

## SEED / NUT COLLECTING ON PUBLIC PROPERTY – Staff Guidance

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To: IA DNR Staff

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Conservation and Recreation Division Administrator

Throughout the year, the Department receives a number of requests from **citizens asking if they can collect seeds** (especially prairie seed) **and nuts** (such as acorns or walnuts) **from State-owned property**.

The following information references State law and guidance for the collection of seeds/nuts by **1. citizens** and **2. DNR staff**, and provides flexibility for DNR staff to use volunteers to help with seed / nut collecting.

**1. Citizens collecting seeds / nuts on public property is not allowed** by law – unless issued a scientific collectors permit or under the management and supervision of DNR staff (Iowa Code 461A.35(1) and 461A.41(1, 2)).

- Citizens may seek permission for a scientific purpose by submitting a Scientific Collector's License application to the DNR's licensing section for review and processing. More information may be found at [www.iowadnr.gov/conservation/scientific-collectors-permits](http://www.iowadnr.gov/conservation/scientific-collectors-permits).
- Citizens may participate as a volunteer in a DNR sponsored / managed seed collection event while under the management and supervision of DNR staff.

**Another option, for a citizen, is to collect seeds or nuts on privately owned property**, after obtaining permission from the landowner or the person who otherwise has legal control of the property. Please know that endangered and threatened species requirements still apply on private property and DNR staff are available to assist individuals with questions or concerns regarding these requirements. For more information regarding environmental reviews, visit [www.iowadnr.gov/conservation/iowa-wildlife/threatened-and-endangered](http://www.iowadnr.gov/conservation/iowa-wildlife/threatened-and-endangered).

**If you come across someone collecting seeds/nuts on public land** without permission, direct them to the options above.

**2. DNR staff collecting seeds / nuts on public property is allowed** by law when in connection with their job duties (Iowa Code 461A.41(2)). After discussions with staff and supervisors, the following table outlines three purposes and guidance regarding the collection of seeds / nuts on public property:

GUIDANCE FOR DNR STAFF-LED SEED / NUT COLLECTING ON PUBLIC PROPERTY	
PURPOSE	PLANNING AND IMPLEMENTATION
<p><b>DNR Collecting on State Public Land for use on other State Public Land(s)</b></p> <p><b>Main Parties Involved:</b> Staff, Supervisor</p> <p><b>Key points to consider:</b></p> <ul style="list-style-type: none"><li>• No commercial use of the harvested seed.</li><li>• All seed to be planted on receptor sites that have a public conservation benefit, specifically 1) open to the public and 2) perpetually dedicated for conservation (no conversion to another use).</li><li>• Harvesting by hand, or by wheeled equipment only when soil is dry and firm (to avoid creation of ruts).</li><li>• Approved project monitored by local DNR managers and conducted in a manner consistent with their oversight.</li></ul>	<p><b>Local staff, in conjunction with their supervisor, determine</b> if collection and redistribution meets a conservation need.</p> <p><b>If supervisor approved, create a plan that outlines:</b></p> <ul style="list-style-type: none"><li>• DNR staff person(s) supervising the collection.</li><li>• Role of the Prairie Resource Center.</li><li>• If other area collections or land management events/projects are occurring that may affect collection.</li><li>• Type of seed/nuts to be harvested</li><li>• Amount of seed/nuts to be harvested</li><li>• How seeds/nuts will be collected (hand picked, mechanical collector)</li><li>• Method of seed/nut containment (bags, bushel basket)</li><li>• Location of harvest</li><li>• Area (acres/section) of harvest</li><li>• Who is responsible for redistributing the seed/nuts.</li><li>• Location of seed/nut redistribution or use.</li><li>• If volunteers will be assisting with the project.</li></ul>

<p><b>DNR Collecting on State Public Land for Redistribution on non-state Public Land (e.g. county or city owned public land)</b></p> <p><b>Main Parties Involved:</b> Staff, Supervisor, *plus SPAB and/or NRC Approval</p> <p><b>Key points to consider:</b></p> <ul style="list-style-type: none"> <li>• No commercial use of the harvested seed.</li> <li>• All seed to be planted on receptor sites that have a public conservation benefit, specifically 1) open to the public and 2) perpetually dedicated for conservation (no conversion to another use).</li> <li>• Harvesting by hand, or by wheeled equipment only when soil is dry and firm (to avoid creation of ruts).</li> <li>• Approved project monitored by local DNR managers and conducted in a manner consistent with their oversight.</li> </ul>	<p><b>Local staff, in conjunction with their supervisor, determine</b> if collection and redistribution meets a conservation need.</p> <p><b>If supervisor approved, create a plan that outlines:</b></p> <ul style="list-style-type: none"> <li>• DNR staff person(s) supervising the collection.</li> <li>• Role of the Prairie Resource Center.</li> <li>• If other area collections or land management events/projects are occurring that may affect collection.</li> <li>• Type of seed/nuts to be harvested</li> <li>• Amount of seed/nuts to be harvested</li> <li>• How seeds/nuts will be collected (hand picked, mechanical collector)</li> <li>• Method of seed/nut containment (bags, bushel basket)</li> <li>• Location of harvest</li> <li>• Area (acres/section) of harvest</li> <li>• Who is responsible for redistributing the seed/nuts.</li> <li>• Location of seed/nut redistribution or use.</li> <li>• If volunteers will be assisting with the project.</li> </ul> <p><b>* SPAB / NRC APPROVAL</b></p> <p><b>If removing seeds/nuts from a State Preserve</b>, the plan needs to be approved by the State Preserves Advisory Board (SPAB).</p> <p><b>If the Preserve is on DNR managed land</b>, the plan needs to also be approved by the Natural Resource Commission (NRC).</p> <p>Board/Commission permissions would include conditions, such as: seed shall not, in any way, end up in a commercial venue.</p>
<p><b>DNR Collecting on State Public Land for Educational Purposes</b></p> <p><b>Main Parties Involved:</b> Staff, Supervisor</p> <p><b>Key points to consider:</b></p> <ul style="list-style-type: none"> <li>• No commercial use of the harvested seed.</li> <li>• All seed to be planted on receptor sites that have a public conservation benefit, specifically 1) open to the public and 2) perpetually dedicated for conservation (no conversion to another use).</li> <li>• Harvesting by hand, or by wheeled equipment only when soil is dry and firm (to avoid creation of ruts).</li> <li>• Approved project monitored by local DNR managers and conducted in a manner consistent with their oversight.</li> </ul>	<p><b>Local staff, in conjunction with their supervisor, determine</b> if collection serves an educational purpose (e.g. events such as Becoming and Outdoors Women, naturalist programs, staff or public training).</p> <p><b>If supervisor approved, create a plan that outlines:</b></p> <ul style="list-style-type: none"> <li>• DNR staff person(s) supervising the collection.</li> <li>• Role of the Prairie Resource Center.</li> <li>• If other area collections or land management events/projects are occurring that may affect collection.</li> <li>• Type of seed/nuts to be harvested</li> <li>• Amount of seed/nuts to be harvested</li> <li>• How seeds/nuts will be collected (hand picked, mechanical collector)</li> <li>• Method of seed/nut containment (bags, bushel basket)</li> <li>• Location of harvest</li> <li>• Area (acres/section) of harvest</li> <li>• Who is responsible for redistributing the seed/nuts.</li> <li>• Location of seed/nut redistribution or use.</li> <li>• If volunteers will be assisting with the project.</li> <li>• Educational purpose.</li> </ul>

Please note that Iowa Administrative Code 571-Chapter 54 allows for narrow exceptions for persons to harvest certain edibles from state lands for the purpose of consumption (mushrooms and asparagus; ginseng; nut, fruit, and berry gathering). However, these have their own requirements and can, also, be restricted by the placing of strategic signs (such as no walnut gathering signs at Walnut Wood State Park).

If you have any questions, please feel free to contact your supervisor or your DNR assigned attorney.

## **Iowa Code References:**

### **Iowa Code 461A.41 Removing plants, flowers, or fruit.**

1. No person shall, in any manner, remove, destroy, injure, or deface any tree, shrub, plant, or flower, or the fruit thereof, or disturb or injure any structure or natural attraction, except that upon written permission of the commission certain specimens may be removed for scientific purposes.
2. This section shall not apply to activities of the commission or its officers, or employees when caring for and managing state-owned land and waters under the jurisdiction of the commission. This section shall not apply to the gathering or removal of any tree, shrub, plant, flower, fruits, structures, or natural attractions under terms, conditions, limitations, and restrictions adopted by the commission as rules under chapter 17A.

### **Iowa Code 461A.35 Prohibited destructive acts.**

1. It shall be unlawful for any person to use, enjoy the privileges of, destroy, injure, or deface plant life, trees, buildings, or other natural or material property, or to construct or operate for private or commercial purposes any structure, or to remove any plant life, trees, buildings, sand, gravel, ice, earth, stone, wood, or other natural material, or to operate vehicles, within the boundaries of any state park, preserve, or stream or any other lands or waters under the jurisdiction of the commission for any purpose whatsoever, except upon the terms, conditions, limitations, and restrictions as set forth by the commission.

### **Iowa Code 571.54 Restrictions on Introduction and Removal of Plant Life.**

**54.1(461A)** Mushrooms and asparagus. Lands under the jurisdiction of the commission shall be open for the harvesting of mushrooms and asparagus during the hours the areas are open to the public.

[ARC 8594B, IAB 3/10/10, effective 4/14/10]

**54.2(461A)** Fruit. Lands under the jurisdiction of the commission shall be open for the harvesting of all varieties of nuts, fruits, and berries unless signs are posted prohibiting such activity. Nut, fruit, and berry gathering shall be permitted only during the hours the areas are open to the public and shall not be permitted in state preserves unless otherwise allowed by the preserves management plan.

**54.3(461A)** American ginseng. The harvesting of American ginseng (*Panax quinquefolius*) is subject to regulation by 571—Chapter 78. This rule is intended to implement Iowa Code sections 456A.24(11) and 461A.41.