
LEGAL UPDATE

Legal Services Division



Ground Floor, State Capitol Building

Des Moines, Iowa 50319

515.281.3566

NATURAL RESOURCE COMMISSION MEETING -- JULY 11, 2019

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 July 11, 2019, at the Wildlife Research Center in Boone.

Morning Presentations and Tour. Prior to the Natural Resource Commission business meeting, Department of Natural Resources (DNR) staff members gave the following presentations:

- Mr. Orrin Jones, DNR waterfowl and wetland program leader, gave a presentation on initial findings from the department's Waterfowl Migration Survey, which uses Global Positioning System (GPS) tracking to study migration patterns of Canada geese. Between 1907 and 1964, Iowa did not have any breeding pairs of Canada geese, but they are now the most harvested waterfowl in Iowa. As the Canada goose population has rebounded, there are now more complaints of geese in urban areas. The study sought to determine whether more geese are moving into urban areas and of geese that do migrate from rural to urban areas, whether those geese ever return to rural areas. Forty-five GPS trackers were deployed prior to the 2018-2019 winter. Of the initial group of birds with trackers, seven of them migrated for the winter, including five initially rural geese. Three initially rural geese migrated into urban areas, but it is still too early to know whether such relocation is permanent. Five initially urban geese were harvested near the Des Moines metro area and three other geese died from winter-related complications such as starvation. After the 2018-2019 winter, the department deployed another 70 GPS trackers and found that seven geese migrated for the summer, including five that were initially urban. The transmitters are expected to work on the same battery for one to two years. The department offers replica trackers and a gift card to any hunter who harvests a goose with a tracker and returns the tracker to the department.
- Mr. Jeff Kopaska, biometrician with the DNR Fisheries Bureau, presented results of the 2018 Iowa Angler Survey. The department first set up an electronic license database in 2001, which allowed it to view basic information and trends. The department conducted an angler survey in 2007, which allowed the department to get a better understanding of demographic information of license holders, determine how long and in what manner anglers had been fishing in Iowa, and look at areas of improvement to make fishing more accessible. In 2018, the department hired a survey research firm to conduct interviews of Iowa anglers and determine changes in angler behavior and opinions between 2007 and 2018. Among other things, the survey found that licensed anglers are more active now than they were in 2007; the average angler has been fishing for about 30 years; the majority of anglers fish for bass, bluegill, and crappie; the majority of anglers fish in lakes and rivers; 80 percent of anglers felt they were getting their money's worth from the license fee; and 86 percent of anglers think that DNR's fishing regulations are very clear or somewhat clear.
- Mr. Andy Bartlett, park manager for Ledges State Park, gave a brief presentation about a documentary film called *The Ledges*. DNR staff and the Friends of the Ledges group collaborated

in developing the film, which provides a historical background of the park and its resources. The documentary was screened in Boone in April and proceeds from the screenings and DVD sales will be used to renovate a playground at the Ledges State Park campground. After the presentation, Andy Bartlett led the commissioners on a tour through Ledges State Park. The tour included a look at the boat storage building at the Wildlife Research Center, a tour of the campground, a presentation about Wildlife Camps that are currently offered at 14 state parks, and a look at a road that had been reconstructed after a hillside gave out.

Meeting. The Natural Resource Commission met after the presentations and tour. The first agenda item discussed was a petition for a special deer hunt within the city of Iowa City. The General Assembly authorized a municipality to adopt an urban deer control ordinance through the passage of House File 2546 in 2006. Iowa Code section 461C.8 requires a municipality to receive the Natural Resource Commission's approval to make such an ordinance effective. A volunteer hunter authorized to hunt on private lands within the municipality shall hunt with a bow and arrow. Iowa Code section 461C.8 authorizes the DNR to adopt rules to administer the section. Pursuant to that authorization, the commission has adopted a rule, 571 IAC 105.5(2), to allow the commission to cooperate with a city government to approve other methods of deer removal in urban areas.

Between 2000 and 2010, the city hired a sharp shooter to cull the urban deer population. In 2018, the city council directed its staff to seek permission from the Natural Resource Commission to allow the city to once again hire a sharp shooter. The commission denied the city's initial request and directed the city to seek community input. Iowa City submitted to the commission a new long-term (five-year) deer management plan that allows the city to use a sharp shooter for the 2019-2020 winter to bring the density of deer within the city to less than 10 per square mile. From the 2020-2021 through 2023-2024 winters, the city will allow for bow hunting in order to maintain a density of fewer than 10 deer per square mile in addition to non-lethal methods of deer management. Commissioners raised the following concerns with Iowa City's proposal: too many deer creates a disadvantage for native plant species that already have to compete with nonnative plants; the desired density should be a community decision; the deer belong to the state of Iowa so a public hunt needs to provide actual opportunities for licensed hunters and therefore the city should establish a hunting season with a reasonable timeframe; and the city should carefully track deer statistics after the 2019-2020 winter and report numbers back to the commission. The city requested an official vote on their proposal and the commission did not approve the proposal.

The commission voted to accept four donations ranging from \$50 to \$4,000. The commission then approved the acquisition of two properties from the Iowa Natural Heritage Foundation. The first property is a 100-acre tract of land near the Copeland Bend Wildlife Management Area in Fremont County. The second property is a 197-acre tract of land adjacent to the Lansing Wildlife Management Area in Allamakee County. The last decision item on the agenda was a contract amendment with Quail Construction, LLC. The original contract is for the construction of a boat storage building and shop at the Spirit Lake Fish Hatchery. The current foundation soils tested poorly for compaction and bearing capacity and therefore Quail Construction, LLC needs to remove the current soil and replace it with rock fill, as recommended by a geotechnical engineer. The project is still scheduled for an on-time completion by August 30, 2019. The commission approved the contract amendment.

Next Meeting. The next meeting will be held on August 8, 2019, in Des Moines.

LSA Staff Contact: Joe Simpson (515.725.2251) Joe.Simpson@legis.iowa.gov

1061849