
LEGAL UPDATES

LEGAL SERVICES DIVISION



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NATURAL RESOURCE COMMISSION MEETING — AUGUST 12, 2021

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 12, 2021, at the Henry Wallace Building in Des Moines. The meeting was also accessible telephonically.

Consent Agenda Items. In adopting the agenda, the commission consented to the approval of the following agenda items:

- A contract extension with Forum Communications Company to print and distribute the 2022 Iowa Fishing Regulations booklet.
- A road maintenance project at Ambrose A. Call State Park in Kossuth County for \$60,204.70.

Director and Division Administrator Remarks. Ms. Kayla Lyon, Director, Department of Natural Resources (DNR), discussed DNR's return to the Iowa State Fair. Ms. Lyon noted that the large fish tank has been repaired. Ms. Lyon also listed multiple new features including a BB gun range, a pontoon boat, sculptures, and a playhouse made of wood from urban trees.

Representatives from Trees Forever discussed projects that focus on urban tree planting. After the August 10, 2020, derecho, Trees Forever launched the Planting Hope initiative with the goal of raising funds from public and private sources to replace trees in Cedar Rapids with the input of residents and local businesses. Trees Forever also started the Growing Futures program, which involves hiring teens to plant and care for trees in a manner that increases equity in communities. Since the beginning of the program, Trees Forever has hired 99 teens who have planted around 2,000 trees and cared for approximately 25,000 trees. The program also focuses on professional development for the teens. Trees Forever registers trees planted as part of the program for carbon credit certification, which Trees Forever can sell and use to reinvest in the program. The program currently operates in Des Moines and Cedar Rapids, but a grant from the United States Forest Service will allow the program to expand to smaller towns.

Mr. Tyler Harms, Wildlife Research Biometrician, DNR, updated the commission on the status of chronic wasting disease (CWD) in Iowa's deer population. Mr. Harms stated that DNR is shifting to a hybrid surveillance approach that monitors deer that are at risk based on their location but also focuses on demographic factors that could make certain deer more at risk for the disease. Mr. Harms discussed the incentive hunt that DNR offers to landowners in core areas of concern. A hunter who harvests at least three antlerless deer in the core area of concern is eligible to obtain an extra any-sex deer hunting license for use in that zone during the next deer hunting season. During the first incentive hunt, hunters had a 76 percent success rate and DNR collected two deer samples that tested positive for CWD.

Donations and Awards. The commission voted to accept 23 donations ranging from \$25 to \$6,000.

The commission recognized Ms. Marsha Bailey, an angling instructor with the Boy Scouts of America, as the 2021 Brass Bluegill Award recipient. Ms. Bailey is the chairperson of the fishing committee at the Mid Iowa Scout Council

and a counselor for the fishing merit badge. In addition to working directly with scouts, Ms. Bailey educates parents and volunteers and has also offered virtual courses on a national level to train volunteers. Ms. Bailey is the 26th person to receive the Brass Bluegill Award and the first person associated with a scouting organization to win the award.

Contracts. The commission approved the awarding of the following contracts:

- A contract with Real Time Research, Inc., to create a digital process to collect fish survey data.
- A five-year contract with Iowa State University to test deer samples for CWD.
- A contract with Pheasants Forever, Inc., to support Farm Bill biologists who will provide information and assistance to private landowners regarding habitat and wildlife plans available on private properties.
- A cooperative agreement with Fayette County to resurface a road in the Volga River State Recreation Area (SRA).
- A cooperative agreement with the city of Cedar Rapids to financially assist the city with the Cedar Lake levee project, which is necessary to improve water quality in the lake.

Peregrine Falcon Falconry 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 a raptor). 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.

Ten individuals applied and eight individuals 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. In 2020, no permittee captured a falcon in Iowa but an Iowan successfully captured a falcon in Minnesota.

Deer Management Zone Hunts. The commission approved the addition of two deer management zones to the list that was previously approved at the commission's June 9, 2021, meeting. The purpose of the two additional zones is to provide incentive hunts in areas where CWD is prevalent.

Grant Recommendations. The commission approved full or partial grant recommendations for two counties, Wright and Fayette, through the Wildlife Habitat Promotion with Local Entities Program. The grant awards totaled \$367,183.

Rulemaking. The commission adopted a final rule to update camping regulations, including through the removal of obsolete or redundant language and amending language to increase clarity and consistency.

Public Land Acquisition. The commission approved the acquisition of a 220-acre tract of land in Boone County adjacent to the Saylorville Wildlife Management Area for \$950,000. The tract is part of the former Clover Woods 4-H camp and will provide access for public hunting and wildlife viewing.

Construction Projects. The commission approved the following construction projects:

- A wastewater and sludge removal project at Green Valley State Park in Union County for \$419,092.
- A road repair project at the Mines of Spain SRA in Dubuque County for \$92,585.97.
- A road replacement project at Lake Macbride State Park in Johnson County for \$506,495.50. The project will include the installment of small ponds or wetlands on the upstream side of the road where culverts will be replaced.

Next Meeting. The next meeting will be held on September 8, 2021, in Washington County. A field tour will take place on September 9, 2021, in Washington County.

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