

Iowa Department of Natural Resources
Natural Resource Commission

ITEM

7

DECISION

TOPIC Land Acquisition Projects Approval

1. Angler Access Easement, Fayette County -- Will Ogle

The Natural Resource Commission's approval is requested for the acceptance of a donated permanent angler access easement on land in Fayette County. The farm that includes the area to be encumbered is located about two miles northeast of Wadena. Will Ogle is offering to donate this angler access easement as part of a stream bank improvement project to be completed this summer.

Dan Kinsinger negotiated the donation agreement.

The proposed easement involves approximately a quarter mile long segment of Mink Creek, a State stocked trout fishery. The easement is designed to allow the DNR to stock Mink Creek with trout; to effectively manage the stream as a trout fishery; and to post signs in order to delineate authorized public use. The public will have the right to enter the property from along the county road and approach the stream by foot only. The public will be allowed to utilize the access for fishing only.

Once the easement is recorded, at the request of the property owner the DNR will provide a certified real property appraisal to establish the donated value of the easement. The proposed conservation easement is permanent and will run with the land.

Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the angler access easement.

2. Angler Access Easement, Fayette County -- Mikel Yauk

The Natural Resource Commission's approval is requested for the acceptance of a donated permanent angler access easement on land in Fayette County. The property that includes the area to be encumbered is located about two miles northeast of Wadena. Mikel Yauk is offering to donate this angler access easement as part of a stream bank improvement project to be completed this summer.

Dan Kinsinger negotiated the donation agreement.

The proposed easement involves approximately a quarter mile long segment of Mink Creek, a State stocked trout fishery. The easement is designed to allow the DNR to stock Mink Creek with trout; to effectively manage the stream as a trout fishery; and to post signs in order to

delineate authorized public use. The public will have the right to enter the property from along the county road and approach the stream by foot only. The public will be allowed to utilize the access for fishing only.

Once the easement is recorded, at the request of the property owner the DNR will provide a certified real property appraisal to establish the donated value of the easement. The proposed conservation easement is permanent and will run with the land.

Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the angler access easement.

3. US Highway 65 Bypass Wildlife Management Area -- Polk County Conservation Board

The Natural Resource Commission's approval is requested for the recommendation to the Executive Council to approve the Polk County Conservation Board's (Polk CCB) request. The Polk CCB has approved a resolution requesting that title to US Highway 65 Bypass Wildlife Management Area be conveyed to the County for no consideration. Upon approval by the Executive Council, the title will be conveyed to Polk County by patent.

US Highway 65 Bypass Wildlife Management Area contains approximately 231 acres located immediately south of the Des Moines River in southeastern Polk County. The area is located both east and west of US Highway 65. It was acquired by the DNR in May 2008 through a transfer of jurisdiction from the Iowa Department of Transportation as excess right-of-way used for borrow and wetland mitigation for construction of the highway. The area consists of crop fields, wetlands and some river plain timber and has approximately three-eighths of a mile of river frontage.

The DNR was approached by the DOT in May 2005 to determine the Department's willingness to accept jurisdiction of the property. After careful consideration, the DNR determined that the land should remain in public ownership and managed for conservation purposes. The property presents many management challenges which would require significant resources. The DNR believes that the Polk CCB is in a much better position to manage the property. Some of the management challenges include: proximity to the Great Ape Trust, the four-lane Highway 65 dividing the property, lack of access and the propensity of illegal activities occurring due to the location.

Because of the land's classification (excess right-of-way, wetland mitigation and floodplain mitigation) the DOT has two options: offer the land to adjacent landowners or convey to another state agency. In order for the land to remain in conservation the DNR agreed to obtain jurisdiction. Polk CCB has requested DNR convey title to them prior to their long-term investment of resources toward the property. Polk CCB intends to implement bottomland forest restoration and wetland restoration activities as well as control illegal ATV usage.

The County will manage the area for wildlife habitat, hunting (limited) and fishing access and plans to provide parking areas for public use.

Iowa Code Section 461 A.32 allows for the proposed conveyance without consideration, and requires that the conveyance contain a reversion provision that provides when such lands cease to be used as a public park, title will revert to the state.

Staff recommends approval of the land conveyance.

Attachment

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