

3/19/98 Deferred & Placed on Unfinished Business Calendar

MAR 3 1998
Place On Calendar

HOUSE FILE 2506
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO HSB 670)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the taking of mussels from the waters of this
2 state and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2506

1 Section 1. NEW SECTION. 482.12A MUSSEL FISHING -- SEASON
2 -- AREAS.

3 1. Notwithstanding sections 481A.38, 481A.39, 482.1, and
4 482.12, the open season for taking washboard mussel each year
5 shall be from April 1 to August 31. The washboard mussel
6 shall be taken only during the hours between sunrise and
7 sunset. The minimum size limit on washboard mussel shall be
8 four inches.

9 2. Mussels may be taken from any waters of the state
10 during the open season.

11 Sec. 2. NEW SECTION. 482.12B SCIENTIFIC STUDY OF MUSSEL
12 POPULATIONS -- REPORT.

13 The department of natural resources shall conduct a study
14 of the populations of various mussel species in the waters of
15 this state with emphasis on the sublegal population of
16 washboard mussels among the beds along the Mississippi river.
17 The department shall conduct independent field investigations
18 of the various mussel beds in boundary waters of this state.
19 The department shall fund up to fifty percent of the cost of
20 the field investigations with the commercial mussel industry
21 contributing the remainder. The department shall contract
22 with a malacologist who is acceptable to the commercial mussel
23 industry and the department to conduct the study and
24 investigation. The department shall review current scientific
25 studies conducted by other state natural resource agencies,
26 federal wildlife and natural resource agencies, and private
27 parties including commercial fishers, shell buyers, and shell
28 exporters.

29 The department shall report its findings to the
30 chairpersons and ranking members of the house committee on
31 natural resources and the senate committee on natural
32 resources and environment not later than January 15, 2003.
33 Notwithstanding section 482.12A, if the data in the report
34 supports a closed season for washboard mussels, the natural
35 resource commission may consider closing the season for

1 washboard mussels.

2 Sec. 3. Section 482.13, Code 1997, is amended to read as
3 follows:

4 482.13 RECIPROCITY FOR COMMERCIAL FISHING, COMMERCIAL
5 MUSSEL FISHING, AND COMMERCIAL TURTLE FISHING.

6 1. Reciprocal commercial fishing, commercial mussel
7 fishing, and commercial turtle fishing privileges are
8 contingent upon a grant of similar privileges by the
9 appropriate state to residents of this state.

10 2. The commission may negotiate commercial reciprocity
11 agreements with other states.

12 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
13 immediate importance, takes effect upon enactment.

14 EXPLANATION

15 This bill provides for an open season each year for the
16 taking of washboard mussels. The open season is from April 1
17 through August 31. The minimum size for taking a washboard
18 mussel is four inches.

19 The bill also provides that mussels may be taken from any
20 waters of the state. Currently, rules limit commercial mussel
21 harvesting to the Mississippi river and its connected
22 backwaters.

23 The bill requires the department of natural resources to
24 conduct a study of the populations of the various mussel
25 species in the waters of the state with emphasis on the
26 sublegal population of washboard mussels in beds along the
27 Mississippi river. The department is to conduct an
28 independent investigation of the various mussel species and
29 beds. The department shall match up to 50 percent of the cost
30 of the field investigation with the commercial mussel industry
31 and shall contract with a malacologist who is acceptable to
32 the commercial mussel industry and the department to conduct
33 the study and investigation. The department shall also review
34 recent studies conducted by other state natural resource
35 agencies, federal wildlife and natural resource agencies, and

1 private parties including commercial fishers. The department
2 is to report its findings to the chairpersons and ranking
3 members of the house committee on natural resources and the
4 senate committee on natural resources and environment not
5 later than January 15, 2003. The natural resources commission
6 may consider closing the season for washboard mussels if
7 supported by the data in the report.

8 The bill also makes reciprocal commercial mussel fishing
9 privileges contingent upon a grant of similar privileges by
10 the appropriate state to residents of this state.

11 This bill takes effect upon enactment.

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HOUSE FILE 2506

H-8847

1 Amend House File 2506 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 482.4, subsection 6,
5 paragraphs h and i, Code 1997, are amended to read as
6 follows:

7	h. Commercial mussel buyer, resident.....	\$	17,000.00
8			1,050.00
9	i. Commercial mussel buyer, nonresident.....	\$	57,000.00
10			<u>5,050.00</u>

11 Sec. 2. NEW SECTION. 482.12A MUSSEL FISHING --
12 SEASON.

13 Notwithstanding sections 481A.38, 481A.39, 482.1,
14 and 482.12, the open season for taking washboard
15 mussel each year shall be from April 1 to August 31.
16 The washboard mussel shall be taken only during the
17 hours between sunrise and sunset. The minimum size
18 limit on washboard mussel shall be four inches.

19 Sec. 3. NEW SECTION. 482.12B SCIENTIFIC STUDY OF
20 MUSSEL POPULATIONS -- REPORT.

21 The department of natural resources shall conduct a
22 study of the populations of various mussel species in
23 the waters of this state with emphasis on the sublegal
24 population of washboard mussels in the waters of the
25 state. The department shall conduct independent field
26 investigations of the various mussel beds in boundary
27 waters of this state. The department shall fund up to
28 fifty percent of the cost of the field investigations
29 with the commercial mussel industry contributing the
30 remainder. The department shall contract with a
31 malacologist who is acceptable to the commercial
32 mussel industry and the department to conduct the
33 study and investigation. The department shall review
34 current scientific studies conducted by other state
35 natural resource agencies, federal wildlife and
36 natural resource agencies, and private parties
37 including commercial fishers, shell buyers, and shell
38 exporters.

39 The department shall report its findings to the
40 chairpersons and ranking members of the house
41 committee on natural resources and the senate
42 committee on natural resources and environment not
43 later than January 15, 2000. Notwithstanding section
44 482.12A, if the data in the report supports a closed
45 season for washboard mussels, the natural resource
46 commission may consider closing the season for
47 washboard mussels.

48 Sec. 4. Section 482.13, Code 1997, is amended to
49 read as follows:

50 482.13 RECIPROCITY FOR COMMERCIAL FISHING,

H-8847

H-8847

Page 2

1 COMMERCIAL MUSSEL FISHING, AND COMMERCIAL TURTLE
2 FISHING.

3 1. Reciprocal commercial fishing, commercial
4 mussel fishing, and commercial turtle fishing
5 privileges are contingent upon a grant of similar
6 privileges by the appropriate state to residents of
7 this state.

8 2. The commission may negotiate commercial
9 reciprocity agreements with other states.

10 3. When another state confers upon commercial
11 mussel fishing licensees of this state reciprocal
12 rights, privileges, and immunities including the
13 taking of washboard mussels, a commercial mussel
14 fishing license issued by that state entitles the
15 licensee to all rights, privileges, and immunities
16 including the taking of washboard mussels in the
17 public waters of this state enjoyed by the holders of
18 equivalent licenses issued by this state, subject to
19 duties, responsibilities, and liabilities imposed on
20 its own licensees by the laws of this state.

21 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
22 immediate importance, takes effect upon enactment."

23 2. Title page, line 2, by inserting after the
24 word "state" the following: ", increasing license
25 fees,".

By HAHN of Muscatine
THOMAS of Clayton

H-8847 FILED APRIL 1, 1998

Adapted
4-8-98
(P. 1419)

HOUSE FILE 2506

H-8488

1 Amend the amendment, H-8426, to House File 2506, as
2 follows:

3 1. Page 1, by striking lines 2 through 7 and
4 inserting the following:

5 "_____. By striking everything after the enacting
6 clause and inserting the following:

7 "Section 1. NEW SECTION. 482.12A WASHBOARD
8 MUSSELS -- MORATORIUM -- STUDY.

9 1. The season on taking washboard mussels shall be
10 closed from July 1, 1998, through June 30, 2000.

11 2. During the two-year moratorium on washboard
12 mussel fishing, the department of natural resources
13 shall conduct a study of the populations of various
14 mussel species in the waters of this state with
15 emphasis on the sublegal population of washboard
16 mussels among the beds along the Mississippi river.
17 The department shall conduct independent field
18 investigations of the various mussel beds in boundary
19 waters of this state. The department shall fund the
20 cost of the field investigations. The department
21 shall contract with a malacologist who is acceptable
22 to the commercial mussel industry and the department
23 to conduct the study and investigation. The
24 department shall review current scientific studies
25 conducted by other state natural resource agencies,
26 federal wildlife and natural resource agencies, and
27 private parties including commercial fishers, shell
28 buyers, and shell exporters.

29 The department shall report its findings to the
30 chairpersons and ranking members of the house
31 committee on natural resources and the senate
32 committee on natural resources and environment not
33 later than January 15, 2000. If the study data shows
34 the health of the washboard mussel population can
35 support the taking of washboard mussels by commercial
36 mussel fishers, the department may provide for an open
37 season on washboard mussels."

38 _____. Title page, line 2, by striking the words
39 "an effective date" and inserting the following: "a
40 study"."

By DOTZLER of Black Hawk

H-8488 FILED MARCH 18, 1998

o/order

HOUSE FILE 2506

H-8482

1 Amend the amendment, H-8427, to House File 2506 as
2 follows:
3 1. Page 1, line 8, by inserting after the word
4 "Illinois." the following: "If refuge areas are
5 established, the refuge area with the healthiest
6 environment and the refuge area with the most polluted
7 environment shall be closed for the purpose of
8 collecting data for the study."

By DOTZLER of Black Hawk

H-8482 FILED MARCH 18, 1998

O/ order 4/8/98

HOUSE FILE 2506

H-8485

1 Amend the amendment, H-8430, to House File 2506, as
2 follows:
3 1. Page 1, line 9, by inserting after the word
4 "season." the following: "During the five-year study,
5 notwithstanding section 482.12A, the minimum size
6 limit on washboard mussel shall be five inches."

By DOTZLER of Black Hawk

H-8485 FILED MARCH 18, 1998

adapted 4-8-98

HOUSE FILE 2506

H-8489

1 Amend the amendment, H-8473, to House File 2506 as
2 follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "____. Page 2, line 1, by inserting after the word
6 "mussels." the following: "During the five-year
7 study, notwithstanding section 482.12A, the minimum
8 size limit on washboard mussel shall be five inches.""

By DOTZLER of Black Hawk

H-8489 FILED MARCH 18, 1998

W/D 4-8-98 (p. 1414)

HOUSE FILE 2506

H-8491

1 Amend the amendment, H-8429, to House File 2506, as
2 follows:
3 1. Page 1, by striking lines 13 through 16 and
4 inserting the following: "waters in this state. The
5 department shall fund the cost of the field
6 investigations. The department shall contract with
7 a".

By DOTZLER of Black Hawk

H-8491 FILED MARCH 18, 1998

O/ order 4-8-98

HOUSE FILE 2506

H-8895

1 Amend the amendment, H-8847, to House File 2506 as
 2 follows:
 3 1. Page 1, by inserting after line 38 the
 4 following:
 5 "The department may also consider establishing two
 6 refuge areas for mussels at various locations along
 7 the Mississippi river in cooperation with the
 8 departments of natural resources of the states of
 9 Wisconsin and Illinois. If two refuge areas are
 10 established, the refuge area with the healthiest
 11 environment and the refuge area with the most polluted
 12 environment may be closed for the purpose of
 13 collecting data for the study. The department may
 14 establish additional refuge in unique areas along the
 15 river."

By DOTZLER of Black Hawk

H-8895 FILED APRIL 3, 1998

~~4-8-98~~
 WJD (P. 1417)

HOUSE FILE 2506

H-8913

1 Amend the amendment, H-8847, to House File 2506 as
 2 follows:
 3 1. Page 1, by striking lines 11 through 18 and
 4 inserting the following:
 5 "Sec. ____ . NEW SECTION. 482.12A MUSSEL FISHING
 6 MORATORIUM.
 7 The season for taking washboard mussels shall be
 8 closed from July 1, 1998, through June 30, 2000."
 9 2. Page 1, by striking lines 43 through 47 and
 10 inserting the following: "later than January 15,
 11 2000. After June 30, 2000, the department may
 12 continue the moratorium for taking washboard mussels
 13 or reopen the season if the study data shows a healthy
 14 population of washboard mussels that can support a
 15 commercial harvest season."

By DOTZLER of Black Hawk

H-8913 FILED APRIL 3, 1998

Lost 4-8-98 (P. 1418)

HOUSE FILE 2506

H-8914

1 Amend the amendment, H-8847, to House File 2506 as
 2 follows:
 3 1. Page 1, line 8, by striking the figure
 4 "1,050.00" and inserting the following: "2,500.00".
 5 2. Page 1, line 10, by striking the figure
 6 "5,050.00" and inserting the following: "6,500.00".

By BURNETT of Story

H-8914 FILED APRIL 3, 1998

Lost
 4-8-98 (P. 1417)

HOUSE FILE 2506

H-8915

1 Amend the amendment, H-8847, to House File 2506 as
 2 follows:
 3 1. Page 2, by striking lines 10 through 20 and
 4 inserting the following:
 5 "3. All nonresident licensed commercial mussel
 6 fishers shall conform with the regulations of the
 7 state in which they are fishing. However, if the
 8 regulations of the licensee's state of residence are
 9 more restrictive, the licensee must conform with the
 10 more restrictive regulations."

By HAHN of Muscatine
 THOMAS of Clayton

H-8915 FILED APRIL 3, 1998

Adopted
 4-8-98 (p. 1419)

HOUSE FILE 2506

H-8955

1 Amend the amendment, H-8847, to House File 2506 as
 2 follows:
 3 1. Page 1, by inserting after line 38 the
 4 following:
 5 "The department shall establish two study control
 6 refuge areas for mussels along the Mississippi river.
 7 One refuge shall be pool no. 15, which is the region
 8 of the upper Mississippi river system that is
 9 impounded by lock and dam no. 15. The second refuge
 10 shall be a healthy pool of the upper Mississippi river
 11 system that is impounded by a lock and dam as
 12 determined by the department and the commercial mussel
 13 industry. The refuge areas shall be closed for mussel
 14 fishing during the study."

By DOTZLER of Black Hawk

H-8955 FILED APRIL 6, 1998

*Lost 4/8/98 (p. 1418) - Motion to R/C - Prevailed 4/8/98
 New H8955 - adopted*

HOUSE FILE 2506

H-8985

1 Amend the amendment, H-8847, to House File 2506 as
 2 follows:
 3 1. Page 1, line 18, by inserting after the word
 4 "inches." the following: "The taking of mussels shall
 5 be limited to the Mississippi river and its connected
 6 backwaters."

By HAHN of Muscatine
 THOMAS of Clayton

H-8985 FILED APRIL 7, 1998

Adopted 4-8-98 (p. 1417)

HOUSE FILE 2506

H-8504

1 Amend the amendment, H-8429, to House File 2506 as
2 follows:

3 1. Page 1, by striking lines 3 through 29 and
4 inserting the following:

5 "____. By striking page 1, line 11, through page
6 2, line 1, and inserting the following:

7 "Sec. ____ . NEW SECTION. 482.12B SCIENTIFIC STUDY
8 OF MUSSEL POPULATIONS -- REPORT.

9 The department of natural resources shall conduct a
10 study of the populations of various mussel species in
11 the waters of this state with emphasis on the sublegal
12 population of washboard mussels in the waters of the
13 state. The department shall conduct independent field
14 investigations of the various mussel beds in boundary
15 waters of this state. The department shall fund up to
16 fifty percent of the cost of the field investigations
17 with the commercial mussel industry contributing the
18 remainder. The department shall contract with a
19 malacologist who is acceptable to the commercial
20 mussel industry and the department to conduct the
21 study and investigation. The department shall review
22 current scientific studies conducted by other state
23 natural resource agencies, federal wildlife and
24 natural resource agencies, and private parties
25 including commercial fishers, shell buyers, and shell
26 exporters.

27 The department shall report its findings to the
28 chairpersons and ranking members of the house
29 committee on natural resources and the senate
30 committee on natural resources and environment not
31 later than January 15, 2000. Notwithstanding section
32 482.12A, if the data in the report supports a closed
33 season for washboard mussels, the natural resource
34 commission may consider closing the season for
35 washboard mussels."

By HAHN of Muscatine

H-8504 FILED MARCH 19, 1998

O/orden 4-8-98

HOUSE FILE 2506

H-8518

1 Amend the amendment, H-8473, to House File 2506, as
2 follows:

3 1. Page 1, line 8, by striking the figure
4 "1,050.00" and inserting the following: "2,500.00".

5 2. Page 1, line 10, by striking the figure
6 "5,050.00" and inserting the following: "6,500.00".

By BURNETT of Story

H-8518 FILED MARCH 19, 1998

*W/O 4-8-98
(P. 1414)*

HOUSE FILE 2506

H-8429

1 Amend House File 2506 as follows:

2 1. Page 1, by striking lines 9 and 10.

3 2. Page 2, by inserting after line 1 the

4 following:

5 "Sec. ____ . NEW SECTION. 482.12C SCIENTIFIC STUDY

6 OF MUSSEL POPULATIONS -- INLAND WATERS -- REPORT.

7 The department of natural resources shall conduct a
8 study of the populations of various mussel species in
9 the inland waters of the state with emphasis on the
10 sublegal population of washboard mussels. The
11 department shall conduct independent field
12 investigations of the various mussel beds in inland
13 waters of this state. The department shall fund up to
14 fifty percent of the cost of the field investigations
15 with the commercial mussel industry contributing the
16 remainder. The department shall contract with a
17 malacologist who is acceptable to the commercial
18 mussel industry and the department to conduct the
19 study and investigation. The department shall review
20 current scientific studies conducted by other state
21 natural resource agencies, federal wildlife and
22 natural resource agencies, and private parties
23 including commercial fishers, shell buyers, and shell
24 exporters.

25 The department shall report its findings to the
26 chairpersons and ranking members of the house
27 committee on natural resources and the senate
28 committee on natural resources and environment not
29 later than January 15, 2000."

By DOTZLER of Black Hawk

H-8429 FILED MARCH 16, 1998

O/Order 4-8-98

HOUSE FILE 2506

H-8430

1 Amend House File 2506 as follows:

2 1. Page 1, line 32, by striking the figure

3 "2003." and inserting the following: "2000. The

4 department shall submit a second report not later than

5 January 15, 2003. At each reporting date,

6 notwithstanding section 482.12A, if the data supports

7 a closed season for washboard mussels, the natural

8 resource commission may consider closing the washboard

9 mussel season."

By DOTZLER of Black Hawk

H-8430 FILED MARCH 16, 1998

O/Order 4-8-98

HOUSE FILE 2506

H-8426

- 1 Amend House File 2506 as follows:
- 2 1. Page 1, line 32, by inserting after the figure
- 3 "2003." the following: "Notwithstanding section
- 4 482.12A, if the data in the report supports a closed
- 5 season for washboard mussels, the natural resource
- 6 commission may consider closing the season for
- 7 washboard mussels."

By DOTZLER of Black Hawk

H-8426 FILED MARCH 16, 1998

O/Order 4/8/98

HOUSE FILE 2506

H-8427

- 1 Amend House File 2506 as follows:
- 2 1. Page 1, by inserting after line 28 the
- 3 following:
- 4 "The department may also consider establishing
- 5 refuge areas for mussels at various locations along
- 6 the Mississippi river in cooperation with the
- 7 departments of natural resources of the states of
- 8 Wisconsin and Illinois."

By DOTZLER of Black Hawk

H-8427 FILED MARCH 16, 1998

O/Order 4/8/98

HOUSE FILE 2506

H-8428

- 1 Amend House File 2506 as follows:
- 2 1. Page 1, line 32, by striking the figure "2003"
- 3 and inserting the following: "2000".

By DOTZLER of Black Hawk

H-8428 FILED MARCH 16, 1998

O/Order 4/8/98

HOUSE FILE 2506

H-8473

- 1 Amend House File 2506 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 482.4, subsection 6,
- 5 paragraphs h and i, Code 1997, are amended to read as
- 6 follows:

7	h. Commercial mussel buyer, resident.....	\$	17,000.00
8			<u>1,050.00</u>
9	i. Commercial mussel buyer, nonresident.....	\$	57,000.00
10			<u>5,050.00"</u>

By HAHN of Muscatine

H-8473 FILED MARCH 17, 1998

*W/D 4/8/98
(p. 1415)*

HSB 670

NATURAL RESOURCES

Hahn, Chair
Carmack
Datzler

HOUSE FILE SF/Hr 250
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL
BY CHAIRPERSON KLEMME)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the taking of mussels from the waters of this
2 state and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 482.12A MUSSEL FISHING -- SEASON
2 -- AREAS.

3 1. Notwithstanding sections 481A.38, 481A.39, 482.1, and
4 482.12, the open season for taking washboard mussel each year
5 shall be from April 1 to August 31. The washboard mussel
6 shall be taken only during the hours between sunrise and
7 sunset. The minimum size limit on washboard mussel shall be
8 four inches.

9 2. Mussels may be taken from any waters of the state
10 during the open season.

11 Sec. 2. NEW SECTION. 482.12B SCIENTIFIC STUDY OF MUSSEL
12 POPULATIONS -- REPORT.

13 The department of natural resources shall conduct a study
14 of the populations of various mussel species in the waters of
15 this state with emphasis on the population of washboard
16 mussels among the beds along the Mississippi river. The
17 department shall conduct independent field investigations of
18 the various mussel beds in boundary waters of this state. The
19 department shall fund up to fifty percent of the cost of the
20 field investigations with the commercial mussel industry
21 contributing the remainder. The department shall contract
22 with a malacologist who is acceptable to the commercial mussel
23 industry to conduct the study and investigation. The
24 department shall review current scientific studies conducted
25 by other state natural resource agencies, federal wildlife and
26 natural resource agencies, and private parties including
27 commercial fishers, shell buyers, and shell exporters.

28 The department shall report its findings to the
29 chairpersons and ranking members of the house committee on
30 natural resources and the senate committee on natural
31 resources and environment not later than January 15, 2003.

32 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
33 immediate importance, takes effect upon enactment.

34 EXPLANATION

35 This bill provides for an open season each year for the

1 taking of washboard mussels. The open season is from April 1
2 through August 31. The minimum size for taking a washboard
3 mussel is four inches.

4 The bill also provides that mussels may be taken from any
5 waters of the state. Currently, rules limit commercial mussel
6 harvesting to the Mississippi river and its connected
7 backwaters.

8 The bill requires the department of natural resources to
9 conduct a study of the populations of the various mussel
10 species in the waters of the state with emphasis on washboard
11 mussels in beds along the Mississippi river. The department
12 is to conduct an independent investigation of the various
13 mussel species and beds. The department shall match up to 50
14 percent of the cost of the field investigation with the
15 commercial mussel industry and shall contract with a
16 malacologist who is acceptable to the commercial mussel
17 industry to conduct the study and investigation. The
18 department shall also review recent studies conducted by other
19 state natural resource agencies, federal wildlife and natural
20 resource agencies, and private parties including commercial
21 fishers. The department is to report its findings to the
22 chairpersons and ranking members of the house committee on
23 natural resources and the senate committee on natural
24 resources and environment not later than January 15, 2003.

25 This bill takes effect upon enactment.

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