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## LEGAL UPDATE

Legal Services Division



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### NATURAL RESOURCE COMMISSION MEETING — AUGUST 13, 2020

**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 August 13, 2020, at the Quasqueton City Hall in Quasqueton. The meeting was also accessible telephonically.

**Director and Division Administrator Remarks.** Ms. Kayla Lyon, Director, Department of Natural Resources (DNR), discussed some of the highlights from the tour that DNR staff hosted on August 12, 2020, in Buchanan and Delaware counties. Director Lyon discussed the recent centennial event at Backbone State Park, which was attended by the Governor and some of the commissioners and included the unveiling of a new park entrance sign. Director Lyon mentioned that DNR is hosting virtual Iowa State Fair events on social media, which will include live videos and interactive content. Director Lyon noted that due to damage from the derecho on August 10, 2020, five state parks are temporarily closed due to roadblocks or loss of power. Other state parks are still open but may have received various amounts of tree damage; DNR staff is working to make sure that those areas are safe.

Dr. Dale Garner, Administrator, Conservation and Recreation Division (CRD), DNR, mentioned that wildlife areas also sustained damage from the derecho, including substantial damage to metal buildings near Marshalltown, tree damage to an employee's car, and minor damage to fuel tanks. Dr. Garner noted that CRD is expecting little new enrollment in the Conservation Reserve Program and the Iowa Habitat and Access Program in western Iowa due to the severe drought conditions in that part of the state. Dr. Garner also mentioned that many meat lockers are not participating in the Help Us Stop Hunger program this year because of a backlog of livestock meat processing due to industry disruptions from COVID-19. Alternatively, CRD is in the process of establishing a signup program for people who want to donate a deer and those who would like to receive a deer. When asked about the rulemaking process due to the passage of House File 716 relating to hunting deer with a handgun, Dr. Garner stated that DNR representatives will soon meet with Iowa Conservation Alliance members and that DNR is taking public comments on the subject.

**Donations, Awards, and Honors.** The commission voted to accept 43 donations ranging from \$9 to \$1,000.

The commission voted to grant the 2020 Brass Bluegill Award to Ms. Amy Ascherl, a physical education teacher in Eagle Grove, recognizing her role in developing involvement in sport fishing among Iowa's youth and imparting other outdoor skills in the process. Ms. Ascherl is the 25th individual to receive the award out of more than 4,000 individuals who have been trained through the Fish Iowa! program.

The commission voted to rename The State Pier at Arnolds Park to The Bedell State Pier. The DNR's donation and recognition policy requires the commission to review and approve the naming of DNR property.

**Contracts.** The commission approved a contract amendment with RA Outdoors, LLC, of Dallas, Texas, to extend current services provided by RA Outdoors, LLC, related to the centralized reservation system.

The commission approved a contract with FYRA Engineering, LLC, of Des Moines, Iowa, for \$445,293 to complete engineering design and permitting services for restoration efforts at Three Mile Lake.

The commission approved a contract with OMG Midwest, Inc., of Wall Lake, Iowa, for \$1,150,000 for construction and operation of a dredge spoil site and permanent storage of the dredged material as part of a dredging project planned for Black Hawk Lake.

**Grant Recommendations.** The commission voted to approve three grants for municipalities that applied for Land and Water Conservation Fund grants. The United States Department of the Interior distributes the grant funds after the commission approves the project budget based on the apportionment of funding available to the state. Of the \$247,033 requested, \$47,033 will be used to replace a park shelter at Mayor's Park in Elk Heights, \$100,000 will be used to construct recreational fields, a concession stand, and a bike trail access road at Wellness Park in Washington, and \$100,000 will be used to develop recreational infrastructure at Liberty Lake in Ringgold County.

Twelve counties requested funds through the Wildlife Habitat Promotion with Local Entities Program. With \$360,000 available from the Fish and Game Trust Fund, the selection committee recommended approving a grant to fully fund an acquisition project in Clinton County for \$267,000 and grant the remaining \$93,000 to Woodbury County to partially fund an acquisition project. Woodbury County declined the partial funding, allowing the selection committee to recommend a grant to fully fund a wildlife area management project in Adair County for \$50,000 and partially fund a wetland restoration project in Benton County for \$43,000. The commission approved the selection committee's grant recommendations.

**Rulemaking.** The commission voted to approve the final rule allowing the establishment of "no boating" and "no anchoring" zones on Rathbun Lake.

**Peregrine Falcon Permit Lottery Drawing.** The U.S. Fish and Wildlife Service has found that the northern management population of peregrine falcons is sustainable enough to support a limited take and made available 48 peregrine falcon falconry permits to be allocated roughly equally among the 10 member states of the Mississippi Flyway. Accordingly, Iowa received five permits to distribute to eligible persons. Pursuant to administrative rules (571 IAC 101), a person may use a falconry permit to capture, possess, and hunt with certain raptors (a nonresident must obtain a nonresident raptor trapping permit in order to trap). To be eligible for a peregrine falcon falconry permit, applicants must be a resident general or master falconer with five current consecutive years of field experience.

Nine individuals applied and qualified for a peregrine falcon falconry permit. Commissioners drew seven names of individuals eligible to receive a peregrine falcon falconry permit. The DNR will offer a permit to the first five individuals whose names were drawn with the last two individuals whose names were drawn serving as alternates.

**Public Land Acquisition.** The commission approved the acquisition of a 14.42-acre tract of land adjacent to Bloody Run Wildlife Management Area (WMA) in Clayton County for \$46,688, a 31.08-acre tract of land adjacent to Hawthorn Lake WMA in Mahaska County for \$130,000, a 2-acre tract of land near Pilot Knob State Park in Winnebago County as a donation, and a 40-acre tract of land adjacent to Fish Farms Mounds WMA in Allamakee County for \$148,000. Endangered rusty patched bumble bees and red-shouldered hawks and threatened jeweled shooting stars have been noted on or adjacent to the property in Clayton County. The property in Mahaska County will be used for habitat diversity and for water quality control for Hawthorn Lake. Prior to the donation, DNR held an easement on the tract in Winnebago County. The donation enables DNR to more easily enforce laws near the northern boundary of Pilot Knob State Park and eliminate public hunting on a small stretch of land where public hunting is

not usually allowed. The property in Allamakee County will be used for forest management and bluff land protection, including through the removal of some cedar trees in order to enhance native hill prairie.

**Construction Projects.** The commission approved a construction project contract to repave the parking lot for CRD's Southwest Iowa Regional Office at Cold Springs State Park for \$146,921.85 in order to properly level the lot and improve drainage. The commission also approved a construction project contract to replace the boat ramp at the Ventura Access on Clear Lake for \$73,953.01 to provide safe public access to the lake.

**Next Meeting.** A field tour will take place on September 9, 2020, in Harrison County. The next meeting will be held on September 10, 2020, in Pisgah and also will be accessible telephonically.

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