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Annotated Bibliography: Policy Brief

Iowa Code § 482.1-15. (2020). Commercial Fishing. Online. Accessed 28 February 2020.

The objectives are to define the authority of the Natural Resource Commission (NRC) over commercial fishing activities in Iowa, define terms, implement a licensing program for commercial anglers, and denote what activities are and are not permitted under law. Section 482.1.c authorizes the Director of the Natural Resources Commission to enter into contracts for the removal of “underused, undesirable, or injurious aquatic organisms. A license fee structure for commercial fishing is laid out. The types of fishing gear allowed, methods of take, and unlawful activities are all explicitly described in this chapter of the Iowa Code.

The definition of terms, and distinctions between similar terms (e.g., “commercial turtle harvester” and “commercial turtle helper”) was particularly informative. The structure of fees were interesting, there is definitely a favoritism toward Iowa residents. Enforcement of many of these statutes is lacking, it is possible that Iowa DNR biologists tasked with monitoring harvest do not know all the restrictions and mandates put upon commercial fishers. The director of the NRC has the ability to authorize chemical, electric, and explosive means to capture fish, which would certainly draw criticism from the public. Violations of this chapter are classified as misdemeanors, and the threat of criminal punishment is likely an effective way of ensuring compliance.

Iowa Code § 571.82. (2020). Natural Resource Commission Chapter 82: Commercial Fishing. Online. Accessed 28 February 2020.

The objectives are to define and specify the process of selecting contractors to remove fish from inland Iowa waterways as well as the Mississippi and Missouri Rivers. This section of Iowa Code is structured by identifying the sequential process for competitive bidding, which is used to select commercial fishing contractors. There are protections for the state of Iowa to “select the bid believed to be the most advantageous to the state” as well as protections against potential fraud and conflicts of interest by elevating contract decisions for bids over $25,000 to the entire Natural Resource Commission. The distinction between inland waters regulation is left to Iowa alone, whereas border waters (Mississippi and Missouri Rivers) are more highly regulated but are not limited to short-term fishing contracts.

There are a few interesting distinctions between inland and border waters. Inland waters do not have any size restrictions, and permitted gears are specified in each contract and are therefore unique to each inland water body. Due to the interstate nature of the Missouri River and Mississippi River, individual contracts are not awarded and therefore more regulations are placed on who may fish the rivers and how they capture fish for removal. Inland waterbody contracts specify that all individuals captured from species approved for harvest must be taken, but fewer fish species are allowed to be harvest inland. This source provides information about the critical distinction between inland waters of Iowa and border waters.

United States Code Title 16 Chapter 53 § 3371 – 3378. (2020). Control of Illegally Taken Fish and Wildlife. Online. Accessed 28 February 2020.

This section of federal code covers the control of illegally taken fish and wildlife, including definitions, prohibited acts, outlines of penalties and sanctions, authority for asset forfeiture, enforcement and administration, and exceptions to the code. This code adds another component to the penalties associated with transactions of species that have been taken illegally. Appropriations in the amount of $3 million per year for enforcement is specified. Due to the nature of crimes in this section, fees are relatively low for each illegal organism in possession, but total fees are capped at $10,000. However, civil penalty fees are only assessed after the person accused is given a hearing and right to appeal.

One simple sentence in this chapter of US Code has broad implications for my policy topic: “Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.” Therefore, the US Government still leaves the fish and wildlife management to the states (mostly, exceptions exist) but regulates the interstate commerce of those species. The penalty for such offenses is high, civil asset forfeiture is no joke. The enforcement subsection is interesting in setting the authority to arrest persons without a warrant, setting the jurisdiction of such offenses in US District courts, and the authority to use funds obtained from penalties or asset forfeiture to reward informants and caretakers of organisms after they are confiscated.

Iowa Department of Natural Resources Contract Number 19CRDFBGSCHO-100(2). (2018). Between Iowa Department of Natural Resources and Greg A. Mohr: Five Island Lake (Palo Alto County). Personal communication.

This specific contract is for commercial harvest of three fish species in Five Island Lake (Palo Alto County, Iowa). Greg Mohr won the competitive bidding process for the sole rights to fish this lake with a bid of $8,499. The term of this contract was from January 1, 2019 to December 31, 2019. Specific restrictions on fish harvest revolve around limited species that are allowed to be harvested, time of day and time of year that commercial fishing activities may occur, and specific restrictions to prevent the spread of aquatic invasive species. In addition, the Iowa DNR specified in this contract that the contractor would be compensated for capturing fish that will not be sold, but tagged and released back into the lake, and any fish captured with tags present must be retrieved and returned to the Iowa DNR. Finally, the contract stipulates that the contractor must comply with all applicable federal requirements.

The Iowa DNR wants to protect fishery resources for recreation, and limits harvest to times of year when water temperatures are less than 70 degrees Fahrenheit to reduce stress on other fish species. The contractors are not allowed to fish holidays or weekends, nor are they allowed to conduct work between a half-hour after sunset and a half-hour before sunrise. My personal experience with the harvesters is that they comply with all these restrictions, however, the aquatic invasive species and disposal of unmarketable fish is questionable. The biggest difference in this contract and others is the tagging assistance set by the Iowa DNR. In a way, the contractor could be paid twice for the same fish: once to tag and release, again to capture and sell. The Iowa DNR benefits by being able to calculate rough abundance estimates and set subsequent quotas for these undesirable fish species.

Alan Lackmann paper

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