

MEMORANDUM

To Board of Regents

From: Board Office

Subject: Agreement (28E) with Department of Natural Resources for Management of Iowa State University Brayton Memorial Forest

Date: March 31, 2003

Recommended Action:

Approve an agreement, as provided by Iowa Code, §28E.4, between the Board of Regents, State of Iowa and the Department of Natural Resources for the development, maintenance, and management of the Iowa State University Brayton Memorial Forest.

Executive Summary:

Bequest of 1949	The University received the property in 1949 as a bequest from Emma Brayton in memory of her parents.
Use by Forestry Department	The bequest provided that the property be used by the ISU Forestry Department.
No ISU staff available to maintain	It has become difficult for ISU to manage the property as it is located in northeast Iowa where there are no ISU staff.
DNR an appropriate manager	The proposed agreement will allow the University to continue research, demonstration and teaching activities at the property while the property is developed, maintained, and managed by the Department of Natural Resources.

Background:

1949 bequest of Emma Brayton in memory of parents	In 1949, Iowa State University received 306.7 acres of land in Delaware County in northeast Iowa as a bequest from Emma Brayton. (See Attachments A and B for location; south of US Highway 20 and east of State road 38, between Delhi and Hopkinton) The land was designated for the use of the ISU Forestry Department. The area is known as the ISU Brayton Memorial Forest. The bequest specified the University was to use the land for forestry research and demonstration.
Used by Forestry Department	


Used for demon- stration & teaching	The University has used the property to maintain a research, demonstration and teaching presence in northeastern Iowa.
University lacks staff to maintain	The University does not have staff who can maintain and manage the property permanently assigned to this area of the state.
DNR can maintain and manage	The University has been in consultation with the Iowa Department of Natural Resources (DNR) concerning the use of the property. DNR is charged with responsibility for management of state-owned forests and wildlife management areas. DNR has the personnel and infrastructure to manage this property and has agreed to manage, maintain, and develop the ISU Brayton Memorial Forest for the public.
Timber resources analyzed by DNR	DNR is prepared to conduct management activities for the benefit of the forest and its wildlife resources. This includes determining when and where timber harvesting on the land is appropriate and conducting timber sale bidding and contract administration. Proceeds from any timber sales and agricultural operations would be retained by ISU to cover the costs of management and maintenance of the property.
Income from agri- culture and timer to ISU	
DNR performs minor maintenance and signage	The costs of minor fence maintenance, all signs and other miscellaneous costs associated with managing the property shall be paid by DNR. Improvements not covered by the proposed agreement shall be completed at the University's expense only after mutual agreement between DNR and the University. DNR will be responsible for bid letting and provide contract administration for such improvements.
ISU and DNR agree on improvements	
Mediation of disputes	Disputes arising from the proposed agreement shall be resolved through mediation.
Termination allowed	The agreement can be terminated by either party upon ninety days' written notice.


Analysis:

ISU lacks resources to manage forest	<ul style="list-style-type: none">• ISU finds it difficult to manage the ISU Brayton Memorial Forest which it received as a bequest in 1949.• DNR has the resources to maintain and manage the forest for the benefit of the public and ISU's Department of Forestry in a manner consistent with the bequest.
DNR can manage forest	
State law provides for agreements	<ul style="list-style-type: none">• The Board and DNR would enter an agreement pursuant to <u>Iowa Code</u> §28E.4 for the benefit of Iowa State University for the management, maintenance, and development of the forest.
University continues activity	<ul style="list-style-type: none">• Pursuant to the agreement the University will continue to conduct research, demonstration, and teaching activities at the forest.

University reports
purpose of bequest
met

- As the University states the purpose of the bequest is met through this arrangement which benefits both the public and the University, approval of the 28E agreement is recommended.
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Charles Wright

Approved: 
Gregory S. Nichols

Attachment A

