For Immediate Release  
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DNR Director Kayla Lyon refuses to exercise authority under Director’s Discretion Rule to overturn Supreme Beef  

June 2, 2021 -- Des Moines, IA. Late last week, the Iowa Department of Natural Resources (DNR) and Iowa Attorney General’s Office notified Sierra Club Iowa Chapter, Iowa Environmental Council, Steve Veysey, Larry Stone and 43 other organizations, legislators, and environmental leaders that they will not review the Supreme Beef 11,600-head cattle feedlot under the Director’s Discretion Rule.  

IEC, Sierra Club and Veysey requested a review by DNR Director Kayla Lyon because of the high probability that manure from Supreme Beef, located in Clayton County, will impact the sensitive features of northeast Iowa’s karst topography.  

This area of karst geology contains cold water trout streams, Outstanding Iowa Waters, spring creeks, limestone bluffs, algific talus slopes, and other unique features. In this landscape, there are thousands of identified sinkholes and uncountable fissures and crevices in exposed and barely hidden fractured limestone and dolomite that are direct conduits from the surface to the shallow aquifer below.  

IEC, Sierra Club, Stone, and Veysey recently identified a probable algific talus slope near some of the manure fields, leading them to believe that there are likely other algific talus slopes in the area. Algific talus slopes are extremely rare and fragile ecosystems, often supporting endangered plant and animal species, that only exist in small parts of Southern Minnesota, Illinois, and Wisconsin, and especially in the driftless region of Northeast Iowa.  

The authority granted to DNR under 567 IAC 65.5(3) and IAC 65.103(5) allows the DNR to conduct a “departmental evaluation,” which would provide special protection to environmentally exceptional areas when reviewing proposed CAFO construction projects and Nutrient Management Plans (NMPs) and Manure Management Plans (MMPs).  

The Attorney General’s Office said that the DNR would be exceeding its authority under Iowa Code chapters 459 and 459A by conducting an alternative evaluation of the NMP, but Sierra
Club, IEC, Veysey, and Stone disagree. They have formally asked the DNR to outline how they made this decision. In 2006, the Iowa Legislature’s Administrative Rules Review Committee placed an objection on the Director’s Discretion Rule. This means in any challenge to the rule, the DNR bears the burden of proof that the rule is not arbitrary, capricious, unreasonable, or beyond its authority. It does not prohibit the DNR from using the rule or rendering the rule invalid.

A copy of the letter from Director Lyon can be viewed below.

Quotes:

**Steve Veysey, Water Quality Advocate & Retired ISU Chemist** - Throughout this struggle I’ve been amazed at how little consideration DNR has given to the natural resources they are charged to protect. Always an excuse; never a reason.

**Larry Stone, Water Quality Advocate & Clayton County Resident** - While the DNR authority to use department discretion to protect unique areas may be controversial with some legislators, we contend that it is legitimate and could - SHOULD - be used in this situation.

**Wally Taylor, Iowa Chapter Conservation and Legal Chair** - It is shameful that Director Lyon won’t use the authority given to her. The rule is still valid and the Director has the authority to use it - regardless of what she says.

**Jessica Mazour, Sierra Club Iowa Chapter Conservation Program Coordinator** - I’m really disappointed that Director Lyon is unwilling to use all the tools given to her to protect the environment. If DNR Director Kayla Lyon won’t protect our most precious natural resources, then who will? It’s time for Iowans to speak up and demand more from DNR leaders.

**Michael Schmidt, Iowa Environmental Council Staff Attorney** - The DNR has again refused to protect the environment, this time by undercutting its own rule to protect water quality. The denial fits a larger pattern in which DNR refuses to take on agricultural interests to protect Iowa’s water.

**Alicia Vasto, Iowa Environmental Council Water Program Associate Director** - The Director’s Discretion Rule is a backstop to protect Iowa’s most fragile natural resources. Refusal to use the rule to even initiate an evaluation demonstrates state leadership’s unwillingness to act on behalf of the majority of Iowans.

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The [Iowa Environmental Council](https://www.iec-iowacoalition.org/) (IEC) is an alliance of diverse organizations and individuals working together to protect Iowa’s natural environment. Founded in 1995, it is the largest and most comprehensive environmental coalition in the state. Through education, advocacy and
coalition building, the Council raises awareness, generates action and creates large-scale change that makes Iowa a better place to live, work and explore. Learn more at iaenvironment.org.

The Iowa Chapter of the Sierra Club is the largest environmental non-profit in Iowa that endorses candidates, lobbies at the Capitol and empowers volunteers to engage with elected officials on key issues impacting our environment. www.sierraclub.org/iowa

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May 28, 2021

Mr. Wally Taylor, Esq
Wtaylor784@aol.com

Dear Mr. Taylor,

On May 24, 2021, I received a letter from you, on behalf of several organizations and individuals, requesting the Department conduct an evaluation of Supreme Beef’s Nutrient Management Plan (NMP) using the Department Evaluation rule found in 567 Iowa Administrative Code 65.103(5).

I have been advised by the Department’s Legal Services Bureau and the Iowa Attorney General’s Office that subrule 65.103(5) lacks statutory authority. The Department would be exceeding its authority under Iowa Code chapters 459 and 459A by conducting an alternative evaluation of the NMP.

Sincerely,
Kayla Lyon
Director

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