MINUTES

OF THE

NATURAL RESOURCE COMMISSION

MEETING

OCTOBER 6, 2011

HELD AT:

IOWA DEPARTMENT OF NATURAL RESOURCES
HENRY WALLACE STATE OFFICE BUILDING
502 EAST 9TH STREET
DES MOINES, IA 50319

For Office Use Only

Date Minutes Approved By NRC: 10/18/11

Director's Signature: _____
Roger L. Lande
Director

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MEETING MINUTES

CALL TO ORDER
The meeting of the Natural Resource Commission was called to order by the NRC Vice Chair, Margo Underwood on 10/06/11 at 8:17am.

COMMISSIONERS PRESENT - TELEPHONE CONFERENCE MEETING
Conrad Clement
Richard (Kim) Francisco
Dr. Sally Prickett
Janelle Rettig
Margo Underwood, Vice-Chair

COMMISSIONERS ABSENT
Gregory Drees, Chairperson
Dennis Schemmel, Secretary

APPROVAL OF AGENDA

Motion – Commissioner Rettig
Seconded – Commissioner Prickett
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

1. LAKE MANAWA WATER LEVEL MANAGEMENT

Commission approval is requested for a service contract with Western Oilfields Supply Co., d/b/a Rain for Rent. The contract will begin on October 7, 2011 and terminate on November 1, 2011. The total amount of this contract shall not exceed $150,000. This contract will be funded through the Lakes Restoration Program established under Iowa Code Section 456A.33B. Historic flood events in the Missouri River basin this summer resulted in Governor Branstad declaring Pottawattamie County as a disaster emergency area; this proclamation is in place until October 28, 2011. The following conditions exist at Lake Manawa as a result of the floods: high waters have inundated critical public infrastructure (such as parking lots, docks, trails, shorelines and fishing jetties) as well as neighboring private property. The damage caused to these areas from high water levels is still unknown and cannot be assessed, repaired or prepped for winter (when there is a threat of further damage from ice) until the waters are lowered. These high waters are unlikely to recede naturally in sufficient time before winter to make all necessary assessments and repairs. The parties propose to enter into this Contract for the purpose of retaining Rain for Rent to pump Lake Manawa down to conservation pool minus an additional 2 inches. Water will be pumped from Lake Manawa to Indian Creek, which in turns flows into the Missouri River. The DNR intends to conduct draw-down pumping at Lake Manawa (Pottawattamie Co.) pursuant to emergency response authority found in DAS rules 11 Iowa Administrative Code 106.3 and 106.8. "Emergency" is defined by 11 I.A.C. 106.3 as including, but not limited to, "a condition…in which there is a need to protect public health, welfare, or safety of persons occupying or visiting a public improvement or property located adjacent to the public

improvement…." On September 30, 2011 the DNR received written confirmation from the Governor's Office that the high water levels at Lake Manawa are currently threatening critical public and private infrastructure, justifying an emergency response. Additionally, 11 I.A.C 106.8 authorizes emergency procurements for service contracts without competitive bid letting, although using some degree of completion is still encouraged. The DNR's Engineering Bureau has pre-qualified multiple firms to provide on-going engineering consulting services; under this retainer contract, the DNR consulted with Ehrhart, Griffin & Associates to provide recommendations and specifications for effective draw-down of Lake Manawa in an efficient manner as possible. This information was then used to define the scope of work and informally solicit cost estimates from contractors. Rain for Rent was chosen for this project based upon cost estimate, expertise, and availability.

Motion to approve the service contract with Western Supply Company d/b/a Rain for Rent. The contract will begin on October 7, 2011, and terminate on November 1, 2011. The total amount of this contract shall not exceed $150,000.

Motion – Commissioner Clement
Seconded – Commissioner Prickett
Discussion – Staff responded to Commissioner inquiries. It is estimated, with this contract and the information the Department currently has, the lake should be at pool level by mid-December. A variable would be rainfall in the next few months. As of August 2011, the Department evaluated the viability of draw down pumping of Lake Manawa and assessed it was not an option at that time due to the continued high level of the Missiouri River. After the Governor met with the public in the Lake Manawa area, he asked the Department to review this option again. The ACOE confirmed the original assessment that this was not a viable option due to the river's water level. Since then, the river has receded below the lake level and this provides a window of opportunity for pumping success. The lake will drop naturally, but it will be a slow reduction. Water will be pumped to Indian Creek which flows into the Missouri River. The work may be able to qualify for FEMA funding. To assist in the water level reduction, the Department will be looking at clearing a ditch of brush to allow freer water flow from the lake to the outlet.

Commissioner concern was expressed about spending funds on this type of project leaving other Lakes Restoration projects delayed.

If the Commission approves this contract and the pumping does not achieve the original goals in the timeframe, it is the Department's understanding the effort was made with current scientific information and does not anticipate more funds toward the project. A time extension to the contract without cost could be executed, but if there were additional costs, a request would come before the Commission if the amount were $25,000 or 10% over the original contract amount. Three companies were reviewed, two expressed interest. Rain for Rent has been providing pumping service in the area this summer and are completing that work so they are available. The other company was three times higher in cost and would have to bring in equipment from out of state.

Decision - Roll Call Vote:
Commissioner Prickett – aye
Commissioner Rettig - nay

Commissioner Underwood – aye
Commissioner Clement -aye
Commissioner Francisco – aye
Motion Approved.

CARRIED AS PRESENTED

ADJOURNMENT

Motion to adjourn the meeting – Commissioner Clement
Seconded - Commissioner Rettig
Decision - Approved by Unanimous Vote.

With no further business to come before the Natural Resource Commission, Vice Chair Underwood adjourned the meeting on 10/06/11 at 8:47a.m.

CARRIED – MEETING ADJOURNED

UPCOMING NRC MEETING DATES

October 13, 2011 – Henry Wallace State Office Building, Des Moines, 9:30am
November 10, 2011 – Henry Wallace State Office Building, Des Moines, 9:30am