
LEGAL UPDATE

Legal Services Division



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NATURAL RESOURCE COMMISSION MEETING — JUNE 9, 2021

Purpose. *Legal updates are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update is intended to provide legislators, legislative staff, and other persons interested in legislative matters with summaries of recent meetings, court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although an update may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.*

Date and Location. The Natural Resource Commission met on June 9, 2021, in Spirit Lake. The meeting was also accessible telephonically.

Consent Agenda Items. In adopting the agenda, the commission consented to the approval of the following agenda items:

- A contract amendment with Northwoods Forestry, Inc., to extend manual labor services through May 31, 2022, at DNR's State Forest Nursery.
- An electric facilities easement with Butler County REC to allow for the construction, operation, and maintenance of an electrical line extension on, under, over, through, and across an area located at Heery Woods State Park encompassing 0.09 acres.

Director and Division Administrator Remarks. Ms. Kayla Lyon, Director, Department of Natural Resources (DNR), discussed the appropriations to DNR including appropriations for state parks infrastructure and programs, lake restoration, derecho recovery, and other items.

Mr. Pete Hildreth, Administrator, Conservation and Recreation Division, DNR, discussed the recent free fishing weekend for kids. Mr. Hildreth provided an update on DNR's enforcement authority in Miller's Bay on West Okoboji Lake and related summer safety programs. Ms. Tamara McIntosh, Legal Services Bureau Chief, DNR, explained the procedures for determining a quorum and a majority with only six commissioner seats currently filled.

Donations. The commission approved the acceptance of 20 monetary donations ranging in value from \$20 to \$1,345.14.

Grant Recommendations. The commission approved full or partial grant request recommendations for 18 projects requesting a grant available to cities and counties from the Land and Water Conservation Fund. The recommended grant awards range in value from \$50,000 to \$200,000. In response to a question about how the selection board handled conflict of interest issues, DNR staff stated that the selection committee members properly recused themselves when necessary. The selection committee consists of three DNR employees, one representative from the Iowa Association of County Conservation Boards, and one member of the Iowa Parks and Recreation Association. The selection committee is not project-specific, so recusal from the entire review process based on the applicants would have made only one reviewer available. In response to the question of why the available funding is twice as much as in recent years, DNR staff explained that within the last five years funding has increased eight-fold. The primary source of revenue for the fund comes from federal offshore oil and gas leases and a certain amount of the moneys is required to go to the fund, but that amount had not been adhered to in prior years.

The commission approved full or partial grant request recommendations for six projects requesting a grant as part of the Water Trails Development Program. The recommended grant awards range in value from \$1,248 to \$53,788.

Contracts. The commission approved the awarding of the following contracts:

- A contract with Cole Excavating, LLC, to remove spoil material and sediment from old channels at the Big Marsh Wildlife Management Area (WMA) in order to improve habitats, flood storage, and water quality on the WMA and improve water delivery to downstream wetlands.
- A contract with Iowa State University to conduct bird count and vegetation surveys on certain properties enrolled in the Wetland Reserve Program and compare results with a prior similar survey.
- A contract with Ducks Unlimited, Inc., to conduct a topographic survey on the Otter Creek WMA to better understand the existing hydrology and the amount of sedimentation on the area and the resulting impact of water movement and management capacity. After the survey, DNR will conduct a wetland review to identify and determine management options.
- A contract with the Black Hawk County Conservation Board to retain a consultant to provide engineering services for the restoration of Casey Lake in preparation of future construction of watershed best management practices and in-lake restoration strategies to improve the water quality and recreational opportunities in the lake.

Deer Management Zone Hunts. The commission approved the deer management zones for the 2021-2022 deer hunting season, including license quotas and authorized methods of take for each zone.

Land Acquisitions. The commission approved the following land acquisitions, all of which will provide hunting and outdoor recreation opportunities:

- A 181-acre tract in Boone County adjacent to the Saylorville WMA for \$570,000. The tract will support habitat for endangered species and species of greatest conservation need.
- A 67-acre tract in Winneshiek County adjacent to the Falcon Springs WMA for \$310,000. The tract will be managed as a diverse grassland and woodland community.
- A 67-acre tract in Guthrie County adjacent to the Middle Raccoon River WMA for \$45,000. The tract will allow greater access to the Middle Raccoon River WMA.
- A 210.29-acre tract in Plymouth County adjacent to the Heendah Hills WMA for \$673,000. The tract will be managed as a high-quality grassland.
- An 18.5-acre tract in Iowa County adjacent to the Iowa River Corridor WMA for \$37,000. The tract will provide foraging for pollinators, soil protection, and habitat for waterfowl and other animals.
- A 119.79-acre tract in Pocahontas County adjacent to the Des Moines River and public land owned by the Pocahontas County Conservation Board for \$260,000. The tract will improve access to 53 acres of sovereign land that is currently inaccessible.
- A 99.2-acre tract in Fremont County adjacent to the Green Hollow WMA for \$321,750. The tract will improve access to the Green Hollow WMA and support habitat for endangered species and species of greatest conservation need.

Construction Projects. The commission approved a construction project to repair road damage at the Kettleston Hogsback and Center Lake WMAs in Dickinson County for \$86,683.60.

Next Meeting. The next meeting will be held on July 7, 2021, in Des Moines and will be followed by a joint informational meeting with the Environmental Protection Commission.

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