts, ch 1261, §4
Section 108A.2, Code 1983, repealed by 84 Acts, ch 1261.§1.

108A.3 Nomination of Prospective Protected Water Area

After basic resource and user data are gathered by or provided to the commission and the commission deems an area has merit for inclusion into a protected water area system, it may nominate the area for prospective protected water area designation. Other public agencies, interest groups, or citizens, may also recommend nomination of water areas for consideration of inclusion into the protected water area system by submitting to the commission a statement which includes at minimum a general description of the area being recommended for nomination, the resources needing protection, and the benefits to be derived from protecting the resources and a list of the individuals, organizations, and public agencies supporting the nomination.

84 Acts, ch 1261, §5
Section 108A.2, Code 1983, repealed by 84 Acts, ch 1261.§1.

198A.4 Prospective Designation

The commission may designate all or part of any water area having any or all of the resource values cited in section 108A.1, subsection 5, as a prospective protected water area. The prospective designation shall be in effect for a period not to exceed two years during which a management plan is prepared for

the protection and enhancement of those values cited in section 108A.1, subsection 5.

84 Acts, ch 1261, §6
Section 108A.2, Code 1983, repealed by 84 Acts, ch 1261.§1.

108A.5 Prospective Designation Public Hearing

After the nomination of prospective protected water areas by the commission and prior to the designation as a prospective protected water area, the commission shall conduct a public hearing in the vicinity of the water area. Notice of the hearing shall be published at least twice, not less than seven days prior to the hearing, in a newspaper having general circulation in each county in which the proposed water area is located.

84 Acts, ch 1261, §7
Section 108A.2, Code 1983, repealed by 84 Acts, ch 1261.§1.

108A.6 Management Plan

The commission shall prepare and maintain a management plan containing the recommendations for the establishment, development, management, use, and administration of each prospective protected water area designated by the commission. The management plan shall be completed during the two year prospective designation period.

84 Acts, ch 1261, §8
Section 108A.2, Code 1983, repealed by 84 Acts, ch 1261.§1.

108A.7 Management Plan Public Hearing

The commission will hold a final public hearing on the completed management plan in the vicinity of the water area at least thirty days before permanent designation by the commission. Notice of the hearing shall be published at least twice, not less than seven days prior to the hearing, in a newspaper having general circulation in each county in which the water area is located.

84 Acts, ch 1261, §9
Section 108A.2, Code 1983, repealed by 84 Acts, ch 1261.§1.

108A.8 Designation

The commission may adopt the management plan and may permanently designate the area into the protected water area system. Upon the commission adopting the management plan and permanently designating the area as a protected water area, the commission may submit the management plan to the legislature for funding consideration.

84 Acts, ch 1261, §10

108A.9 Protection Methods

The commission may use any one or a combination of the available methods, except condemnation, for managing and preserving a protected water area, including but not limited to fee and less than fee title acquisition techniques, such as easements, leasing agreements, covenants, and existing tax incentive program.

84 Acts, ch 1261, §11

108A.10 Landowner Cooperation

Recognizing that most of the protected water areas may be within privately owned lands, the legislature encourages the commission to cooperate with the landowners within the designated areas in achieving the purposes of this chapter. Likewise, the landowners within the designated areas are encouraged to cooperate with the commission. Commission staff shall meet separately or in small groups with landowners within interim protected water areas during the preparation of the master plan to establish workable and acceptable agreements for the protection of the area and its accompanying resources in a manner consistent with the purposes of this chapter and the interest and concerns of the landowner.

84 Acts, ch 1261, §12

108A.11 Judicial Review

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

84 Acts, ch 1261, §13

108A.12 Local Tax Reimbursement

The state of Iowa shall reimburse from the general fund of the state any political subdivision the amount of tax moneys lost due to any lower assessments of property resulting from lease agreements, and the acquisition of public lands and conservation easements stemming from designation of a protected water area.

84 Acts, ch 1261, §14

108A.13 Interagency Cooperation

All state and local agencies shall cooperate with the commission and coordinate their authorities, responsibilities, and program administration in a manner which will aid in the integrity of the protected water area system as outlined in the state plan, individual management plans, and commission administrative rules.

84 Acts, ch 1261, §15

108A.14 Management Cooperation With Local government Subdivisions

The commission may enter into written cooperative agreements with county boards of supervisors, county conservation boards, and municipal public agencies, for the management of a protected water area.

84 Acts, ch 1261, §16

108A.15 Part of a National System

This chapter does not preclude a component of the protected water area system from being a part of the national wild and scenic river system under the federal Wild and Scenic Rivers Act, 16 U.S.C., secs. 1271 through 1287. The commission may enter into a written cooperative agreement for joint federal-state administration of rivers which may be designed under that federal Act.

84 Acts, ch 1261, §17

108A.16 Departmental Rules

The commission shall adopt under chapter 17A and enforce the administrative rules it deems necessary to carry out this chapter.

84 Acts, ch 1261, §18

Appendix C

Soil Conservation Service Directory

Black Hawk County

Roy Campbell DC
3216 Thistledown Drive
Waterloo, Iowa 50702
Phone: 319/296-3262

Bremer County

Dana Eckard DC
2504 E. Bremer
Waverly, Iowa 50677
Phone: 319/352-4037

Buchanan County

Julie Falcon
209B 2nd Avenue, N.E.
Independence, Iowa 50644

Cedar County

Kurt Hoeft DC
1201 North Avenue
Tipton, Iowa 52772
Phone: 319/886-6214

Clinton County

Bruce Van Laere DC
R.R. #3, Box 266A
DeWitt, Iowa 52742
Phone: 319/659-3456

Jones County

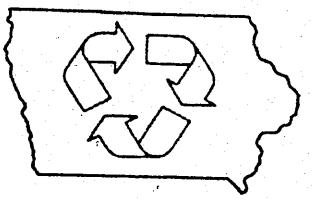
Ronald Williams DC
405 E. Main Street
Anamosa, Iowa 52205
Phone: 319/462-3196

Linn County

Gene Wolter DC
990 50th Street
Marion, Iowa 52302

Scott County

Lonnie Miller DC
8731 N.W. Blvd.
Davenport, Iowa 52806
Phone: 319/391-1403



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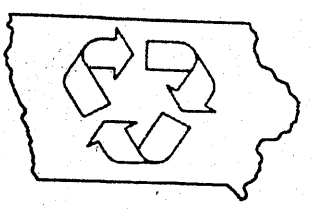

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