
LEGAL UPDATE

Legal Services Division



Ground Floor, State Capitol Building

Des Moines, Iowa 50319

515.281.3566

NATURAL RESOURCE COMMISSION MEETING - OCTOBER 10, 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 October 10, 2019, at the Henry Wallace Building in Des Moines.

Consent Agenda. An easement conveyance, multiple lease renewals, and a lease assignment were placed on the consent agenda and therefore did not come up for discussion during the meeting. Contract amendments relating to gypsy moth and walnut twig beetle trapping and contracts relating to the Iowa Habitat and Access Program were originally on the consent agenda but removed prior to approval of the agenda.

Director and Division Administrator Remarks. Ms. Kayla Lyon, Director, Department of Natural Resources (DNR), and Dr. Dale Garner, Administrator, Conservation and Recreation Division, DNR, were not at the meeting because they were visiting the Neil Smith Wildlife Refuge where Mr. David Bernhardt, U.S. Secretary of the Interior, announced the opening of 1.4 million acres of federal land for public hunting and fishing, including 300 acres at the Neil Smith Wildlife Refuge. Mr. Travis Baker, Chief, Land and Waters Bureau, DNR, reported that a deer submitted for testing for chronic wasting disease did return a positive test. Mr. Baker also mentioned that the DNR received interest from an individual in panning for gold in a sovereign water. The DNR's general response to a request to remove natural materials in sovereign water is to deny such request unless the activity is permissible under rules adopted by the commission or the requester enters an agreement with the commission pursuant to Iowa Code section 461A.52 and is issued a permit pursuant to Iowa Code section 461A.53. Pursuant to 571 IAC §13.7, DNR staff shall determine that any permitted removal has a minimal detrimental impact on state interests.

2020 Meeting Dates. The commission voted to approve 12 meeting dates for the 2020 calendar year. The January 2020 meeting will be held jointly with the Environmental Protection Commission. The Natural Resource Commission will participate in tours in addition to meetings in June, July, and September 2020.

Donations. The commission voted to accept 24 donations consisting of cash or equipment valued from \$25 to \$36,613.26.

Timber Sale Contract. The commission voted to approve a timber sale contract with Jones Wood Heating and Logging for \$36,872. The DNR had to seek bid proposals twice due to receiving insufficient bid proposals in its first request for proposals.

Gypsy Moth and Walnut Twig Beetle Contract Amendments. The commission voted to extend five contracts for gypsy moth and walnut twig beetle trapping with three entities — Mr. Jim Alderson, Siegel

Lawn Care L.L.C., and JEO Consulting for different regions of the state. The gypsy moth is an introduced species from Europe that is a generally slow-moving insect but has moved into and throughout the state by traveling on commercial gardening products, among other methods. Gypsy moths pose a threat to multiple native plants in Iowa. The walnut twig beetle is native to the American southwest and can contribute to thousand cankers disease in walnut trees, including Iowa's black walnut trees. Countries in the European Union have stopped the importation of walnut wood due to the prevalence of thousand cankers disease in the U.S. However, if Iowa is able to successfully trap walnut twig beetles and stop the spread of thousand cankers disease within its borders, the state can be one of five states allowed to export walnut wood to European Union countries.

Contract for Outreach Videos. The commission voted to approve a contract with Applied Art & Technology to develop a series of short web-based informational outreach videos. The video series is part of the DNR's Recruit—Retain—Reactivate (R3) initiative and will include topics such as understanding funding for conservation, purchasing licenses, and firearms safety. Some of the project funding will come from private sources.

Iowa Habitat and Access Program Contracts. The commission voted to approve three contracts to conduct work on properties enrolled in the Iowa Habitat and Access Program. Two of the contracts, one with Mr. Brendan Devlin and one with Liberty Acres, Inc., are to conduct herbicide application and inter-seeding on sections of Fish Family Farms. The other contract, awarded to Radon Solutions of Iowa, is for conducting prescribed burns on 19 enrolled sites in Harrison County.

Resource Enhancement and Protection (REAP) Grants. The commission voted to approve grant awards under the REAP program. The commission approved grant awards totaling \$1,910,093 for nine small cities, six medium cities, and four large cities under the city grant program. The commission approved grant awards totaling \$1,005,276 for four counties under the county conservation grant program. The commission approved one grant for \$341,066 under the public/private cost share grant program.

Public Land Acquisition Projects. The commission approved the acquisition of a 283-acre tract of land near Otter Creek Marsh in Tama County for \$251,000, a 200-acre tract of land adjacent to Green Hollow Wildlife Management Area (WMA) in Fremont County for \$575,000, and a 160-acre tract of land near Fen Valley and Elk Lake WMAs in Clay County for \$744,000. The property in Tama County will create a new WMA called Oxbow Bottoms. The property is closely located near the Mesquaki Settlement's wildlife corridor, which is not accessible for general public use, but the addition of Oxbow Bottoms will complement the wildlife corridor by expanding habitat frequented by bald eagles and sandhill cranes. The property in Fremont County reflects the Loess Hills landscape and will provide expanded recreational opportunities. The Clay County property is characterized by steep hills and poor soil and therefore is a candidate for wetlands and prairie restoration. The property will also be used for hunting and other recreational opportunities.

Construction Projects. The commission approved the following construction project contracts: restoration of the beach lodge, boat building, and all three shelters at Backbone State Park with Sheets Design Build, LLC, for \$565,818; road maintenance at four WMAs in Winneshiek and Allamakee counties with Skyline Construction, Inc., for \$45,999.45; and road maintenance at Hawkeye WMA with Cole Construction, Inc., for \$222,498.78.

Next Meeting. The next meeting will be held on November 14, 2019, at the Henry Wallace Building in Des Moines.

LSA Staff Contact: Joe Simpson, 515.725.2251 or Joe.Simpson@legis.iowa.gov