



# FINAL REPORT

## State Fish and Game Protection Fund Study Committee

December 2011

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### MEMBERS:

Senator Dennis Black, Co-chairperson  
Senator Dick L. Dearden  
Senator James F. Hahn

Representative Henry V. Rayhons,  
Co-chairperson  
Representative Curtis Hanson  
Representative Jeff Smith

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Legislative Services Agency

### AUTHORIZATION AND APPOINTMENT

The Legislative Council established the State Fish and Game Protection Fund Study Committee pursuant to 2011 Iowa Acts, SF 509, to hold one meeting during the 2011 Interim in order to review expenditures from the State Fish and Game Protection Fund by the Department of Natural Resources.



## State Fish and Game Protection Fund Study Committee

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### **I. Committee Proceedings**

The committee conducted one meeting at the Statehouse during the 2011 Legislative Interim on Wednesday, November 16, 2011.

### **II. November 16, 2011, Meeting**

#### **A. Overview**

The committee adopted rules and elected Senator Black and Representative Rayhons as permanent co-chairpersons. The committee considered a presentation by the Legislative Services Agency (LSA) and a Department of Natural Resources (DNR) panel provided testimony and materials to the committee.

#### **B. Summary of the Fund's Appropriations Process**

Ms. Deb Kozel, LSA Senior Legislative Analyst, discussed the revenue sources of the State Fish and Game Protection Fund (fund) (e.g., hunting and fishing licenses, federal moneys, sales income, income tax refund donations, and interest) and expenditures (e.g., legislative appropriations), and the DNR's support of capital projects and contingencies.

Each year the DNR submits a budget request to the Department of Management for the following fiscal year and the Governor makes a budget recommendation to the General Assembly. The Joint Appropriations Subcommittee on Agriculture and Natural Resources reviews the DNR's request for funding, the Governor's recommendations, and other information that might affect the funding level before recommending the amount to appropriate to the DNR for its operations. Appropriations from the fund have been fairly stable for the last five years.

Moneys not otherwise appropriated from the fund can be used for capital projects, state aid matching moneys for federal research grants for specific projects, and contingencies approved by the General Assembly or the Executive Council.

Ms. Kozel answered questions from committee members relating to the use of fund moneys for capital projects. Co-chairperson Black observed that 43.9 percent of the fund expenditures are for capital projects including acquisition of land and the state fish hatcheries. Mr. Joe Larscheid, DNR Fisheries Bureau Chief, explained that the state has seven hatcheries, which are old and in need of frequent repair. Ms. Diane Ford, DNR legislative liaison, clarified that the DNR's lake dredging projects are funded with lake restoration funds, not capital funds. Co-chairperson Black cautioned that moneys in the fund are constitutionally protected and must be utilized only for the purpose for which the fund was created.

#### **C. Conservation and Recreation**

The committee considered a panel presentation by staff of the DNR's Conservation and Recreation Division, including Mr. Chuck Corell, Division Administrator; Mr. Dale Garner, Wildlife Bureau Chief; Mr. Bob Garrison, Law Enforcement Bureau Chief; and Mr. Joe Larscheid, Fisheries Bureau Chief.



**Fund Information.** Mr. Corell led the panel in discussing the fund's financial condition. The estimated total economic effect in this state from fish and wildlife recreation in 2006 was \$1.54 billion. The sources of fund revenue include hunting and fishing license fees, federal aid (including through the Pittman-Robertson Act of 1937 and the Dingell-Johnson Act of 1950), fish and wildlife habitat fees, boat registration fees, all-terrain vehicle and snowmobile fees, miscellaneous fees, and the balance carryforward from previous years, all equaling \$66,981,370. In FY 2010-2011, expenditures were used to support wildlife (\$15,063,317), enforcement (\$12,134,386), fisheries (\$10,672,470), capital projects (\$10,392,096), and administration (\$1,059,067), with a balance carryforward (\$17,362,884). In FY 2010-2011, DNR paid property taxes to counties (\$755,885), but not all those moneys were paid from the fund. In Iowa, public land equals 780,000 acres with DNR holding 350,000 acres. According to Mr. Corell, by FY 2015-2016, the fund is expected to have a deficit of \$301,506.

**Wildlife Bureau.** Mr. Garner explained that the mission of the Wildlife Bureau is to conserve and enhance Iowa's wildlife resources on private and public land using science-based wildlife management programs. The Wildlife Bureau is the largest bureau in the DNR with responsibility for public and private lands management, research, botany, mapping and planning with satellite information, and depredation. The bureau's annual operations budget is predominately spent on management with other expenditures for administration, research, private land management, and management of areas owned by the U.S. Army Corps of Engineers.

The Wildlife Bureau counts among its successes the prairie resource unit restoration of native landscapes; Iowa's Habitat and Access Area Program allowing hunters access to private lands; shallow lakes restoration; a world-class deer herd; partnerships with private entities, county conservation boards, and the Army Corps of Engineers; inaugural dove hunting season in September 2011; Multiple Species Inventory and Monitoring Program; and wildlife restoration efforts of nongame species.

**Law Enforcement Bureau.** Mr. Garrison explained that the mission of the Law Enforcement Bureau is to conserve and enhance Iowa's natural resources in cooperation with individuals and organizations to improve the quality of life in Iowa and ensure a legacy for future generations. The bureau's annual operations budget is predominately spent on field operations with expenditures for administration, hunter safety, boating safety, shooting ranges, and snowmobile enforcement.

The Law Enforcement Bureau counts among its successes hiring 16 additional officers; purchase of new narrowband radios; new shoulder patches commemorating the 120th anniversary of conservation officers in the state; work on rewriting the bureau's strategic plan; registration of docks; revamping of the computer system for the hunter education program; Electronic Licensing System of Iowa (ELSI II) adding boat registration to that for hunting and fishing licenses; assistance with the Missouri River flooding disaster in summer 2011; increased officer training and special investigation efforts; public education, especially about the new .08 boating while intoxicated law; Turn in Poachers Program; Operation Dry Water for vessel safety checks; off-highway vehicle program for snowmobiles, all-terrain vehicles, and off-road vehicles; and the Archery in Schools Program.

**Fisheries Bureau.** Mr. Larscheid discussed the mission of the Fisheries Bureau which is to demonstrate leadership through education and scientifically based management for the protection,



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restoration, and enhancement of Iowa's fisheries and other aquatic resources while providing a wide range of outdoor recreational opportunities. The largest section is the fisheries management section, which is responsible for active management of 100,000 miles of streams and 300,000 acres of water in the state. Next largest is the fisheries culture section, which stocks high-quality fish in areas without sufficient natural reproduction. The fisheries research section focuses on improving fishing and recreational opportunities on the water. The Lake Restoration Program strives to improve water quality and habitat in the state's lakes but is not funded by the fund.

The bureau counts among its successes the walleye and trout stocking programs; high-quality muskellunge, catfish, and panfish fishing; improvements in water habitats, quality, and watersheds; and fishing projects and programs which encourage children to fish.

**HUSH Program.** Senator Dearden and Mr. Corell discussed the constitutionality of using license fees to support the Help Us Stop Hunger (HUSH) Program, which funds the processing of donated deer meat. Mr. Corell stated that the Attorney General indicated that it is permissible to use money from the fund to help finance this program. Senator Dearden opined that money to make up the shortage in funding for the HUSH Program should come out of the General Fund of the State or be paid by the Department of Corrections since it uses much of the meat.

**Use of Fees.** Co-chairperson Black and Mr. Corell discussed the constitutionality of using licensing fees to support water trail improvements. Mr. Corell said that boat registration fees are statutorily required to be placed in the fund. In 2007, when boat registration fees were raised, the increase was required by statute to be used in part for administering and enforcing navigation and water safety laws on the inland waters of the state. The water trail program impacts water safety. Co-chairperson Black indicated he would ask the Attorney General for an opinion concerning use of moneys from the fund for water trails.

Co-chairperson Black discussed the issue of increasing license fees to preserve the fund and said that he would be willing to support such an increase next year.

Co-chairperson Rayhons and Mr. Corell discussed alternatives to raising fees, including issues related to the acquisition of land by the DNR, the issuance of nonresident deer hunting licenses, and the decline in the state's pheasant population.

**Law Enforcement Bureau Organization.** Co-chairperson Black and Mr. Garrison discussed the organization of the Law Enforcement Bureau and Co-chairperson Black indicated he would like to see a strategic plan for the bureau developed in-house. Mr. Garrison responded that there are currently only five regions designated instead of six because of budget concerns.

**Dove Hunting.** Co-chairperson Rayhons and Mr. Garner discussed the state's inaugural dove hunting season, which was held this fall. Representative Smith and Mr. Garner discussed the possibility of creating a dove stamp to generate revenue. Mr. Garner responded that there is currently a migratory game bird fee, but it applies only to hunting water fowl. Senator Dearden added that a migratory game bird fee for dove hunting might be added later when the General Assembly considers increasing other hunting and fishing license fees.

**Deer.** Representative Hanson and Mr. Corell discussed the overpopulation of deer and the amount of land placed in forest preserve with no management.



**Pheasants.** Representative Smith and Mr. Garner discussed possible causes for the decline in pheasants including lack of habitat for pheasants, better harvesting practices, more predators, and recent flooding.

**Aquatic Invasive Species.** Representative Smith and Mr. Larscheid discussed the DNR's control of aquatic invasive species, which pose a threat to Iowa's lakes. Mr. Larscheid said that when boat registration fees were increased in 2007, the state's aquatic invasive species control program was expanded and the DNR now monitors more than 100 water systems in the state to look for new infestations and treat them immediately. They also discussed issues related to silver carp and bighead carp in lakes as a result of the Missouri River flooding this past spring. The DNR would like to erect barriers to prevent such fish from getting into lakes before the next flood occurs.

### III. Record of Testimony

The committee received and filed the testimony given to provide a record for further legislative consideration.

### IV. Materials Filed With the Legislative Services Agency

The following materials listed were distributed at or in connection with the committee's deliberations and are filed with the Legislative Services Agency. The materials may be accessed from the <Committee Documents> link on the Committee's Internet webpage:

<http://www.legis.iowa.gov/Schedules/committee.aspx?GA=84&CID=543>

1. Meeting Notice.
2. Tentative Agenda.
3. State Fish and Game Protection Fund Study Committee.
4. PowerPoint Presentation by Department of Natural Resources, Conservation and Recreation Division staff.
5. Members.
6. Charge.
7. Letter to Members.
8. Proposed Rules.
9. Adopted Rules.
10. Sign-up Sheet.
11. Iowa Fish and Game Protection Fund Report for Fiscal Year 2011 (corrected) by Department of Natural Resources.
12. Background Statement by Mr. Adkisson, Legal Counsel, Legal Division, Legislative Services Agency.



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13. PowerPoint Presentation by Ms. Kozel, Senior Fiscal Analyst, Fiscal Services Division, Legislative Services Agency.
14. Committee Minutes, November 16, 2011.

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