

Iowa Department of Natural Resources
Natural Resource Commission

ITEM

8

DECISION

TOPIC

Land Management Project Approval

1. Easement, Ocheyedan WMA, Clay County

The Natural Resource Commission's approval is requested for the issuance of an easement to Clay County, for road purposes on 0.27 acres in Ocheyedan Wildlife Management Area, located three miles west of the City of Spencer. The proposed easement conveys an additional 10 feet of right of way needed for widening County Highway B24.

As consideration for the easement, Clay County has proposed to deliver and place 105 tons of gravel and black dirt to enlarge the parking area and repair shooting range backstops located on the wildlife area. The total estimated cost of the parking area improvement and backstop repair is \$627.50, which is equal to the value of the easement. The Clay County Engineer's office provided an estimate of the value of the easement and the value of improvements and repairs. Department staff reviewed and approved the estimates. The local wildlife biologist developed the plan for the parking area improvement in cooperation with the county engineer.

Staff recommends approval of the easement issuance.

2. Easement, Fawn Island WMA, Harrison Co. -- U.S. Army Corps of Engineers

The Natural Resource Commission's approval is requested to issue a fifty year easement to the U.S. Army Corps of Engineers to construct and maintain wetland habitat improvements and expand the backwater area in Fawn Island Wildlife Management Area in Harrison County. Fawn Island Wildlife Management Area is located on the Missouri River one mile upstream of Deer Island Wildlife Management Area and approximately 11 miles south of the city of Onawa.

The easement will cover approximately 17 acres of public owned land accreted to the sovereign bed of the river as a result of Corps of Engineers improvement projects constructed along the river since the late 1930's. Federal funding under the Missouri River Bank Stabilization and Navigation, Fish and Wildlife Mitigation Project will be used for construction. Estimated cost for construction is 2.5 million dollars. Construction is scheduled to begin in summer, 2009. DNR Wildlife and Fisheries Bureau staffs have participated in the project review and concur with the proposed project plan.

The easement will convey the right to create, establish, construct maintain, patrol, regulate, preserve, and restore fish and wildlife habitat and appurtenant structures; the right to post signs indicating the extent of the federal government's control within the area covered by the easement; and to use existing road systems and other land under the easement for ingress and egress for the purposes exercising the rights granted.

The value of the wetland habitat improvements to be made to the area is proposed as the consideration for the easement.

Staff recommends approval of the easement issuance.

3. Chapter 18 Lease, Five Island Lake Access, Palo Alto Co. -- Rick Reed

The Natural Resource Commission's approval is requested to recommend approval to the Executive Council of a revised Chapter lease with Rick Reed of Emmetsburg, Iowa at Five Island Lake Access in Palo Alto County.

The state acquired Five Island Lake Access in 1946. The 4.4-acre area is comprised of an approximately 1,800 foot length east-west corridor occupied by a public road and at its east end about 700 feet of shoreline access with a parking area.

The existing lease allows a 30 foot wide by 55 foot wide access drive to the Reed property over Five Island Lake Access. The lease was first issued in 1993 as a condition to a construction permit issued by the DNR. The existing annual lease fee is \$150.00. The lease expires September 30, 2013.

In October 2008, the boundary of the access was surveyed for the DNR by a private licensed land surveyor as one of a number of DNR managed areas surveyed around Five Island Lake. The survey disclosed that a portion of the Reed garage, the concrete garage approach, a retaining wall and a number of landscape trees and shrubs are located on state property. A revised lease is proposed to accommodate the additional area occupied by Mr. Reed.

The revised lease will utilize the standard DNR lease, with an annual fee of \$300.00 and a term of five years. In the event the IAC 571, Chapter 18 fee schedule is amended during the term of this lease, the fee shall be adjusted to meet the revised schedule.

Staff recommends approval of the revised lease.

4. Boundary Agreement, Clay-Buckle WMA, Buchanan Co. -- Wilson, Duroe

The Natural Resource Commission's approval is requested for a boundary agreement recognizing the title to Parcel "I" of Section 7-89-10, Buchanan County in Merle Wilson and title to Parcel "J" of Section 7-89-10, Buchanan County in Albert Duroe by issuance of a state patent to each.

The Clay-Buckles Wildlife Management Area, containing approximately 114 acres, is located four miles north of the city of Jesup in Buchanan County. The area was acquired by the state in 2001. In late 2007, the department had the boundary surveyed by a private, licensed land surveyor that established the state's property boundary by legal description as Parcel "H" in the North Half of Section 7-89-10. The survey of Parcel "H" included a 1.93-acre portion that is isolated from the balance of the wildlife area. Additional surveying of the 1.93 acre area has been completed to describe the existing uses of the area. The additional survey established Parcel "I" containing 0.43 acre, occupied by a private road maintained by Merle Wilson that provides

access to his residence. The additional survey also established Parcel “J” containing 1.5 acres occupied by a cropped agricultural field farmed by Albert Duroe.

The areas occupied by Wilson and Duroe were not recognized nor intended by the department as being included in land acquisition. Department staff has established that both of the adjacent landowners have possessed and used the area as it now exists long before state ownership. The boundary as defined by current use has been accepted for many years. Quieting title in the state under these circumstances is judged very difficult. Due to its configuration and isolation from the balance of the wildlife area, department staff judges that use by the public or for wildlife management of the parcel is undesirable.

The adjacent landowners have paid the survey costs associated with this agreement. The department will incur no survey cost associated with approval of this agreement.

Staff recommends approval of the boundary agreement.

5. Management Agreement, Matsell Bridge WMA and Be-Ne-A WMA, Linn County

The Natural Resource Commission’s approval is requested for a new management agreement between the Linn County Conservation Board and the DNR to authorize continued County management of Matsell Bridge Wildlife Management Area and Be-Ne-A Wildlife Management Area through December 31, 2034.

Combined with 1,352 acres of contiguous County owned land, the Matsell Natural Resource Area is located approximately 10 miles northeast of Cedar Rapids along the Wapsipinicon River. The area is managed for wildlife habitat, hunting and fishing. Separate management agreements with Linn County were issued for the original 36 acre Matsell Bridge parcel acquired by the DNR in 1956, an additional 237 acres acquired by the DNR in 1975 and the 144 acre Be-Ne-A Wildlife Management Area (the Mesquaki word for turkey) acquired by the DNR in 1980. The proposed agreement will consolidate management of the three parcels under a single agreement and extend County management for another 25 years. The agreement will be according to the terms and conditions of the standard DNR management agreement.

Staff recommends approval of the management agreement.

6. Management Agreement, Three Mile Recreation Area, Union County

The Natural Resource Commission’s approval is requested for a new management agreement between the Union County Conservation Board and the DNR to authorize County management of a 350 acre portion of Three Mile Recreation Area through March 31, 2033.

Three Mile Recreation Area is a 3,248 acre area located northeast of Creston acquired by the state in 1999 and 2000. Three Mile Lake, occupying 810 acres, is located within the recreation area. The proposed agreement transfers to Union County management of 350 acres located on the east side of the lake immediately north of the dam. Facilities provided include boat ramps, 80 camping sites, 8 modern rental cabins and a modern rental lodge. The DNR will continue to manage the balance of the area for fishing and hunting. The agreement will be according to the terms and conditions of the standard DNR management agreement.

Staff recommends approval of the management agreement.

7. Management Agreement, Snively Access Campground, Louisa County

The Natural Resource Commission's approval is requested for the renewal of a management agreement with the Louisa County Conservation Board to manage Snively Access Campground for a period of 25 years. Louisa County has managed the area since 1980s. This management agreement covers approximately 11 acres acquired by the state in the 1960s. The property is located adjacent to Lake Oddessa, a backwater of the Mississippi River, four miles east of the City of Wapello. Louisa County desires to continue to manage this access. It is managed as a campground providing 34 campsites, day use picnicking and fishing. The agreement will be according to the terms and conditions of the standard DNR management agreement.

Staff recommends approval of the management agreement.

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