



THE LAND USE BULLETIN

Summer 2016

2016 Iowa Legislative Wrap Up

The 2016 Iowa Legislative session came to a close at the end of April with little movement on issues of importance to members of 1000 Friends of Iowa. Here is what happened on bills we were paying attention to:

HF 2448 - Limiting Eminent Domain for merchant transmission lines. This bill passed the House, but did not pass out of the Senate.

This bill specifically targeted the proposed Clean Line, a renewable energy transmission line, by requiring 75 percent voluntary easements from landowners before eminent domain is granted; and creating time limits when projects must be completed. This bill was narrow in scope and would not have stopped the proposed Dakota Access Bakken Pipeline. This bill was opposed by many of our partners because it would put a stop to creating renewable energy infrastructure. 1000 Friends of Iowa supports efforts to stop eminent domain abuse, but we also support efforts to build renewable energy infrastructure and moving away from fossil fuels.

HF2468 -- Renewable Energy Tax Credits. This bill was signed by the Governor.



The Iowa House of Representatives convening for the 86th General Assembly. Photo courtesy of IowaPublicRadio.org

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1000 Friends of Iowa is a statewide nonprofit organization dedicated to protecting farmland and natural areas and promoting sustainable growth.

Founded in 1998 and based in Des Moines, Iowa, we unite Iowans in efforts to:

- Conserve and protect our agricultural and natural resources
- Revitalize our neighborhoods, towns, and cities
- Improve the quality of life for future generations

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This bill fixed an error that would have removed tax incentives. It also extends Iowa's upfront solar and wind tax credits for 476c projects for one year. Though we would have liked to see the program strengthened and expanded, we are happy that the tax credits have not ended.

SF2308 – Enhance Iowa Board. This bill was signed by the Governor.

This bill creates the Enhance Iowa Board (it replaces the Vision Iowa Board) whose role will be to upgrade recreational and cultural activities in Iowa. It includes the creation of a sports tourism program that could expand hiking and biking opportunities and water sport opportunities in the state. Though this bill has no funding attached to it, it would promote things like the creation of whitewater parks – such as Elkader's 2015 Best Development Award-winning whitewater park. Expanded recreational opportunities are a key part of smart planning and smart growth.

SF2224 -- Bicycle Safe Passing Bill. This bill passed the Senate, but stalled in the House.

This bill that would have made it safer for bicyclists to “share the road” with cars. We hope that the legislature will re-introduce this important bill in 2017. Cycling is not only great recreation, but a good alternative mode of transportation that we hope to expand in Iowa.

Clean Water – No action taken on bills.

Several proposals were introduced, starting with Governor Branstad's proposal to divert money from schools to water quality efforts. This proposal made little sense and met with much opposition. The House Republicans also introduced a bill that again diverted money from other programs. Senate Democrats' proposal increased the state sales tax to cover water quality efforts. Though it was a good proposal with much support, it did not move as legislators were afraid to “raise taxes” during an election year. We think that water quality is far too important to play politics with. We must come up with new sources of funding to clean up our water.

Bakken Pipeline Update

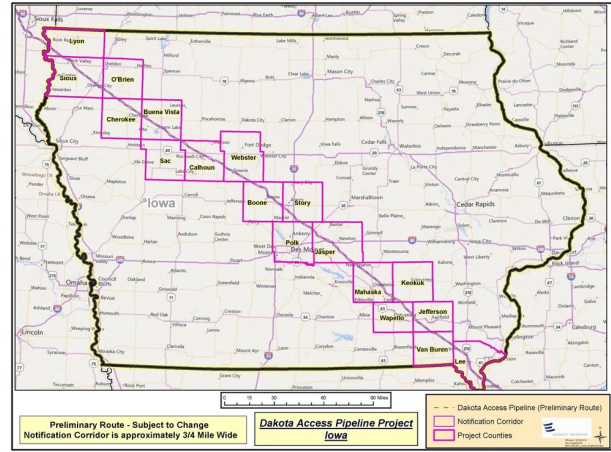
We first heard about the proposed Bakken Pipeline in 2014 when Dakota Access and their parent company, pipeline giant Energy Transfer Partners, first started evaluating a route and ultimately filing for a permit to construct. *See our timeline on page 4.*

1000 Friends of Iowa joined the newly formed Bakken Pipeline Resistance Coalition in 2014 to oppose the pipeline for a number of reasons, with eminent domain abuse and poor land use decisions being at the top of the list.

Since that time, we have been actively involved in efforts to oppose the proposed pipeline. We've turned in comments, hundreds of petition signatures, generated calls, emails and letters, met with legislators, and have continued to keep this issue in the public eye.

Thanks to these joint efforts of the coalition, we have made strides in eroding public support for the pipeline and pushing for tougher oversight of the process. *See photos below and on page 4.*

These efforts have resulted in halting the Sovereigns Land Permit on May 27 by the US



Fish and Wildlife Service and Iowa Department of Natural Resources because of the discovery of a sacred Native American burial site on the proposed route.

Unfortunately, on June 6 the Iowa Utilities Board violated their own rules by allowing the company to begin construction. Despite this set back, the coalition continues to believe that we still have avenues in which to stop the pipeline. Several lawsuits have been filed by landowners challenging eminent domain for private gain and by interveners challenging the process. We will continue to push the US Army Corps of Engineers to deny the river crossing permits as well. Thanks to everyone who has made calls, sent emails, or attended an event. We'll keep you posted as we move forward!



Bobbi Jean Three Legs, Standing Rock Sioux Tribe, addresses the Army Corps of Engineers and the crowd at the rally. Photo by Shari Hrdina.



Participants in the Bakken Pipeline Resistance Coalition's May South Skunk River flotilla. Photo by Eli Shepherd.



Examples of the various ways citizens have come together to fight the Bakken Pipeline. Pictured top (l to r): Flotilla paddlers, photo by Angie Carter; poster by Debbie Bunka; Bottom (l to r) IUB meeting, photo by Kari Carney; Climate justice advocate, photo by Eli Shepherd.

Dakota Access' Proposed Bakken Pipeline Timeline of Events

June 2014	Energy Transfer Partners announces plans to construct a \$3.8 billion 1,100 mile long pipeline to carry crude oil from the Bakken oil fields to Illinois.
January 2015	Energy Transfer Partners, the parent company of Dakota Access, files its permit request to build the Bakken pipeline through Iowa.
Nov.-Dec. 2015	Public informational meetings are held about the pipeline in key areas along the route.
March 10, 2016	The Iowa Utilities Board issues an order granting permit and use of eminent domain providing required conditions are met, including all necessary permits and approvals are granted and there is proof of insurance and parental guarantees.
April 2016	Landowners and interveners file motion to reconsider. The motion is denied. Dakota Access begins tree clearing and begins construction of a substation in Story County. Counties along the route give approval for drainage district access.
May 2016	Landowners and interveners file lawsuits with district court focused on illegal use of eminent domain and improper/inadequate process.
May 27, 2016	Iowa Department of Natural Resources issues a "stop construction" order and puts a hold on the previously approved Sovereign Land Permit due to US Fish and Wildlife revoking approval based on historic archeological site discovery.
June 6, 2016	IUB votes to allow Dakota Access to begin construction despite not having the needed permits and approvals as required by their March 10 order.

We will continue our efforts to stop the pipeline and the use of eminent domain. Sign up to get our emails and find us on Facebook where we will keep you updated on developments.

Hold Exxon Accountable for Climate Change Coverup

By Special Contributor Ed Fallon

Note: We are sharing this article that originally appeared as an OpEd in the Des Moines Register by 1000 Friends of Iowa co-founder Ed Fallon about his latest campaign against Exxon Mobil. On the surface, going after big oil might not seem like a land use issue, but the causes and effects of climate change is a crisis we are facing that cannot be ignored and can no longer be denied. Solutions include responsible land use decisions, such as our topsoil protection campaign that encourages topsoil requirements at the city and county levels. Healthy soil can help absorb CO₂, mitigate runoff and flooding, as well as create a thriving environment for plants and trees. It takes a cacophony of voices, a movement of concerned citizens, and dedicated advocates like Ed Fallon to shine a light on companies and others who carelessly and callously destroy natural resources and impair clean air. Thank you, Ed, for your voice.

Democrat or Republican. Cubs or Cardinals. Tea or coffee. Regardless of where you come down on life's biggest decisions, here's a simple concept we all should be able to get behind: When people behave badly, they need to be held accountable.

Since corporations are people, as we learned from Mitt Romney a few years ago, corporations who behave badly likewise need to be held accountable.

Alas, by now I should know better. Yet, it still surprises me when tough-love politicians — i.e., those who favor corporal punishment, the death penalty, drug testing of welfare recipients, etc. — want to let corporate offenders off the hook with a slap on the wrist, or more commonly, a slightly-smaller tax handout.

Among corporate bad-boys, Exxon Mobil, America's largest oil company, recently moved to the top of the list, ahead even of Big Tobacco, Big Bank and the NFL.

How badly has Exxon behaved? Well, if you thought Big Tobacco was deceitful for lying about its product while destroying enough lungs to kill 100 million people in the 20th century alone, that pales alongside Exxon's assault on every lung on the planet.

Last fall, a brilliant piece of investigative journalism conducted by InsideClimate News revealed shocking truths about what Exxon knew about "the



Concerned citizens deliver petitions to Iowa Attorney General Tom Miller's office calling for an Exxon investigation.



Ed Fallon speaking at the petition handover event May 25, 2016. Photos by Shari Hrdina.

emerging science of climate change. The story spans four decades, and is based on primary sources including internal company files dating back to the late 1970s, interviews with former company employees, and other evidence..." [Exxon: The Road Not Taken, Sept. 16, 2015]

Forty years ago, Americans were mostly one big, happy family of climate deniers. Who could fault us? With little information available to the average person, climate change appeared to be but a muddled theory, potentially no more valid than spontaneous generation or canals on Mars.

But back then, there were those who knew exactly what was happening, including the top brass at Exxon. Like Big Tobacco, instead of dealing responsibly with the findings of its own scientists and researchers, Exxon worked "at the forefront of

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Hello
my name is**Jenny Olson**

Member Meet-Up

Finding 1000 Friends members in their element.

Interview by Lori Schervish

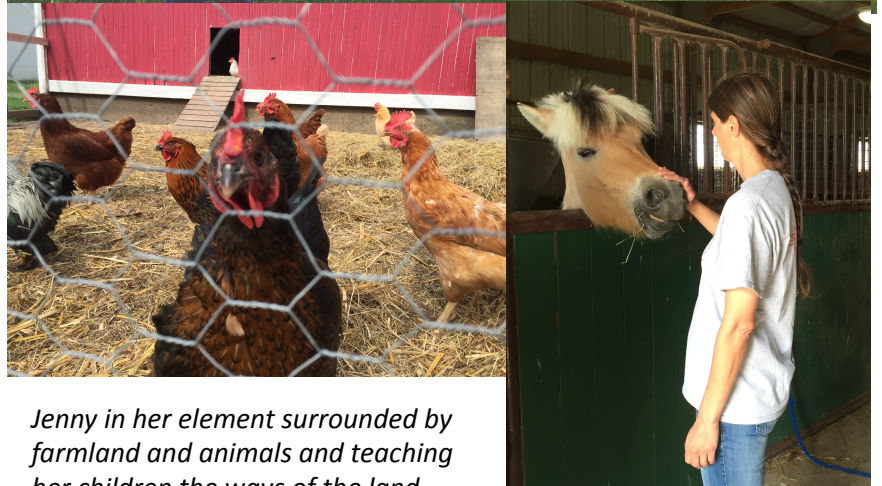
1000 Friends of Iowa board member Jenny Olson's love of the land is as rich as the soil on her Kelley, Iowa farm. Moving from Madison, Wisconsin where she worked as a consulting engineer for lighting design, she and her husband lived in Ankeny before relocating to the rural community. Now her days are spent taking care of her children, all of their animals (chickens, goats, horses, sheep, cats, a dog, ducks, rabbits, and a few cows), and learning the practical wisdom of farming.

Q: What have you taken away from your farming experience in the past two years since moving to Kelley?

A: The more I learn, the more I realize I don't know. And what it's like to be part of a rural community. Living in a neighborhood, you often don't know your neighbors, but out here they're really helping us learn the ins and outs. Patience too ... learning to wait things out and start small; not taking on too much at once. There's also a really healthy ecosystem out here with lots of frogs, toads, and loads of ladybugs. Even though we have some conventional farms around us, they're really careful about spraying.

Q: What would people be surprised to know about Kelley?

A: Kelley was once a larger community than Ames because of the railroad. It also has a phone booth, and sometimes when people stop to take a look they get a phone call from a lady who lives nearby! The church recently celebrated its 100-year anniversary. It was moved from its original location in the early 1900s and was rolled to town on logs. Our house is 125 years old, and one of the owners of this farm was one of the first farmers to grow alfalfa. Like a lot of small towns, it was once a vibrant, thriving community.



Jenny in her element surrounded by farmland and animals and teaching her children the ways of the land.

Q: What's in your garden?

A: I'm an overenthusiastic gardener. If you dig down a few feet here, it's black dirt. I'd hug it if I could; you can grow anything in it. I love to plant tomatoes and have about 100 tomato plants in about 30 varieties. I'm trying my hand at constructing a hoop house and hope to have it done by late summer to see if I can grow some stuff through winter. I'll be at the Huxley market with eggs to sell ... and probably tomatoes. I always end up with way too many!

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Q: How does Madison differ when it comes to sustainability from the Des Moines metro area?

A: Madison is further ahead and seems to be more focused on sustainability. People can get around without a car; there are a lot more local co-ops and locally owned restaurants and businesses. The codes and energy-efficiency standards are more progressive. As a lighting consultant, I did high-end architecture and historic preservation, working with architects on LEED projects, energy conservation, day lighting, and exterior lighting to reduce light pollution.

We need to plant that seed in younger generations who will grow up to be part of a community. - Jenny Olson

Q: What's your biggest concern when you look at the land around you?

A: Probably the growth happening in Huxley and being swallowed by sprawl. Also, Bakken [pipeline] could be coming within a mile from here. There's a lot of concern about how it will affect the drain tile. I can't imagine what a spill could do to some on the farms out here. There are a lot of questions.

Q: What else is on your radar when it comes to land use?

A: I really like the idea of land use education for kids. It was the kids who came home to tell their parents about recycling. We need to plant that seed in younger generations who will grow up to be part of a community.

*Are you a member with an interesting story?
Drop us a note at kfoi@1000friendsofiowa.org*

Ed Fallon continued from page 5

climate denial. It put its muscle behind efforts to manufacture doubt about the reality of global warming its own scientists had once confirmed. It lobbied to block federal and international action to control greenhouse gas emissions. It helped to erect a vast edifice of misinformation that stands to this day," the InsideClimate News report found.

Americans should be outraged. And the investigation launched by InsideClimate News last year should be just the beginning.

And it *is* just the beginning. Attorneys general across the nation are conducting their own state-by-state investigations. To his credit, Iowa Attorney General Tom Miller has expressed interest as well. Hundreds of Iowans have signed petitions encouraging Miller to investigate Exxon with the same tenacity he brought to bear with the tobacco lawsuit several years ago. On May 25, a coalition of Iowa organizations presented Miller with petitions calling for such an investigation.

Of course, not all Iowans agree. Just as Big Tobacco had its friends, so does Exxon. Enter Iowa Rep. Steven Holt, R-Denison. In his recent guest column [AGs' climate change coalition threatens free speech, April 20], Holt defends Exxon, arguing against "using the legal system to silence businesses that do not subscribe to government's conclusions on climate change."

Silencing Exxon? Hardly. We want them to speak loudly — and truthfully — about everything they knew about climate change, and when they knew it. And we want them to speak before a court of law, if it comes to that.

These state-by-state investigations are not at all about suppressing dissent. From the perspective of an attorney general, charged with being the chief legal advocate of the public good, an investigation of this nature is about consumer protection, about holding accountable businesses that mislead the public.

Over the years, Iowa Attorney Tom Miller has done an admirable job in that role. Here's hoping he'll rise to the challenge again when it comes to Exxon.

Ed Fallon is a former Iowa lawmaker and serves as the director of Bold Iowa. Contact: ed@boldiowa.org

This article appeared in the *Des Moines Register* on May 17, 2016 and has been reprinted with permission.

The Devastating Realities of Topsoil Removal

One family's experience is a familiar story for many Iowa homeowners.

By Kari Carney

Imagine moving into your new home that you just had built. You, your husband, and two daughters are looking forward to having a beautiful new home and a big backyard to call your own – one where you can have a swing set, a play house, and a beautiful garden to grow your own vegetables.

But then the first rain came and your yard was flooded, leaving standing water that wouldn't go away. When you went to till up the ground for your garden, you hit only hard clay instead of rich soil.

No matter how much you tilled or augmented the ground, nothing grew well and you were never able to achieve a nice soil in which to plant your garden. But it didn't matter anyway because your yard was always flooded, either from rain or your neighbor emptying their swimming pool.

This is what happened to Jenny Olson and her family when they moved into their brand new home in Ankeny.

Jenny realized that the topsoil had been scraped off of her property and never returned when the home was built. Without topsoil plants won't grow and rainwater cannot be absorbed. It ends up causing flooding and ultimately runs off carrying pollutants into our rivers and streams.

Jenny and her family finally got tired of dealing with the constant flooding and the continued expense of trying to restore the soil on their yard. Eventually, they moved to a small farm.

It is hard to believe that this could happen in a state that is known for having the richest topsoil in the



The Olson's flooded backyard in Ankeny.

country. However, this story is all too familiar. It is common practice for developers to scrape off all of the topsoil to level the ground when building new homes. However, instead of returning the topsoil back to the yard, as you would expect, they haul it off and sell it.

After the Iowa DNR removed the 2012 requirement to replace the soil to the properties where it came from, 1000 Friends of Iowa has started efforts to push local communities to pass their own topsoil restoration ordinances.

In order to help community members take action, we created a toolkit with sample ordinances, how to's, and key

talking points. It's a great tool to use if you want to get a group of your neighbors together to work on getting an ordinance passed in your area.

Several communities currently have an ordinance requiring that the topsoil be returned to the property, including Davenport, North Liberty, and Clive. Others are in the process of getting one passed in their communities. If you would like to get one passed where you live, let us know and use our toolkit!

Contact the 1000 Friends of Iowa office at 515-288-5364 or email us at kfoi@1000friendsofiowa.org if you are interested in working to pass an ordinance. To download a copy of the toolkit, go to our website at www.1000friendsofiowa.org

Iowa Ranks 28 in the Nation as Bicycle-Friendly

New long-term plan has the opportunity to make changes for the better.

Summer in Iowa means breaking out the bicycles. There are so many great reasons to ride your bike – the health and environmental benefits alone are vast. However, Iowa has a ways to go in improving its bike-friendly status. According to the League of American Bicyclists, Iowa ranked 28 of the 50 states in 2015, which was a drop from 25 in 2014.

So what makes a bike-friendly state? According to The League, attributes cover a range of criteria, from developing a Complete Streets policy to having a Share the Road campaign, and that your state has more than one percent of commuters who bike to work. To read in-depth about The League's rigorous bike-friendly attributes and what they encompass, visit bikeleague.org/states.

While Iowa currently hovers in the middle of the rankings list, there's a plan on the horizon that could help Iowa get a bicycle-friendly boost. The Iowa Department of Transportation is currently working on its long-range strategy that considers the next



Photo by Bill Johnson

three decades of multimodal transportation. The Iowa Bicycle and Pedestrian Long-Range Plan has three objectives, according to the Iowa DOT's website:

- Align with national best practices, including the federal transportation funding bill called Moving Ahead for Progress in the 21st Century and national guidelines for trail development.
- Develop a list of priorities to expand the trails system between and within cities.
- Help state and local agencies to put the plan in place by providing tools for funding and design.

What are the most impactful changes on the horizon? According to Milly Ortiz, Iowa DOT Bicycle and Pedestrian Coordinator, there will be more transparency between the DOT, cities, counties and regional planners, and guidance for engineers when they are designing roads under a more comprehensive plan to achieve a better level of coordination for the "The 4 E's" — Engineering, Education, Enforcement, and Encouragement.

Six public hearings were held in 2013 and the DOT will invite public input once again as they work to finalize the plan. So, what can you do to help your community expand their bike-friendly status? Talk to your local government about how to improve bicycle trails and shared roadways; be ready to respond to the DOT's 45-day public input period; and get out and enjoy bicycling in Iowa. Visit www.iowadot.gov/iowabikes/bikemap/home.html to see the Iowa DOT's interactive bike map.

Upcoming Events

June 25 — Protect Our Rivers Flotilla & Community Gathering

All are welcome to join the Pilot Mound flotilla for all or part of the day as community groups continue to work together to stop the pipeline. If you prefer not to paddle, volunteers are needed to help with organization. More information to be posted to nobakken.com.

June 28 — ISU Annual Field Day

Experts will address legal aspects of water quality as well as provide updates on soil and farming practices. Free and open to the public.

July 16 — Puccoon Prairie Restoration

Help restore a unique prairie in Polk County by clearing invasive species and collecting seeds that

are ready for harvest at the Chichaqua Bottoms Greenbelt Park in Maxwell. No experience necessary; equipment provided.

July 24-30 — RAGBRAI XLIV

Is RAGBRAI on your bucket list? The annual ride across Iowa returns with a Southern Iowa route this year. Find all the events' information whether you're a spectator or a rider at ragbrai.com.

July 30 — Let's Take a Close Look at Pollinators

As part of the Blank Park Zoo's new conservation program, Plant.Grow.Fly, participants will learn how to provide habitats for pollinators and how they impact the environment and food sources.

Find event details and more event listings at:
www.1000friendsofiowa.org/events

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