

**MINUTES**  
**OF THE**  
**NATURAL RESOURCES COMMISSION**  
**MEETING**

**THURSDAY, MAY 12, 2011**

**HELD AT:**

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

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**MEETING MINUTES**

**CALL TO ORDER**

The meeting of the Natural Resource Commission was called to order by the NRC Chairperson, Gregory Drees on Thursday, May 12, 2011 at 8:30 a.m. and welcomed the two new commissioners; Dr. Sally Prickett and Conrad Clement. He then welcomed the public to the meeting and reviewed the public speaking forum guidelines.

**COMMISSIONERS PRESENT**

- Conrad Clement
- Gregory Drees, Chairperson
- Richard (Kim) Francisco, Secretary
- Dr. Sally Prickett
- Janelle Rettig
- Dennis Schemmel
- Margo Underwood

**COMMISSIONERS ABSENT**

None

**1. OATH OF OFFICE OF NEW COMMISSIONERS**

Director Lande swore in the new Natural Resources Commissioners; Dr. Sally Prickett of Glenwood and Conrad Clement of Cresco.

**2. APPROVAL OF AGENDA WITH PROPOSED CONSENT AGENDA ITEMS (INDICATED BY \* ON AGENDA ITEM TITLES)**

- \*10 – Professional Services Contract – Delivery Order Approval
- \*12.1 – Management Agreement – Burr Oak Wildlife Management Area – Iowa County Conservation Board
- \*12.2 – Management Agreement – Pilot Grove Historical Preserve – Iowa County Conservation Board
- \*12.3 – Management Agreement – I-80 WMA – Iowa County Conservation Board
- \*12.4 – Management Agreement – North Raccoon WMA – Carroll County Conservation Board
- \*12.5 – Easement Issuance – Tubaugh Wildlife Area – Appanoose County
- \*13.4 – South Bear Creek – Winneshiek Co. – Armstrong
- \*13.5 – South Bear Creek – Winneshiek Co. – Arneson
- \*19 – Final Rule – Chapter 61 “State Parks and Recreation Areas”
- \*20 - Final Rule – Chapter 65 “Fireworks Displays—State Parks and Recreation Areas”

**Motion** – Commissioner Francisco  
**Seconded** – Commissioner Schemmel  
**Decision** – Approved by Unanimous Vote

**APPROVED AS AMENDED**

### 3. APPROVE MINUTES FROM APRIL 13, 2011 NRC PUBLIC MEETING

**Motion(1)** – Commissioner Underwood

**Seconded** – Commissioner Francisco

**Discussion** – Corrections were received by the secretary prior to the meeting by Commissioners Rettig, Underwood, Francisco, and Schemmel.

**Decision** – Approved by Unanimous Vote

**Motion(2)** – Commissioner Francisco motioned rescind and expunge the motion made at the April 13<sup>th</sup> NRC meeting to request an official opinion of the Attorney General's office (AG's) regarding Executive Order 71, he stated he thought the commission had acted before exhausting all other resources.

**Seconded** – Commissioner Schemmel

**Discussion** – Commissioner Rettig stated that she did not agree to the motion as she thought it was in violation of the State's open meeting laws. She stated that clarification of the rulemaking authority of the commission was in order. Commissioner Francisco stated that according to Roberts Rules of Order 2<sup>nd</sup> Edition Section 25 entitled 'To Rescind' states the following: "The motion to rescind is used when an assembly wants to annul some prior action and it is too late to reconsider the vote on it. This motion has no privileges but has the same importance as a new resolution. Any action of a group can be rescinded regardless of the time that has elapsed. In rare cases, when a group wants not only to rescind some action but to express very strong disapproval of it, it could vote to rescind the objectionable action and remove it from the record. You could do this by crossing out the undesirable words, or drawing a line around them, and writing across the words "Expunged by order of the assembly..." adding the date of the order." Commissioner Rettig stated that Roberts Rules of Order does not supersede the State's open records or open meetings laws. Tamara Mullen, DNR attorney explained that Roberts Rules of Order is used by the commission for procedure purposes but is not binding.

**Motion(3) Amendment** – Commissioner Francisco motioned to remove the expungement from his original motion changing it to be only rescind the motion made at the April 13<sup>th</sup> NRC meeting to requesting an official opinion of the Attorney General's office (AG's) regarding Executive Order 71.

**Seconded** – Commissioner Schemmel

**Discussion** – Commissioner Rettig made statements how Executive Order 71 would affect the rule making authority of the commission and why her fellow commissioners as well as the department should care about it. Commissioner Francisco stated that he cared very much about the rulemaking authority of the NRC, but that after reflecting on the discussion at last month's meeting felt that the commission had not exhausted all avenues to clarify how Executive Order 71 would affect the commission's rule making authority. Since that meeting Chairperson Drees has established a line of communication with the Governor's Office and felt that this was a positive proactive step for the commission to take.

**Decision** – Approved 6 Ayes and 1 Nay (Rettig)

APPROVED AS AMENDED

#### **4. ELECTION OF NATURAL RESOURCE COMMISSION OFFICERS**

**Motion** – Commissioner Drees motioned to open and accept nominations from the floor for NRC officer positions of Chairperson, Vice-Chairperson, and Secretary

**Seconded** – Commissioner Francisco

**Discussion** – Commissioner Rettig commented that she felt that a rotation of the chair position was a much fairer/better approach, and was the way the way the commission had previously operated for many years.

**Decision** - Approved to continue with a nomination of officers procedure  
6 Ayes and 1 Nay (Rettig)

##### **Election of NRC Chairperson**

**Nomination** – Commissioner Francisco nominated Commissioner Drees as NRC Chairperson

**Seconded** – Commissioner Schemmel

**Nomination** – Commissioner Rettig nominated Commissioner Underwood as NRC Chairperson

**Declined** – Commissioner Underwood thanked Commissioner Rettig for the nomination but due to other obligations declined the nomination.

**Nomination** – Commissioner Rettig nominated Commissioner Schemmel as NRC Chairperson

**Declined** – Commissioner Schemmel thanked Commissioner Rettig for the nomination but due to other obligations declined the nomination.

**Motion** – Commissioner Clement motioned to cease nominations for NRC Chairperson

**Seconded** – Commissioner Schemmel

**Election Vote - 6 Ayes and 1 Nay (Rettig)**

**COMMISSIONER DREES WILL REMAIN AS NRC CHAIRPERSON**

##### **Election of NRC Vice-Chairperson**

**Motion** – Commissioner Schemmel nominated Commissioner Underwood as NRC Vice-Chairperson

**Seconded** – Commissioner Francisco

No other nominations were received from the floor

**Decision** – Carried by Unanimous Vote

**COMMISSIONER UNDERWOOD NAMED NRC VICE-CHAIRPERSON**

##### **Election of NRC Secretary**

**Motion** – Commissioner Underwood nominated Commissioner Schemmel as NRC Secretary

**Seconded** – Commissioner Francisco

No other nominations were received from the floor

**Decision** – Carried by Unanimous Vote

**COMMISSIONER SCHEMSEL NAMED NRC SECRETARY**

**5. DIRECTOR AND DEPUTY DIRECTOR REMARKS**

**Director Lande**

- Reduction in force - It is always difficult news to deliver staff that a reduction in force is needed. Hopefully that will be the last bad news we will have to relay. The Executive group is working hard on the business plan and budget.

**Deputy Director Boddy**

- Americas Great Outdoors – Is an initiative of the Department of Interior to seek greater funding for LAWCON. There will be a briefing with the Governor next week and Assistant Secretary Will Shafroth will be in town to hold a stakeholder’s meeting. The department has been invited. The Attorney General Office would look at a granting approach to states or multi-state initiatives of significance addressing “Blueways” – river restoration and access, large rural landscapes, federal lands, urban parks and greenways, and youth – employment and activities for young people.
- Iowa Food Policy Council – Is looking to partner with the department and have just finished up Cultivating Resilience – a Food system blueprint that advances the health of Iowans, Farms and Communities.
- The ARRC has provided permission to move forward with the Mourning Dove rule. Upcoming public meeting will be held May 24<sup>th</sup> at 1:00pm in the Wallace Building Auditorium.
- May 22<sup>nd</sup> the annual River of Words Exhibition will open at the Blank Park Zoo.
- Deputy Director Boddy will be attending Canoe School on June 1 & 2 and asked if any commissioners would be interested in also attending.

**6. PUBLIC PARTICIPATION**

<u>Name</u>	<u>Representing</u>	<u>Subject</u>
• Kent Sovern	Iowa Parks Foundation	Introduction to IPF
• Merwin Briggs	Self	Deer Management
• Paul Clousing	City of Sioux Center	Shooting Range

**7. HONEY CREEK DESTINATION RESORT STATE PARK – MONTHLY UPDATE**

- Deputy Director Boddy gave a brief update on construction project progress:  
Completed Projects:
  - Boat Ramp
  - Remaining Trail Segments
  - Marina
  - Beach
  - Activity Building should be completed by the end of the month

Remaining Construction Projects:

- Day use shelter is on target for a June delivery
- It is anticipated that the final payments for contract work, excluding the day use shelter, will be made by June 30, 2011 which will close the construction budget.
- Jennifer Nelson and Michelle Wilson will continue to work on a simplified version of the construction budget for future presentation to the commission.

Discussion

- Commissioner Rettig asked about the contingency plans for future bond payments and asked how the department plans on meeting these obligations.
  - Deputy Director Boddy explained that they would have to come out of REAP, recently Deputy Director Boddy, Michelle Wilson, Commissioners Garst, Kircher, and Francisco went before the Vision Iowa Values Fund Board to request funds for bond payments and were told no.
  - New Commissioners Clement and Prickett reported that they had recently met with Governor Branstad and his Chief of Staff Jeff Boeyink about the possibility of using one time funds to pay off the Honey Creek Resort State Park bonds. However the money to be used would first need to be confirmed, it was suggested that the department put it this in their next fiscal year budget request. The Chief of Staff said the department could also put in a request for an exception to the bond stipulations to allow for HCR to operate more as a private company.
- Geoff Baekey along with Andy Woodrick, HCR General Manager and Linda Caird both with Central Group Management (CGM) reviewed with the commission the resorts financials ending March 31, 2010, as well the 90 day forecast.
  - March Actual vs. Flash
  - Honey Creek Financial Performance – April Forecast
  - Strategic Initiatives / Progress
  - Operating Metrics
  - STR Market Data
  - Guest Satisfaction
  - Sales and Marketing Update
  - Golf Update
  - 90-Day Forecast
- Andy Woodrick, HCR General Manager explained that recently the Chariton Valley Electric Co-op has approached the him about the possibility of installing a utility pole climbing training facility at the resort, which would be located towards the front entry of the resort on the right hand side before the golf maintenance building. He and the department asked the commission for their initial thoughts and feedback.
  - The commission expressed interest as well as concern of the proposal. They agreed that the DNR legal staff should thoroughly review the feasibility of such a facility.

**8. HONEY CREEK INTERPRETIVE CENTER PROJECT CHANGE ORDER**

The Department has determined that certain additive services by the contractor (Vieco) were needed after the bidding phase was complete. These changes are outlined by Completed items and proposed items below:

**Completed:**

1. Install 6” Concrete instead of 4” thick concrete =	\$1,150.00
2. Install concrete in lieu of pavers on patio =	\$400.00
3. Mechanical units to be fastened to house =	\$240.00
4. Install 4” drain tile to drain pond on site =	\$1,800.00
5. Install concrete pier & header for stairway support =	\$450.00
6. Re-build gutter system and downspout =	\$3,750.00
7. Extend lower level concrete =	\$300.00
8. Kitchen floor removed due to the broken heating system =	\$1,450.00
9. Backflow preventer, automatic fill valve for in-floor heating =	\$1,617.49
10. Wiring water heater, control relays for conversion =	\$587.00
11. Juno pendant lights =	\$1,344.00
12. Provide Uni-Strut to replace missing Grid frames =	\$480.00
13. Relative Humidity Sensor box =	\$270.10
14. Tim Lentz connection of EV System 5/7/11 =	\$1,200.00
15. <u>Vieco will run the plumbing lines to the roof and furnish all parts =</u>	<u>\$500.00</u>
<b>Completed to date =</b>	<b>\$15,990.34</b>

**Proposed:**

1. Power wash and seal exterior cedar siding =	\$3,400.00
2. Stain and seal concrete foundation floor and wall =	\$2,750.00
3. Box out exterior porch columns in cedar =	\$1,100.00
<u>Proposed Total =</u>	<u>\$7,250.00</u>
<b>Total Change Orders =</b>	<b>\$23,240.34</b>

IDNR recommends approving these change orders as outlined above.

**Motion** – Commissioner Francisco  
**Seconded** – Commissioner Underwood  
**Discussion** – Commissioner Underwood asked where the increased funding would come from. Michelle Wilson explained from remaining funds from the construction of the beach area. Commissioner Underwood then asked if the broken heating system would be replaced or paid for by the contractor. Don Labate explained that the heating system had been damaged in the move due to the multiple moves the building had undergone.  
**Decision** – Approved by Unanimous Vote

**APPROVED AS AMENDED**

**9. CONSTRUCTION ITEMS**

**9.1 GREEN ISLAND WMA HEADQUARTERS, JACKSON COUNTY – POLE STORAGE BUILDING**

This project consists of the construction of a one story, pre-engineered wood type building with metal roofing and siding including translucent panels to admit daylight, a concrete floor approximately 40’ x 100’in size, an exterior concrete aprons and other work as required by the Plans and the DNR Construction Inspector. The design includes translucent plastic panels to admit daylight and reduce energy costs, and exterior concrete aprons paving. This project was designed by Ken Jackson, DNR Engineer, and will be inspected by David Heer, DNR District Inspector. DNR Estimate is \$150,000. Funding source is Federal Pittman-Robertson Wildlife Restoration and REAP Land Management (Capital Link #157). 11 sets of plans were issued and 2 bids were received.

Mainline Excavating Co. Inc.	Dubuque, IA	\$113,810.72
Hanson Construction LLC	Clear Lake, IA	\$126,305.50

DNR recommends awarding project to the low bidder, Mainline Excavating Co. Inc.

**Motion** – Commissioner Rettig  
**Seconded** – Commissioner Underwood  
**Discussion** – Commissioner Prickett asked about the low number of bids received. Don Labate explained the explained the process in which bids are advertised. Commissioner Rettig added that she felt that the low amount of bidders may be due in some part to the state bidding & bonding requirements, some contractors are not able to meet those requirements and therefore do not bid. Commissioner Underwood asked about the project need and asked for further explanation. Don Labate explained that the building would be used for equipment maintenance and storage. Commissioner Underwood requested that on future construction items brought before the commission they include need based details in the item brief.  
**Decision** – Approved by Unanimous Vote

**APPROVED AS AMENDED**

**9.2 LAKE AHQUABI STATE PARK, WARREN COUNTY – ENTRANCE PORTAL RENOVATION**

Lake Ahquabi Entrance Portal, originally designed and built by the Civilian Conservation Corps. (CCC), has fallen into disrepair over the past seventy years. Originally designed to be monolithic blocks and constructed out of local sandstone, Portland cement was utilized for the mortar joints. This material was not suitable for such an application and doesn’t allow the stone to “breathe” or expand. This caused significant damage as water penetrated the stone and could not escape through the mortar as it should. During freeze/thaw periods, the stone began to delaminate and crumble. Some blocks were also laid incorrectly, this caused scaling so severe that the layers of sediment have extruded from the material surrounding them. A 1’-0” thick cast in place concrete wall will be constructed to accept 4” stone veneer with a battered look to mimic the original solid

masonry monument. The original cast plaques will be reused in the design with a monolithic limestone cap for water protection. All dimensions and sizing will match the original design and the contractor is to submit stone layout which will be reviewed for acceptance by architect prior to construction. This project will utilize the original design to create the same look and feel of the original with modern and more appropriate building techniques. This project was designed by Ryan Richey, DNR Architect, and will be inspected by Jason Kruse, DNR District Inspector. DNR Estimate is \$100,000. Funding source is I-Jobs (Capital Link #213). 13 sets of plans were issued and 5 bids were received. 1 bid was rejected for non-conformance.

Building Restoration Corp.	Roseville, MN	\$66,975.00
Vieco Development & Construction	Saint Joseph, MO	\$84,000.00
Brothers Construction	Des Moines, IA	\$98,445.00
TNT Tuckpointing & Building Restoration	Stockton, IA	\$100,200.00
Hanson Construction LLC	Clear Lake, IA	\$104,800.00

DNR recommends awarding project to the low bidder, Building Restoration Corp.

**Motion** – Commissioner Francisco  
**Seconded** – Commissioner Underwood  
**Discussion** – Commissioner Underwood asked if during the initial project review renovating vs. using the new State Parks Design Image Guide plans were price compared, and if so what was the cost difference. She then asked what the determining factor was in going back to the original design vs. utilizing the new State Parks Design Image Guide. Deputy Director Boddy explained that the new State Parks Design Image Guide was set up to be compatible with the CCC buildings and allow for renovations vs. replacing.  
**Decision** – Approved by Unanimous Vote

**APPROVED AS AMENDED**

**9.3 HONEY CREEK RESORT, APPANOOSE COUNTY – CONCRETE PAD & SHELTER ERECTION**

Construction of concrete pad, electrical service, and site work (materials and labor by contractor). Erection of 50’x105’ shelter (materials provided by DNR, labor provided by contractor). This project was designed and will be inspected by Jason Kruse, DNR District Inspector. DNR Estimate is \$70,000. Funding source is REAP and OS Acquisition & Development (Capital Link #139). 4 sets of plans were issued and 2 bids were received.

Hanson Construction LLC	Clear Lake, IA	\$89,311.25
Vieco Development & Construction	Saint Joseph, MO	\$97,989.50

DNR recommends awarding project to the low bidder, Hanson Construction LLC.

**Motion** – Commissioner Underwood  
**Seconded** – Commissioner Francisco  
**Decision** – Approved by Unanimous Vote

**APPROVED AS AMENDED**

**9.4 ROCK CREEK STATE PARK, JASPER COUNTY - SHOWER BUILDING SITE PREPARATION**

This project consists of demolition of an existing shower building and site preparation to accept a precast concrete shower building provided by the Iowa DNR. This project was designed and will be inspected by Jason Kruse, DNR District Inspector. DNR Estimate is \$35,000. Funding source is REAP OS Acquisition & Development (Capital Link #144). 8 sets of plans were issued and 1 bid was received.

Hanson Construction LLC	Clear Lake, IA	\$58,000.00
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DNR recommends award project to the low bidder, Hanson Construction LLC.

**Motion** – Commissioner Rettig  
**Seconded** – Commissioner Francisco  
**Decision** – Approved by Unanimous Vote

**APPROVED AS AMENDED**

**9.5 ST. MARY’S ISLAND, MILLS COUNTY – CONSTRUCT ROAD AND PARKING LOT**

Blade, shape and surface an existing access road and parking area. This project was designed and will be inspected by Mark Johnson, DNR District Inspector. DNR Estimate is \$81,000. Funding source is Fish and Wildlife Trust Fund (Capital Link #43). 7 sets of plans were issued and 5 bids were received.

Godby Land Improvements LLC	Albia, IA	\$66,262.77
Henningsen Construction	Council Bluffs, IA	\$73,460.66
Carley Construction LLC	Treynor, IA	\$85,162.00
Richards Construction Co. Inc.	Sac City, IA 50583	\$89,765.50
Western Engineering Co. Inc.	Omaha, NE	\$113,061.30

DNR recommends awarding project to the low bidder, Godby Land Improvements LLC.

**Motion** – Commissioner Francisco  
**Seconded** – Commissioner Schemmel  
**Decision** – Approved by Unanimous Vote

**APPROVED AS AMENDED**

**9.6 HONEY CREEK RESORT, APPANOOSE COUNTY – DOCK ELECTRICAL INSTALLATION**

This project consists of installing a 120/240V electrical system on the boat dock. Wire sizes up to 250 CMC, all copper. Installation of 16 outlet/light fixtures. Installation of two 200 amp disconnects. All wiring in LFMC conduit. This project was designed and will be inspected by Jason Kruse, DNR District Inspector. DNR estimate is \$50,000. Funding source is MFT and US Coast Guard (Capital Link #104). 11 sets of plans were issued and 4 bids were received.

Centerpoint Electric	Sully, IA	\$23,700.00
Lowery Electric	Montezuma, IA	\$24,985.00
Nikkel and Associates	Centerville, IA	\$35,945.00
CornerHart Electric LLC	Centerville, IA	\$38,450.00

DNR recommends awarding project to the low bidder, Centerpoint Electric.

**Discussion** – Gabe Lee, Engineering Bureau Chief requested the item be removed from the agenda as the lowest bid received was under the \$25,000 approval threshold of the NRC.

**REMOVED FROM DECISION**

**9.7 BACKBONE STATE PARK, DELAWARE COUNTY – 2010 FLOOD DAMAGE REPAIRS**

Project consists of removal of debris, trees, silt deposit, PCC sidewalk repair, and surfacing of stocking road on numerous locations in the Park from the north entrance to the Flats area. This project was designed and will be inspected by Mel Pacovsky, DNR District Inspector. DNR estimate is \$90,000. Funding source is FEMA (Capital Link #165). 11 sets of plans were issued and 6 bids were received.

Riehm Construction Co.	Waukon, IA	\$63,623.38
Lansing Brothers Construction	Luxemburg, IA	\$65,945.00
Eastern Iowa Excavating	Cascade, IA	\$88,100.02
Tschigffrie Excavating Co.	Dubuque, IA	\$94,039.75
Steger Construction	Dyersville, IA	\$96,114.70
CJ Moyna and Sons Constr.	Elkader, IA	\$150,533.00

DNR recommends awarding project to the low bidder, Riehm Construction Co.

**Motion** – Commissioner Rettig  
**Seconded** – Commissioner Francisco  
**Discussion** – Commissioner Underwood asked if the plans for new design included plans to replace or plant new trees. Don Labate explained that this project is clean up only at this time.  
**Decision** – Approved by Unanimous Vote

**APPROVED AS AMENDED**

**\*10 PROFESSIONAL SERVICES CONTRACT – DELIVERY ORDER APPROVAL**

The Department has negotiated a Delivery Order under a master contract with Stanley Consultants, Inc. to assist Iowa DNR in preparing designs for replacement of the low-water crossing along Richmond Springs Creek in Backbone State Park in Delaware County, Iowa. The project site is near the feature identified as “The Cave” and located approximately 4,000 feet south of the park entrance. The project will consist of roadway grading, drainage, paving and a new culvert drainage structure.

Compensation for the services provided under this Delivery Order will not exceed \$24,964.00 (pending proposal) and has been described in detail in the Delivery Order contract. The funding source is 62% P&I Road Fund, 23% F&W Trust-Fish Habitat Stamp, and 15% Other Federal (Capital Link #68).

IDNR recommends awarding the Delivery Order to Stanley Consultants, Inc.

Prior Stanley Consultants Delivery Orders Under Contract

Red Haw State Park Lift Station	\$16,831.00
Big Creek Beach Site Plan	\$24,780.00
Richmond Springs Culvert Concept	\$23,752.00

**APPROVED BY CONSENT**

**11. SMALL CONSTRUCTION PROJECT CONTRACTS**

The following projects have been let utilizing the Competitive Quotation process for projects \$100,000 or less:

BID DATE	PROJECT	COUNTY	AREA	DESCRIPTION	ESTIMATE	BIDS
3/31/11	11-03-96-02	Winneshiek	Decorah Hatchery	Constructing new well	\$25,000.00	\$15,023.00
						\$21,304.00
						\$38,185.00
3/31/11	11-01-71-02	O'Brien	Austin Wildlife Management Area	Farmstead demolition	\$10,500.00	\$12,900.00
						\$14,000.00
						\$19,200.00
						\$21,500.00
4/7/11	11-03-96-01	Winneshiek	Decorah Hatchery	Drilling New Well, Pumps, etc	\$30,000.00	\$47,421.20
						\$64,636.00
						\$42,674.00
4/7/11	11-03-09-01	Bremer	Aldo Leopold WMA	Replace 4 control structures	\$50,000.00	\$62,920.00
						\$72,011.60
						\$83,471.00
4/14/11	11-05-77-08	Polk	Big Creek State Park	Bldg demolition	\$25,000.00	\$11,300.00
						\$12,500.00
						\$12,950.00
4/14/11	11-04-39-01	Guthrie	Lakin Slough WMA	Install Fish Barrier	\$29,500.00	\$29,873.00
						\$23,689.00
						\$30,377.00
4/28/11	11-03-28-09	Delaware	Backbone State Park	Boat Ramp Access Repairs	\$45,000.00	\$30,838.65
						\$32,893.40
						\$35,138.10
						\$46,999.00

**INFORMATIONAL ONLY**

**\*12 LAND MANAGEMENT PROJECTS**

**\*12.1 MANAGEMENT AGREEMENT – BURR OAK WILDLIFE MANAGEMENT AREA – IOWA COUNTY CONSERVATION BOARD**

The Natural Resource Commission is requested to approve a renewal of a management agreement between the Iowa County Conservation Board and the DNR to authorize County management of Burr Oak Wildlife Area through December 31, 2035.

Burr Oak Wildlife Area is located approximately two miles north of Marengo, Iowa, overlooking the Iowa River. The agreement covers 28.5 acres. The area is primarily timber with some open pastureland and is rich in plant and animal species. The County manages the area as a preserve and is an excellent area for hiking, birding and other nature study activities.

Iowa County desires to continue its management. The agreement will be according to the terms and conditions of the standard DNR management agreement.

Staff recommends approval of the management agreement.

**APPROVED BY CONSENT**

**\*12.2 MANAGEMENT AGREEMENT – PILOT GROVE HISTORICAL PRESERVE – IOWA COUNTY CONSERVATION BOARD**

The Natural Resource Commission is requested to approve a renewal of a management agreement between the Iowa County Conservation Board and the DNR to authorize County management of Pilot Grove Historical Preserve through December 31, 2035.

Pilot Grove Historical Preserve is located five miles southwest of Williamsburg. This historical area is managed as a wildlife preserve containing oak-hickory savannah type vegetation.

Iowa County desires to continue its management of the area. The agreement will be according to the terms and conditions of the standard DNR management agreement.

Staff recommends approval of the management agreement.

**APPROVED BY CONSENT**

**\*12.3 MANAGEMENT AGREEMENT – I-80 WMA – IOWA COUNTY CONSERVATION BOARD**

The Natural Resource Commission is requested to approve a renewal of a management agreement between the Iowa County Conservation Board and the DNR to authorize County management of I-80 Wildlife Area through December 31, 2035.

I-80 Wildlife Area borders Interstate 80, just 3 miles west of Williamsburg. The agreement covers 12.96 acres. This is a wildlife habitat area with grassy species for nesting cover and some trees and bushes providing winter cover for upland bird habitat. Public hunting is allowed.

Iowa County desires to continue its management. The agreement will be according to the terms and conditions of the standard DNR management agreement.

Staff recommends approval of the management agreement.

**APPROVED BY CONSENT**

**\*12.4 MANAGEMENT AGREEMENT – NORTH RACCOON WMA – CARROLL COUNTY CONSERVATION BOARD**

The Natural Resource Commission is requested to approve a new management agreement between the Carroll County Conservation Board and the DNR to authorize County management of North Raccoon Wildlife Area (D.K. Holdings Tract) through December 31, 2036.

North Raccoon Wildlife Area (D.K. Holdings Tract) land located 1.5 miles south of Lanesboro, and 14 miles northeast of Carroll. This tract contains approximately 54 acres of open grassland, timber, and wetland ponds on bottomland adjacent to the Raccoon River. 50.46 acres are encumbered by an EWP easement. The tract connects land owned by the Carroll County

Conservation Board to land owned by the Iowa DNR. The tract has excellent public access from local county roads on the north and east. The EWP restoration has been completed with approximately 28 acres seeded to native prairie; and 20 acres of wetlands.

Carroll County desires to manage this area. The agreement will be according to the terms and conditions of the standard DNR management agreement.

Staff recommends approval of the management agreement.

**APPROVED BY CONSENT**

**\*12.5 EASEMENT ISSUANCE – TUBAUGH WILDLIFE AREA – APPANOOSE COUNTY**

The Natural Resource Commission is requested to approve issuance of a permanent easement, to Appanoose County, IA, for additional right-of-way needed for a bridge replacement project. The easement will consist of 0.31 acres of additional right-of-way.

The County is offering \$473.99 for the easement. The County used the average of 3 land sales in the area of the subject property within the last 12 months to calculate a compensation amount of \$1529 per acre. The sales were comparable based on location, size of parcel, percentage of open and tillable land, degree of slope, and overall land quality.

Staff recommends issuance of the easement.

**APPROVED BY CONSENT**

**\*13. LAND ACQUISITION PROJECTS**

**13.1 FRENCH CREEK WMA – ALLAMAKEE COUNTY – INHF**

The Natural Resource Commission is requested to approve the acquisition of a tract of land located in Allamakee County and adjacent to French Creek Wildlife Management Area. This 222.73-acre tract is offered by INHF for the appraised price of \$556,825. The INHF purchased the larger 320 acre parcel, in December 2010, for \$944,000.

Licensed appraiser, Joel Klemish, Strawberry Point, Iowa submitted the appraisal.

The property is located midway between the towns of Waukon and Lansing, Iowa. Acquisition of the subject tract will provide very important watershed protection for French Creek trout fishery. The property will also provide great opportunities for goat prairie management, additional prairie constructions, forest enhancements, and habitat diversity possibilities for species of greatest conservation need.

The terrain is described as sloping to very steep with an even mix of pasture and timber cover. A dry-run creek runs along the east boundary which eventually drains into French Creek. The Wildlife Bureau will manage the area in accord with the area management plan.

Acquisition funding will be IJOBS (506,710.75) and Wildlife Habitat Stamp (\$50,114.25). The property will remain on the Allamakee Co. property tax rolls.

Staff recommends approval of the land acquisition.

**Motion** – Commissioner Underwood  
**Seconded** – Commissioner Schemmel  
**Discussion** – Commissioner Prickett asked if the area would be accessible to the public. Travis Baker replied that it would.  
**Decision** – Approved by Unanimous Vote

**APPROVED AS AMENDED**

### 13.2 RAM HOLLOW WMA – DELAWARE/DUBUQUE COUNTY – KENDRICK

The Natural Resource Commission is requested to approve the acquisition of a tract of land located in Delaware and Dubuque Counties and adjacent to Ram Hollow Wildlife Management Area. This 315.44-acre tract is offered by Tim and Rhonda Kendrick for the appraised price of \$1,104,000.

Licensed appraiser, Sherman McNeal, Cedar Falls, Iowa submitted the appraisal.

The property is located two miles southeast of the small town of Colesburg, Iowa. The highest and best use of the property is stated to be suitable for a couple of wooded home sites with the balance and majority of land used for recreational purposes.

The property is directly adjacent to the Ram Hollow WMA, and in very close proximity to the White Pine Hollow State Preserve and WMA. This area represents a unique opportunity to acquire a large-scale, solid-stand of forest. This type of deep forest is very important for many neotropical migrants, non-game species, and game species. The area would offer excellent opportunities for ruffed grouse and woodcock management. It will also protect sensitive forest micro-habitats and landscape features known to be in the immediate area, such as alfic talus slopes. The area would be an excellent addition to the almost 500 acre existing WMA complex. It will offer a variety of hunting, wildlife watching, and outdoor recreation opportunities to the public. The Wildlife Bureau will manage the area in accord with the area management plan.

Acquisition funding will be Federal Pittman-Robertson (828,000), Wildlife Habitat Stamp (\$220,800), and REAP (\$55,200). The property will remain on the county property tax rolls.

Staff recommends approval of the land acquisition.

**Motion** – Commissioner Francisco  
**Seconded** – Commissioner Underwood  
**Decision** – Approved by Unanimous Vote

**APPROVED AS PRESENTED**

**\*13.3 SOUTH BEAR CREEK – WINNESHIEK COUNTY – ARMSTRONG**

The Natural Resource Commission’s approval is requested to purchase a permanent easement for angler access on a 2,200 foot segment of South Bear Creek located in northeastern Winneshiek County and adjacent west of South Bear Creek Wildlife Management Area (WMA). Walter and LuAnn Armstrong offer this permanent easement encumbering 7.6 acres for \$19,000.

Rick Hansen negotiated the option for easement in compliance with Title 49 CFR Part 24 which allows the negotiator to negotiate without an appraisal from a value of \$10,000 to \$25,000 with the landowners waiving an appraisal.

This partially forested and grassland region of the stream bank is located a 1/2 mile west of the village of Highlandville. In addition to public fishing, the easement allows DNR to stock and sample fish, install fish habitat, and conduct water quality/stream bank improvements. The easement corridor is 150 foot wide by 2,200 foot in length (75 foot on each side of the centerline of South Bear Creek). Excellent access is provided through adjacent state-owned land along the east.

This easement will be monitored by the Fisheries Bureau.

I-JOBS funding will be used to acquire the easement. No survey or fencing costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the easement acquisition.

**APPROVED BY CONSENT**

**\*13.4 SOUTH BEAR CREEK – WINNESHIEK COUNTY – ARNESON**

The Natural Resource Commission’s approval is requested to purchase a permanent easement for angler access on a 1,220 foot segment of South Bear Creek located in northeastern Winneshiek County and located adjacent east of South Bear Creek Wildlife Management Area (WMA). Steven Arneson offers this permanent easement encumbering 4.2 acres for \$10,500.

Rick Hansen negotiated the option for easement in compliance with Title 49 CFR Part 24 which allows the negotiator to negotiate without an appraisal from a value of \$10,000 to \$25,000 with the landowners waiving an appraisal.

This partially forested and grassland region of the stream bank is located ¾ of a mile west of the village of Highlandville. In addition to public fishing, the easement allows DNR to stock and sample fish, install fish habitat, and conduct water quality/stream bank improvements. The easement corridor is 150 foot wide by 1,220 foot in length (75 foot on each side of the centerline of South Bear Creek). Excellent access is provided through adjacent state-owned land along the west.

This easement will be monitored by the Fisheries Bureau.

I-JOBS funding will be used to acquire the easement. No survey or fencing costs are anticipated. Incidental closing costs will be the responsibility of the Department. Staff recommends approval of the easement acquisition.

**APPROVED BY CONSENT**

**\*13.5 COLO BOGS WMA – STORY COUNTY – RASMUSSEN**

The Natural Resource Commission’s approval is requested to purchase a tract of land located in Story County adjacent to state-owned and managed Colo Bog Wildlife Management Area (WMA). Charles and Mary Rasmussen offer this 66-acre tract for the appraised price of \$81,000. The sellers will retain the cropping rights for the 2011 crop year.

William Burkle, Licensed Appraiser of Hampton, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This property is located 2 1/2 miles west of Colo in east central Story County. The gently sloping to level tract contains 62 acres of cropland recently enrolled in a permanent Wetland Reserve Program (WRP) easement, and balance in public road right of way. There are no building improvements. Colo Bog WMA borders along the west, north, and south sides of the tract. Access is provided by a county highway and a county gravel road along the north and east boundaries respectively.

Cropland will be converted to native prairie and wetland through the WRP program, and managed for migratory and upland birds. This acquisition will increase the Colo Bog WMA to over 600 acres.

Acquisition funding will be \$81,000 from NAWCA (federal). No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

**APPROVED BY CONSENT**

**13.6 CRYSTAL LAKE WMA, HANCOCK COUNTY – INHF**

The Natural Resource Commission’s approval is requested to purchase a tract of land located in Hancock County two miles west of state-owned and managed Crystal Lake Wildlife Management Area (WMA). The Iowa Natural Heritage Foundation (INHF) offers this 154-acre tract for the bargain price of \$155,000. The appraised price is \$157,000. INHF purchased the tract in late December 2010 at a price of \$151,680.

Fred Greder, Licensed Appraiser of Mason City, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This property is located two miles west of Crystal Lake in northwestern Hancock County. The moderately sloping to level tract contains 152 acres enrolled in a permanent Wetlands Reserve Program (WRP) easement (2009), and balance in public road right of way. There are no building improvements. Access is provided by county gravel roads along the east and south boundaries.

This tract will be managed for waterfowl and grassland birds, and enhances outdoor recreation. This acquisition will increase the Crystal Lake WMA to over 625 acres.

Acquisition funding will be \$77,500 from Prairie Lakes V NAWCA, \$75,500 from Wildlife Habitat Stamp, and a \$2,000 donation from Winnebago-Hancock Chapter of Pheasants Forever. The tract will remain on the property tax rolls. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

**Motion** – Commissioner Rettig  
**Seconded** – Commissioner Clement  
**Decision** – Approved by Unanimous Vote

**APPROVED AS PRESENTED**

**14. FY2011 WATER TRAILS PROGRAM GRANTS**

The Iowa Legislature annually appropriates funds under Iowa Code section 452A.79. The Iowa Department of Natural Resources under Chapter 30 of 571 Iowa Administrative Code targeted \$20,000 of these funds toward the water trails granting program in a newly established “enhancements” category. The recently published statewide water trails plan requires a new system for signage, new approaches to access design, and other changes. The enhancement funds are available only to local governments (city, county, school) and service organizations that are working toward designation, or already have a designated water trail on rivers, lakes, sloughs and other waterways in Iowa. This commitment leverages \$2,400 in additional local matching funds. New water trail project grants are currently not being accepted in order to offer existing projects funding to help update to the new requirements.

Two projects submitted on or before March 06, 2011 have been ranked and screened by our scoring committee for viability, proper expenditure of public funds, and likelihood of success. Scorers for this round of applications include John Pearson (DNR), Robin Fortney (citizen), Mark Wise (citizen), Steve Hopkins (DNR), and John Wenck (DNR). The recommended state fiscal year 2011 awards include:

<b>Project</b>	<b>Applicant</b>	<b>Amount Requested</b>	<b>Award Recommended</b>	<b>Score</b>
Iowa River Greenbelt Water Trail	Iowa River Greenbelt Resource Trust	\$4,000	\$4,000	96.2
Des Moines River Water Trail	Webster County Conservation	\$3,406.60	\$3,406.60	96.2

The Department recommends entering into cost-share agreements with the above-mentioned parties to accomplish the projects identified in their respective applications. If any applicants decline funds or are unable to meet their obligations under an agreement developed, grant that did not receive funding will receive funding in order of score.

**Motion** – Commissioner Francisco  
**Seconded** – Commissioner Underwood  
**Discussion** – Commissioner Underwood asked what would happen to the remaining funds. John Wenck explained that would go into next grant selections.  
**Decision** – Approved by Unanimous Vote

**APPROVED AS PRESENTED**

**15. CONTRACT WITH THE OMAHA-COUNCIL BLUFFS METROPOLITAN AREA PLANNING AGENCY FOR CARTER LAKE WATER QUALITY PLAN IMPLEMENTATION**

Commission approval is requested for an amendment to the contract between the DNR and the Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA). The DNR, City of Omaha, City of Carter Lake, MAPA, Nebraska Department of Environmental Quality (NDEQ) and the Nebraska Game and Parks Commission (NE G&P) met from November 9, 2006 through March 11, 2008 and the result was the Carter Lake Water Quality Management Plan, May 2008 (“WQ Plan”). The plan is an attempt to rehabilitate and protect Carter Lake that is located on the border between Omaha, Nebraska and the City of Carter Lake, IA.

The Party Members working in cooperation with the local Carter Lake Environmental Assessment and Rehabilitation Water Council and a Technical Advisory Team, as part of a community-based watershed quality management planning process for Carter Lake, produced the WQ Plan. The Parties agreed to cooperate in developing a Water Quality Preliminary Engineering Design (PED) for the lake rehabilitation, including retaining engineering firms to assist in the process of implementing the WQ Plan. The Parties also agreed to cooperate in implementing the PED for lake rehabilitation and to hire engineering firms for the PED. MAPA agreed to serve as the lead agency for purposes of coordinating the Party Members’ efforts in the PED Implementation.

The DNR's purpose in entering into this Amendment is to commit the remaining amount of funds budgeted as part of the Final Engineering Design and Project Implementation of a water quality improvement project for the restoration of Carter Lake.

The contract will begin on the date of commencement and terminate on November 15, 2012. Payment for the work performed by MAPA according to the terms of the Original Contract, including this amendment and any previous amendments, shall not exceed original contract amount of \$855,717 and amended amount of \$905,721 for a total not to exceed \$1,761,438. DNR shall have the option to renew this contract as long as this contract and any extensions do not exceed a six-year period. DNR's source of funding for this Contract is a program established under Iowa Code 456A.33B, Lake Restoration Plan and Report, known as the State Lake Restoration Program.

<u><b>Carter Lake Restoration Project Budget</b></u>	<u><b>Estimated Cost</b></u>
<b>IN-LAKE</b>	
Alum Treatment	\$1,462,293
Fish Renovation	\$200,000
Targeted Dredging	\$903,984
Watercraft Management	\$5,305
<b>SUB-TOTAL</b>	<b>\$2,571,582</b>
<b>IN-LAKE (watershed interception)</b>	
Wetland Creation / Enhancement / Forebays / Shoreline	\$1,973,635
<b>SUB-TOTAL</b>	<b>\$1,973,635</b>
<b>WATERSHED</b>	
Detention Basins / Stormwater Inlets	<b>\$741,095</b>
<b>ENGINEERING</b>	
Final Alternatives Analysis	\$319,000
Final Design / Permitting / Construction Observation	\$695,717
<b>SUB-TOTAL</b>	<b>\$1,015,517</b>
<b>WATER SOURCE</b>	
Well Construction / Supply Line Modification	\$425,085
Final Design / Construction Observation	\$74,915
<b>SUB-TOTAL</b>	<b>\$500,000</b>
<b>OTHER</b>	
Information / Education Program	\$53,245
Information / Education Coordinator	\$274,015
Lake Water Quality Monitoring	\$120,000
<b>SUB-TOTAL</b>	<b>\$447,260</b>
<b>GRAND TOTAL</b>	<b>\$7,249,089</b>

**Anticipated project funding partners**

Iowa Department of Natural Resources – Lake Restoration Program	\$2,326,438
Iowa Department of Natural Resources – Section 319	\$384,609
Nebraska Department of Environmental Quality - Section 319	\$1,161,942
Nebraska Game and Parks Commission	\$2,300,000
Nebraska Environmental Trust	\$600,000
City of Omaha	\$500,000

**Motion** – Commissioner Underwood

**Seconded** – Commissioner Prickett

**Decision** – Approved by Unanimous Vote

**APPROVED AS PRESENTED**

**16. CONTRACT AGREEMENT WITH IOWA STATE UNIVERSITY**

The Department of Natural Resources (DNR) requests Commission approval of an 18 month service contract with Iowa State University (ISU), Ames, Iowa. The contract will begin on July 1, 2011 and terminate upon December 31, 2012. The total amount of this contract shall not exceed \$80,500. DNR shall have the option to renew this contract long as this contract and any extensions do not exceed a six-year period.

This contract will be funded through US Fish and Wildlife Service Wildlife Restoration Iowa Hunter Education Program Grant W-114-S-43. The grant allows for funding to be used for coordination and administration, planning, administrative oversight activities such as research and surveys, hunter/shooter outreach research, conducting workshops and seminars, and work associated with administering and planning outreach activities which may include staff time or direct charges such as consultant or contract fees, office equipment, travel, salaries, etc.

The parties propose to enter into this Contract for the purpose of conducting hunter and shooter outreach and development programs and research. The DNR and ISU both have shooting sports related programs that could benefit from cross promotion and alignment to increase awareness and participation in recreational shooting. The DNR and ISU also both have conservation education related camps and programs that would benefit from cross promotion and alignment to increase awareness and participation in outdoor recreation. Combining both the DNR and ISU’s knowledge, resources, and experience we would be able to reach a broader audience and help foster better stewardship of our natural resources and the importance of conservation in Iowa.

DNR would benefit from entering into this contract by receiving assistance from ISU staff for the coordination of the Outdoor Journey for Girls Camp, Hunting and Conservation Camp for Boys, Youth Hunter Education Challenge, and Archery in the Schools Program. The DNR would also benefit by aligning their program materials to meet the needs and requirements of the 4-H curriculum so that participants and instructors would be able to participate in both organizations programs. ISU staff shall assist the DNR in development of a systematic process to help move youth target shooters and non-hunting families to hunting participation and

conservation. This is part of the DNR's strategic plan for hunter/shooter recruitment and retention initiatives.

<p><b>Motion</b> – Commissioner Francisco  <b>Seconded</b> – Commissioner Schemmel  <b>Decision</b> – Approved by Unanimous Vote</p>
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<p><b>APPROVED AS PRESENTED</b></p>
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### **17. LEWIS & CLARK STATE PARK VISITOR CENTER INTERPRETIVE SIGNAGE**

The Commission is requested to approve an additional \$26,195 to Split Rock Studios contract for exhibit design, fabrication, and installation at the Lewis & Clark State Park Visitor Center to include additional interpretive signage on the mezzanine level. This will be funded through REAP Open Spaces (capital link #134).

The purpose of the additional interpretation is to get information on the boats displayed in the boat room up on the mezzanine level. This mezzanine level was originally planned for phase II of the project, but with all of the boats already located in the room and displayed, it was determined to at least provide panels that explain the parts of the boat and the tools used to power the boats while visitors were looking down on them.

<p><b>Motion</b> – Commissioner Rettig  <b>Seconded</b> – Commissioner Schemmel  <b>Decision</b> – Approved by Unanimous Vote</p>
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<p><b>APPROVED AS AMENDED</b></p>
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### **18. LAND AND WATER CONSERVATION FUND - CITY AND COUNTY GRANTS**

The Commission is requested to approve the ranking of the project applications for the Land and Water Conservation Fund Program, City and County Grants, and award grants to applicants in that ranked order and as funds are available. The Land and Water Conservation Fund is a federal fifty percent cost share grant program. The funds may be used by Iowa's cities and counties for outdoor recreation projects and is governed by program rules adopted in Chapter 27 of the Iowa Administrative Code.

The Department received 15 applications by the March 15, 2009 deadline, comprising a total request of \$ 1,045,754.50 for over \$3.3M in projects. The five-member Review and Selection committee, comprised of three department staff and two persons appointed by the Director with input from the Iowa Association of County Conservation Boards, the Iowa League of Cities and the Iowa Parks and Recreation Association, scored and ranked the applications based on the following criteria, as established by rule: Relationship to SCORP Priorities (Statewide Comprehensive Outdoor Recreation Plan); direct recreation benefits provided; local need; and quality of the site. In addition, the Review and Selection committee awarded bonus and penalty

points, also as established by rule, based on such criteria as: level of prior assistance from the LWCF; special features for the elderly and handicapped; minority populations served; degree of public participation and support; recycled content material use; and level of planning that has preceded the application for a LWCF grant.

The Department has not received the official grant appropriation from the U.S. Department of the Interior, but anticipates that Iowa’s apportionment will be approximately \$336,761.95. The Department intends to make one-half of Iowa’s grant appropriation from the U.S. Department of Interior available to these applicants, as established by rule. The Department requests that the Commission approve the proposed rankings and approve the Department’s funding of these projects in the order they are listed and as funds are available.

Ranked List of Land and Water Conservation Fund - City and County Grants

Grant Applicant	Project	Grant Request	Total Cost	Score (Ave)
Postville, City of	Swimming pool renovation	\$75,000.00	\$300,000.00	69.6
Des Moines County Conservation Board	Leopold Recreation Area Acquisition	\$100,000.00	\$708,900.00	66.8
Polk County Conservation Board	Jester Park Accessible Outdoors Project	\$61,500.00	\$123,000.00	65.9
Clare, City of	City of Clare Playground improvements	\$8,948.00	\$17,896.00	65.8
Evansdale, City of	Deerwood Park Playground Improvements	\$62,346.00	\$124,692.00	63.6
Story County Conservation Board	Dakins Lake Expansion - Phase I	\$93,000.00	\$310,000.00	63
Carroll County Conservation Board	Swan Lake Park Playground	\$25,000.00	\$50,000.00	62
Cedar Rapids, City of	Sac & Fox Trail Relocation	\$52,457.00	\$104,915.00	60.8
Carroll, City of	Graham Park Tennis Complex	\$47,053.50	\$395,053.50	60.6
Linn County Conservation Board	Open Space Addition to the Wickiup Hill Outdoor Learning Area	\$132,500.00	\$265,000.00	60.4
Rolfe, City of	Rolfe Bathhouse Construction	\$50,000.00	\$100,000.00	58.6
Howard County Conservation Board	Minear Wildlife Area	\$98,000.00	\$198,000.00	58.1
Dubuque, City of	Bee Branch Creek Outdoor classroom	\$175,000.00	\$382,000.00	57.8
Walnut, City of	Walnut City Park Splash Pad	\$50,000.00	\$277,000.00	56.4
Schleswig, City of	Campground upgrade	\$14,950.00	\$29,900.00	53

**Motion** – Commissioner Underwood  
**Seconded** – Commissioner Francisco  
**Decision** – Approved by Unanimous Vote

**APPROVED AS AMENDED**

**\*19. FINAL RULE – CHAPTER 61 “STATE PARKS AND RECREATION AREAS”**

The Department requests Commission approval amendments to Chapter 61 “State Parks and Recreation Areas”. The amendments rescind the definition of “special event” and the subrule regarding special events in state parks and recreation areas. The rules will be updated and merged with other department rules governing special events found in 571—Chapter 44 “Special Events.”

One minor change was made. The Notice of Intended Action did not include rescinding the definition of “special event”. The definition of “special event” was moved to Chapter 44; therefore, the final rule for Chapter 61 includes rescinding the definition.

A public hearing was held March 30, 2011 at the Wallace State Office Building in Des Moines, Iowa. No oral comments were received. Staff received 10 public comments via e-mail regarding the proposed new rules for special events associated with Notice of Intended Action for Chapter 44 “Special Events and Fireworks Displays”. Those comments are summarized with the final rule for Chapter 44.

**NATURAL RESOURCE COMMISSION[571]  
Adopted and Filed**

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby amends Chapter 61 “State Parks and Recreation Areas,” Iowa Administrative Code.

The amendments rescind the definition of “special event” and the subrule regarding special event permits. The definition of “special event” and the subrule will be updated and merged with other Department rules governing special events set forth in proposed 571—Chapter 44, “Special Events and Fireworks Displays.”

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 9, 2011, as ARC 9421B.

One minor change has been made to the Notice. The definition of “special event” was not rescinded in the Notice of Intended Action. The new definition for a special event is included in 571--Chapter 44, “Special Events and Fireworks Displays,” and should be rescinded in Chapter 61, “State Parks and Recreation Areas.” Therefore, the definition of special event is rescinded in this adopted and filed document.

A public hearing was held on March 30, 2011, at the Wallace State Office Building in Des Moines, Iowa. No oral comments were received at the hearing. Public comments received via e-mail regarding the new special event rules are summarized in the adopted and filed document for Chapter 44, “Special Events and Fireworks Displays.”

These amendments are intended to implement 461A.3, 461A.35 and 461A.57.

These amendments will become effective July 6, 2011.

The following amendments are adopted.

**ITEM 1.** Rescind **571—61.2(461A)**, definition of “special event.”

**ITEM 2.** Rescind and reserve subrule 61.7(16).

**APPROVED BY CONSENT**

**\*20. FINAL RULE – CHAPTER 65 “FIREWORKS DISPLAYS—STATE PARKS AND RECREATION AREAS”**

The Departments requests Commission approval to rescind and reserve Chapter 65 “Fireworks Displays--State Parks and Recreation Areas”. The rules will be updated and merged with other department rules that govern special events found in 571—Chapter 44 “Special Events.”

**NATURAL RESOURCE COMMISSION[571]  
Adopted and Filed**

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby rescinds and reserves Chapter 65, “Fireworks Displays—State Parks and Recreation Areas,” Iowa Administrative Code.

The amendment rescinds and reserves Chapter 65. These rules will be updated and merged with other Department rules governing special events set forth in proposed 571—Chapter 44, “Special Events and Fireworks Displays.”

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 9, 2011, as ARC 9422B.

A public hearing was held on March 30, 2011 in Des Moines, Iowa. No oral comments were received at the public hearing. Public comments received via e-mail regarding the proposed new rules for special events are summarized in the Adopted and Filed document for 571--Chapter 44, "Special Events and Fireworks Displays."

This amendment is identical to that published under Notice of Intended Action.

This amendment is intended to implement 461A.42 and 461A.57.

This amendment will become effective July 6, 2011.

The following amendment is adopted.

Rescind and reserve **571—Chapter 65**.

<b>APPROVED BY CONSENT</b>
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## **21. CHAPTER 44: SPECIAL EVENTS AND FIREWORKS DISPLAYS**

The Department requests Commission approval of the Final version of Chapter 44, "Special Events and Fireworks Displays." Notice was published on March 9, 2011 and 15 comments were received throughout the public participation process. The majority of the comments were in favor of the rule, although several asked for clarification of the definition of "special events." The department has modified that definition in response to the comments; that is the sole change from the Notice.

### **NATURAL RESOURCE COMMISSION[571]**

#### **Adopted and Filed**

Pursuant to the authority of Iowa Code section 455A.5(6)"a," the Natural Resource Commission hereby adopts the new Chapter 44, "Special Events and Fireworks Displays," Iowa Administrative Code.

Chapter 44 is a new comprehensive chapter establishing the Department's special event rules and permit requirements. The chapter outlines special event permit requirements for all-terrain vehicles, snowmobiles, and boats, as well as outlines the special event rules for parks and recreation areas, state forests, fishing tournaments, dog trials, and firework displays. The new chapter also addresses the Department's centralized special events application system and establishes fees to operate and maintain the system.

Notice of Intended Action was filed in the Administrative Bulletin on March 9, 2011, as **ARC 9419B**. Public comment was accepted through March 30, 2011, and a public hearing was held in the Wallace State Office Building that same day. No one attended the meeting. However, 15 written comments were received and the Department's response to the comments is as follows:

1. Four comments expressed general support for the new special events process in general and the new special events online system in particular. These comments expressed the feeling that the new system is easy to use; makes it clear what events are occurring around the state; and supports the payment of a small fee to help maintain the system.

Five comments sought clarification of the definition of "special events," for fear that small, routine user groups were included in the definition as drafted in the Notice. The Department agreed that the definition could be improved so as to better reflect the Department's intent and has done so in the Adopted and Filed. The new definition makes it more clear that only the following have to obtain a permit and pay a fee: (1) an organized race, tournament, exhibition, demonstration, or other planned event in which an admission fee is charged, prizes are awarded, or competition occurs between participants; (2) another planned event that, due to its nature, potential or actual size, or length, would likely adversely impact the use of the area by the public.

One comment expressed total opposition to the payment of any fee whatsoever. The special events permit fee is intended to cover the administrative costs of processing permits and to maintain the new online system, so has not been changed from the Notice.

Finally, three other comments address the fee issue, but rather than substantively discussing whether the fee was appropriate or too high or too low, the comments encourage the implementation of a general park user fee, as opposed to a permit-specific fee. A general park user fee was not a substantive issue under the Notice so will not be addressed by the Department at this time.

As indicated above, the only change from the Notice is a rewording of the definition of a "special event."

These rules implement Iowa Code sections 321G.16, 321I.17, 461A.3, 461A.4, 461A.42, 461A.47, 461A.57, 462A.16, 481A.22, and 481A.38.

The following amendment is adopted.

Rescind 571—Chapter 44 and adopt the following **new** chapter in lieu thereof:

**CHAPTER 44**  
**SPECIAL EVENTS AND FIREWORKS**

**571—44.1(321G,321I,461A,462A,481A) Scope.** The purpose of this chapter is to provide rules on the issuance of permits for special events and fireworks displays held on public land, waters, and ice of the state.

**571—44.2(321G,321I,461A,462A,481A) Definitions.** For the purposes of this chapter, the following definitions shall apply:

*“Accredited postsecondary institution or program”* means an institution or program listed in the U.S. Department of Education’s database of accredited postsecondary institutions and programs.

*“Administrative processing fee”* means the fee collected for the processing of each special event application that is submitted.

*“All-terrain vehicle”* or *“ATV”* means a motorized flotation-tire vehicle with not less than three and not more than six low-pressure tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,000 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

*“Centralized special events application system”* means the Web-based system used by applicants to submit applications for special events as permitted under this chapter. Approved applications shall be placed on a calendar of events Web page, accessible from the department’s homepage, to inform the general public of scheduled events on public, or when applicable, private, land, water, and ice.

*“Department”* means the Iowa department of natural resources.

*“Field and retriever meet or trial”* means an event held on either private or public land where the skill of dogs in pointing, retrieving, trailing, or chasing any game bird, game animal, or fur-bearing animal is demonstrated. For purposes of this chapter, “field and retriever meet or trial” is included in the definition of “special event” unless otherwise specified.

*“Fishing tournament”* means any organized fishing event, except for department-sponsored fishing events held for educational purposes, involving any of the following: (1) six or more boats or 12 or more participants, except for waters of the Mississippi River, where the number of boats shall be 20 or more and the number of participants shall be 40 or more; (2) an entry fee is charged; and (3) prizes or other inducements are awarded. For purposes of this chapter, “fishing tournament” is included in the definition of “special event” unless otherwise specified.

*“Friends group”* means an organization incorporated under Iowa Code chapter 504 or prior statutory authority as a not-for-profit group which has been formed solely for the purpose of promoting and enhancing a particular state park, recreation area, or the Iowa state park system, or any combination of the three.

“*Off-road motorcycle*” or “*ORM*” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Iowa Code chapter 321, but which contains design features that enable operation over natural terrain.

“*Off-road utility vehicle*” or “*OHV*” means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. A motorized vehicle that was previously titled or is currently titled under Iowa Code chapter 321 shall not be registered or operated as an off-road utility vehicle.

“*Permit*” means a document issued by the department that enumerates all stipulations, requirements, and contingencies that the applicant must accept and adhere to throughout the duration of the approved special event.

“*Public land*” means land under the jurisdiction of the natural resource commission.

“*Public water*” means water and ice under the jurisdiction of the natural resource commission.

“*Sailing school*” means an organization that provides basic and advanced sailing instruction by U.S. Sailing-certified instructors and is affiliated with a yacht club, an accredited postsecondary institution or program, a private or public primary or secondary school, a scouting organization, or a religious institution.

“*Snowmobile*” means a motorized vehicle weighing less than 1,000 pounds which uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread and which is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle, as defined in Iowa Code section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.

“*Special event*” means either of the following occurring on public land, waters, or ice:

a. An organized race, tournament, exhibition, demonstration, or other planned event in which an admission fee is charged, prizes are awarded, or competition occurs between participants;

b. Another planned event that, due to its nature, potential or actual size, or length, would likely adversely impact the use of the area by the public.

“*Vessel*” means every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on water or ice.

**DIVISION I  
SPECIAL EVENTS**

**571—44.3(321G,321I,461,462A,481A) Permit required.** A permit is required in order to conduct a special event on any public land, water, or ice. A permit is also required for a field and retriever meet or trial held on private land.

**571—44.4(321G,321I,461A,462A,481A) Permit conditions.** The department may impose permit conditions not specifically covered herein as deemed necessary to protect the resource or to ensure public safety. Such conditions shall be included in the permit issued by the department.

**44.4(1) Use of concessionaire.** If the state park or recreation area where a special event is being held has a concessionaire, the sale of food or drinks shall be governed pursuant to 571—Chapter 14. If a concessionaire chooses not to provide services during the special event, the event sponsor may bring in other concession operations as approved by the department.

**44.4(2) Special permit conditions for fishing tournaments.** In addition to permit conditions deemed necessary by rule 571—44.4(321G,321I,461A,462A,481A), the department may include some or all of the following permit conditions for fishing tournaments:

- a. Release of live fish.
- b. Fish measured to length and released from boat.
- c. Multiple weigh-ins when water temperatures exceed 70°F.
- d. Aerated live wells.
- e. Designated release areas.
- f. Designated release persons.

**571—44.5(321G,321I,461A,462A,481A) Application procedures.** The following procedures shall be used to apply for a special event permit:

**44.5(1)** Applications shall be made and submitted through the department's centralized special events application system.

**44.5(2)** Applications—when submitted.

a. *Events for current year.* Applications may be submitted anytime during the calendar year in which the special event is to begin but no later than 30 days prior to the special event.

b. *Events for the next year.* Applications for a special event that will start in the next calendar year shall not be submitted until September 1 of the current year.

**44.5(3)** The number of special events to be held at any area on the same day may be restricted if deemed necessary to avoid congestion within the area or to protect the resource.

**44.5(4)** One application form may be submitted for all events of the same type being held at the same location within a nine-day period and will be processed as a single application.

**44.5(5)** Submission of an application does not guarantee issuance of a permit.

**44.5(6)** Permits are nontransferable.

**571—44.6(321G,321I,462A) Alternate dates for snowmobile, boating, all-terrain vehicle, off-highway vehicle, and off-road motorcycle special events.** An applicant may submit and the department may approve both a primary date and an alternate date for snowmobile, boating, ATV, ORM, and OHV special events. However, if both a primary date and an alternate date are approved, the primary date shall be used unless circumstances beyond the control of the applicant prevent its use. If the alternate date must be used for the event, the applicant shall contact the program coordinator at least one week in advance of the date on which the event shall take place to obtain final approval to use the alternate date. The program coordinator shall document this approval in writing. Upon approval of an alternate date, the applicant shall notify the local conservation officer, and the program coordinator shall update the calendar of events.

**571—44.7(321G,321I,461A,462A,481A) Insurance coverage.** The applicant shall secure liability insurance for the special event and shall name the department as an additional insured. Insurance information shall be available at the time the application is submitted. The applicant shall have a copy of the insurance policy available at the event location to present to department personnel if requested. These requirements shall not apply to events sponsored by a friends group. The department reserves the right to waive these requirements on a case-by-case basis.

**571—44.8(321G,321I,461A,462A,481A) Fees and exceptions.** The administrative fee for processing each special event application is \$25. In the case of field and retriever meets and trials, the fee for processing each special event application is \$2. The fees are nonrefundable.

The department shall waive the administrative fee for processing special event applications for sailing schools; accredited postsecondary institutions and programs; private and public primary and secondary schools; all department-approved watercraft education courses, ATV education courses, and snowmobile education courses; fishing clinics; friends groups; and department-sponsored youth fishing days.

**571—44.9(321G,461A) Structures placed on ice during a special event.** The following requirements apply to the placement, construction, or erection of structures on ice during a special event:

**44.9(1) Vendor information provided on application.** The applicant shall identify the names and addresses of any vendors who will be on site during the special event.

**44.9(2) Owner information.** The full name, street address, and city of the structure's owner shall be displayed legibly on all sides of the structure, in block letters at least four inches in height, and in a color contrasting to the background.

**44.9(3) Accessibility.** Structures shall not be locked when in use.

**44.9(4) Reflectors.** Reflectors shall be attached to all sides of the structure in such a manner to enable them to reflect light at all times from sunrise to sunset.

**571—44.10(462A) Boating special events—registration exemptions.**

**44.10(1)** A vessel entered in a boating special event shall not be required to be registered pursuant to Iowa Code sections 462A.4 and 462A.5 but shall be labeled with an identifying number or letter that is at least four inches high and is in a color contrasting to the vessel. The identifying number or letter shall be located in a prominent spot on the exterior of the vessel, other than on the bow.

**44.10(2)** The sponsor of the boating special event shall maintain a list containing:

- a. The names and addresses of all persons participating in the event.
- b. A description of each vessel in the event. The description of each vessel shall include the identifying number or letter of the vessel as required by 44.10(1).

**571—44.11(462A) Mississippi River or Missouri River.** Upon notification and proof that a United States Coast Guard (U.S.C.G.) permit has been secured, the department shall not require a special event application for fireworks displays or boating special events on the Mississippi River or the Missouri River. The regional U.S.C.G. office issuing permits for Mississippi River and Missouri River events is located in St. Louis, Missouri. This rule does not apply to fishing tournaments.

**571—44.12(321G,321I,461A,462A,481A) Other requirements and permits.** The applicant for a permit is responsible for ensuring full compliance with the requirements of Iowa Code chapters 321G, 321I, 461A, 462A, and 481A, and any other Iowa Code chapters and rules promulgated under those chapters that may be applicable to special events. The applicant shall also acquire and comply with all applicable state and local permits issued by other state and local agencies necessary to hold the special event.

**571—44.13(321G,321I,461A,462A,481A) Authority to cancel or stop a special event.** If a peace officer or any department employee determines that a permit is being violated, or that safety concerns warrant canceling or stopping the special event, the peace officer or department employee has the authority to cancel or stop the special event.

**571—44.14(321G,321I,461A,462A,481A) Nonexclusive use of area.** Issuance of a permit does not grant the applicant exclusive use of the public land, water, or ice that is the subject of the permit unless the permit explicitly provides otherwise.

**DIVISION II  
FIREWORKS DISPLAYS**

**571—44.15(461A) Entities eligible for permits.** Permits for fireworks displays shall be issued only to qualified entities, such as political subdivisions of the state of Iowa, and to community or civic organizations, such as chambers of commerce, junior chambers of commerce (Jaycees), rotary clubs, and Elks Lodges and similar fraternal benefit associations or societies. Permits shall not be issued to individuals. Permits are not transferable to another entity and do not relieve the sponsoring entity from obtaining any other permits required by the state or its political subdivisions.

**571—44.16(461A) Permit conditions.** The department may impose permit conditions not specifically required in these rules for any fireworks display special event as deemed necessary to protect the resource or ensure public safety. Conditions shall be included in the permit that the applicant or sponsoring organization receives if the event is approved.

**571—44.17(461A) Application procedures.** The following procedures shall be used to apply for a permit:

**44.17(1)** Applications shall be made and submitted through the department's centralized special events application system.

**44.17(2)** Applications—when submitted.

*a. Events for current year.* Applications may be submitted anytime during the calendar year in which the fireworks display is to begin but no later than 30 days prior to the display.

*b. Events for the next year.* Applications for a fireworks display that will start in the next calendar year shall not be submitted until September 1 of the current year.

**44.17(3)** The number of fireworks displays or other special events at any one public land, water or ice location during a given day may be restricted if deemed necessary to avoid congestion with the public or competing events and to protect the resource.

**44.17(4)** The applicant shall certify in the application that the fireworks display shall be conducted by a competent operator. The location of the display shall be determined by the department representative in charge of the area.

**44.17(5)** Submission of an application does not guarantee issuance of a permit by the department.

**571—44.18(461A) Fireworks display procedures.**

**44.18(1)** The sponsoring entity shall take adequate safety precautions to ensure that persons not actively involved in conducting the display remain a safe distance from the firing area and any areas containing set pieces.

**44.18(2)** The department representative in charge of the area in which the display is conducted or any state peace officer may halt any display when the character, location, weather, or firing of the display makes it hazardous to property or dangerous to any person.

**44.18(3)** Any fireworks that remain unfired after the display is concluded shall be immediately disposed of by the operator or the sponsoring entity in a manner that is safe for the particular type of fireworks.

**44.18(4)** The sponsoring entity shall make arrangements for firefighting equipment and emergency medical services to be on the scene at all times during the firing of the display.

**44.18(5)** The sponsoring entity is totally responsible for cleanup of the fireworks display site at the conclusion of the display.

**571—44.19(461A) Fees.** A nonrefundable administrative fee of \$25 shall be charged for processing each fireworks display application.

**571—44.20(461A) Insurance.** The sponsoring entity for a fireworks display shall provide proof of liability insurance naming the applicant and the department as an additional insured in the sum of not less than \$1 million. The department may, at its discretion, require a greater amount. Insurance information shall be available at the time the application is submitted.

**571—44.21(461A) Concessions.** If the state park or recreation area has a concessionaire on site, sales of food and other items during the display shall be governed pursuant to 571—Chapter 14. If a concessionaire chooses not to provide services during the event, the sponsoring entity may then bring in other concession operations as approved by the department.

These rules are intended to implement Iowa Code sections 321G.16, 321I.17, 461A.3, 461A.4, 461A.42, 461A.47, 461A.57, 462A.16, 481A.22, and 481A.38.

**Motion** – Commissioner Francisco  
**Seconded** – Commissioner Underwood  
**Discussion** – The Commission commended staff for the hard work that was put into this rule change. It was noted that the joint effort among the various bureaus and stakeholder groups was tremendous.  
**Decision** – Approved by Unanimous Vote

**APPROVED AS AMENDED**

**22. CHAPTER 94, NONRESIDENT DEER HUNTING**

The Commission is requested to rescind their approval of the NOIA to amend Chapter 94 that was presented at the March 10, 2011 meeting and instead approve this NOIA to amend Chapter 94, “Nonresident Deer Hunting,” Iowa Administrative Code.

Chapter 94 gives the regulations for nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours; areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. The amendments modify the hunter orange requirement for blinds during the shotgun season so that the visible orange is a minimum size not a shape and clarify that antlerless deer are tagged on a leg but antler deer are

tagged on the main beam of the antlered. This change will help keep the tag from pulling off accidentally during transport.

**NATURAL RESOURCE COMMISSION[571]  
Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 94, “Nonresident Deer Hunting,” Iowa Administrative Code.

Chapter 94 gives the regulations for nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours; areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

The proposed amendments:

1. Modify the hunter orange requirement for blinds during the shotgun season so that the visible orange is a minimum size, not shape.
2. Clarify that antlerless deer are tagged on a leg and antlered deer are tagged on the main beam of the antler. This will help keep the tag from pulling off accidentally during transport.

A study in 2006 estimated that 251,000 hunters spent 3.8 million days hunting in Iowa. These hunters spent \$299.4 million in retail sales, creating \$149.1 million in salaries and wages, and supporting more than 6,137 jobs. After analysis and review of this rule making, no impact on jobs has been found.

Any interested person may make written suggestions or comments on the proposed amendment on or before June 21, 2011. Written comments may be directed to Wildlife Bureau Chief, at the Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by email at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)281-6794. Persons who wish to convey their comments orally may contact the wildlife bureau by phone at (515) 281-5034 or by visiting the 4th floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on June 21, 2011, at 1 pm in auditorium on the 2nd floor of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.8 and 483A.24.

The following amendments are proposed.

**ITEM 1.** Amend subrule 94.7(6) as follows:

**94.7(6)** Hunting from blinds. No person shall use a blind for hunting deer during the regular gun deer seasons as defined in 94.2(2), unless such blind exhibits a solid blaze orange marking which is a minimum of 144 square inches in size that is visible in all directions ~~with a minimum height of 12 inches and a minimum width of 12 inches~~. Such blaze orange shall be affixed directly on or directly on top of the blind. For the purposes of this subrule, the term “blind” is defined as a place of concealment constructed, either wholly or partially from man-made materials, and used by a person who is hunting for the purpose of hiding from sight. A blind is not a naturally occurring landscape feature or an arrangement of natural or agricultural plant material that a hunter uses for concealment. In addition to the requirements in this subrule, hunters using blinds must also satisfy the requirements of wearing blaze orange as prescribed in Iowa Code section 481A.122.

**ITEM 2.** Amend rule 571--94.9(481A) as follows:

**571--94.9(481A)** Transportation tag. A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to ~~the carcass~~ one leg of each antlerless deer or on the main beam between two points, if present, on one of the antlers of an antlered deer, in such a manner that the tag cannot be removed without mutilating or destroying the tag ~~—~~. This tag shall be attached to the carcass of the deer within 15 minutes of the time the deer carcass is killed located after being taken, or before the carcass of the deer is moved in any manner is moved to be transported by any means from the place where the deer was taken, whichever first occurs first.

This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to all deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility, or until the deer has been processed for consumption.

**Motion(1)** – Commissioner Francisco

**Seconded** – Commissioner Underwood

**Discussion** – Commissioner Rettig asked how this changed from the previously voted on NOIA. Dale Garner explained that the previously voted on NOIA had changed and the proposed amendment in reference to shooting from a roadway had been stricken. Commissioner Rettig asked who had struck the proposed amendment from the record. Tamara Mullen, DNR Attorney explained that the Governor’s Office had during the pre-approval process. Commissioner Rettig expressed that she felt it was an act of dictatorship by the Governor. Director Lande commented that the Governor has always had the power to veto a rule even after NRC approval.

Commissioner Rettig stated that as she disagreed and that as she understood it the Governor had authority not to implement a rule but did not have authority to amend. Commissioner Francisco asked Tamara Mullen, DNR Attorney if the NRC had authority over the new right to carry firearms law. Tamara Mullen replied no because it is a statute, what the commission does have authority over is method and means of take in reference to hunting. Commissioner Schemmel asked if the orange on blinds also pertained to lifted blinds. Dale Garner replied it applied to all blinds.

**Motion(2)** - Commissioner Francisco motioned to amend his original motioned to rescind the original NOIA.

**Seconded** – Commissioner Clement

**Decision** – Approved 5 Ayes and 2 Nay (Francisco and Rettig)

**Motion(3)** - Commissioner Francisco adopt item #22

**Seconded** – Commissioner Underwood

**Decision** – Approved 6 Ayes and 1 Nay (Rettig)

**APPROVED AS AMENDED**

### **23. CHAPTER 106, DEER HUNTING BY RESIDENTS**

The Commission is requested to rescind their approval of the NOIA to amend Chapter 106 that was presented at the March 10, 2011 meeting and to instead approve this NOIA to amend Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

The proposed amendments modify the hunter orange requirement for blinds during the shotgun season so that the visible orange is a minimum size not a shape. The amendments also clarify that antlerless deer are tagged on a leg but antlered deer are tagged on the main beam of the antlered. This change will keep the tag from pulling off accidentally during transport.

#### **NATURAL RESOURCE COMMISSION[571]**

##### **Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

The proposed amendments:

1. Modify the hunter orange requirement for blinds during the shotgun season so that the visible orange is a minimum size not shape.

2. Clarify that antlerless deer are tagged on a leg and antlered deer are tagged on the main beam of the antler and a person may not tag a deer with a license purchased after the deer was taken. This change will keep the tag from pulling off accidentally during transport.

Any interested person may make written suggestions or comments on the proposed amendment on or before June 21, 2011. Written comments may be directed to Wildlife Bureau Chief, at the Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by email at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)281-6794. Persons who wish to convey their comments orally may contact the wildlife bureau by phone at (515) 281-5034 or by visiting the 4th floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on June 21, 2011, at 1 pm in auditorium on the 2nd floor of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.24, and 483A.24B and 2009 Iowa Acts, Senate File 187.

The following amendments are proposed.

**ITEM 1.** Amend subrule 106.7(8) as follows:

**106.7(8)** Hunting from blinds. No person shall use a blind for hunting deer during the regular gun deer seasons as defined in 106.2(3) (2), unless such blind exhibits a solid blaze orange marking which is a minimum of 144 square inches in size that is visible in all directions ~~with a minimum height of 12 inches and a minimum width of 12 inches~~. Such blaze orange shall be affixed directly on or directly on top of the blind. For the purposes of this subrule, the term “blind” is defined as a place of concealment constructed, either wholly or partially from man-made materials, and used by a person who is hunting for the purpose of hiding from sight. A blind is not a naturally occurring landscape feature or an arrangement of natural or agricultural plant material that a hunter uses for concealment. In addition to the requirements in this subrule,

hunters using blinds must also satisfy the requirements of wearing blaze orange as prescribed in Iowa Code section 481A.122.

**ITEM 2.** Amend rule 571--106.9(481A) as follows:

**106.9** Transportation tag. A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to ~~the carcass~~ one leg of each antlerless deer or on the main beam between two points, if present, on one of the antlers of an antlered deer in such a manner that the tag cannot be removed without mutilating or destroying the tag. This tag shall be attached to the carcass of the deer within 15 minutes of the time the deer carcass is killed located after being taken, or before the carcass is moved ~~in any manner~~, to be transported by any means from the place where the deer was taken, whichever occurs first. No person shall tag a deer with a transportation tag issued to another person or a tag that was purchased after the deer was taken. During the youth/disabled hunter season, bow season, early muzzleloader season and late muzzleloader season, the hunter who killed the deer must tag the deer by using the transportation tag issued in that person's name. During the first and second regular gun seasons and the November and January antlerless-deer-only seasons, anyone present in the hunting party may tag a deer with a tag issued in that person's name. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to the deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility or until the deer has been processed for consumption.

**Motion(1)** – Commissioner Underwood motioned to rescind the original NOIA regarding Chapter 106 approved by the NRC at the March 10, 2011.

**Seconded** – Commissioner Schemmel

**Discussion** – Commissioner Rettig asked what the difference between the original NOIA and the new NOIA before the commission. Dale Garner explained the original NOIA dealt with the antlerless quota reductions, proposed changes for the upcoming November and January seasons which would eliminate some counties and take a week off of the January season, and the proposed amendment in reference to shooting from a roadway. Commissioner Rettig asked for clarification if this meant that all quotas would remain the same as the 2010 seasons. Dale Garner explained that what was before the commission was what had been approved via the Executive Order 71. Commissioner Rettig then made comment that the science and research that had been paid for was not being put to use in this decision. Commissioner Drees explained that they are trying to open the lines of communication with the Governor's Office and some conversations have already taken place. Commissioner Francisco asked what would happen if item was not approved by the commission. Tamara Mullen advised the commission on what

could or could not be added into a final rule. Commissioner Rettig disagreed stating that substantial changes could not be made after an NOIA. Tamara Mullen explained that there are limitations, a rule can be amended and that there are guiding principles about how much can be amended as to not deviate from the NOIA.

**Decision** – Approved 6 Ayes and 1 Nay (Rettig)

**Motion(2)** – Commissioner Underwood motioned to approve item #23

**Second** – Commissioner Schemmel

**Motion(3)** – Commissioner Francisco motioned to amend the NOIA to say a future date when more information is available and quotas may be added to this regulation.

**Discussion** – Commissioner Rettig stated that this motion was out of order as you cannot amend a NOIA that would include substantial changes. Tamara Mullen advised that an amendment must be specific as to what changes are being proposed it cannot be potential or philosophical ones. Deputy Director Boddy stated that there is some confusion about the impact that these numbers will increase the size of the deer herd vs. stabilize it. Commissioner Schemmel suggested amending the NOIA to include the current quota limits and republish the NOIA. This would allow for discussion on quota limits during public meetings.

**Motion(4)** – Commissioner Francisco withdrew his motion to amend.

**Decision** – Approved 6 Ayes and 1 Nay (Rettig)

**Discussion** – Tamara Mullen explained after discussion with the Governor's Office they will not pre-clear any amendments to the item, and additions to the NOIA it would be required to go through the pre-clearance process. However per Governor's Office legal counsel Joe Royce broad statements may be added to the preamble that the commission will entertain and consider comments on the quotas.

**Motion(5)** – Commissioner Francisco motioned to direct DNR staff to add sentences to the NOIA preamble stating that comments regarding deer quotas would be accepted during the public comment period and that those quotas may change in the final rule.

**Second** – Commissioner Clement

**Decision** – Approved 6 Ayes and 1 Nay (Rettig)

**APPROVED AS AMENDED**

## **24. CHAPTER 107, RABBIT AND SQUIRREL HUNTING – NOIA**

The Commission is requested to rescind their approval of the NOIA to amend Chapter 107 that was presented at the March 10, 2011 meeting and instead approve this Notice to amend Chapter 107, Rabbit and Squirrel Hunting.

These rules stipulate the regulations for hunting rabbits and squirrels and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting.

Jackrabbits have not been counted on the August roadside survey during 2 of the last 3 years and counts on the spring spotlight survey have also declined. Only 1 or 2 jackrabbits are reported on the annual small game harvest survey. The decline of the jackrabbit population is related to the decline of suitable habitat, not hunting. Weather patterns since 2007 also may have contributed to the jackrabbit decline. White-tailed jackrabbits are considered extirpated in

Missouri and Nebraska, both of whom closed their season from Grand Island to the Iowa border in 2006. Minnesota still has a season, although their numbers are also in long term decline.

Studies in Iowa indicate that the few small jackrabbit populations that remain are not connected by suitable habitat. So although hunting is not the cause for the decline, additional mortality due to hunting may cause such isolated populations to disappear.

**NATURAL RESOURCE COMMISSION[571]  
Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 107, "Rabbit and Squirrel Hunting," Iowa Administrative Code.

These rules stipulate the regulations for hunting rabbits and squirrels and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting.

The proposed amendment closes the jackrabbit season statewide. Jackrabbits have not been counted on the August roadside survey during 2 of the last 3 years and counts on the spring spotlight survey have also declined. The decline of the jackrabbit population is related to the decline of suitable habitat. Weather patterns since 2007 also may have contributed to the jackrabbit decline. White-tailed jackrabbits are considered extirpated in Missouri, and Nebraska closed their season from Grand Island to the Iowa border in 2006. Minnesota still has a season, although their numbers are also in long term decline.

Studies in Iowa indicate that the few small jackrabbit populations that remain are not connected by suitable habitat. So although hunting is not the cause for the statewide decline, additional mortality due to hunting may cause isolated populations to disappear.

A study in 2006 estimated that 251,000 hunters spent 3.8 million days hunting in Iowa. These hunters spent \$299.4 million in retail sales, creating \$149.1 million in salaries and wages, and supporting more than 6,137 jobs. After analysis and review of this rule making, no impact on jobs has been found.

Any interested person may make written suggestions or comments on the proposed amendment on or before June 21, 2011. Written comments may be directed to Wildlife Bureau Chief, at the Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by email at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)281-6794. Persons who wish to

convey their comments orally may contact the wildlife bureau by phone at (515) 281-5034 or by visiting the 4th floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on June 21, 2011, at 1 pm in auditorium on the 2nd floor of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48.

The following amendment is proposed.

**ITEM 1.** Amend rule 571--107.2(481A) as follows:

~~**571--107.2(481A)** Jackrabbit season. Continuous closed season. ~~Open season for hunting jackrabbits shall be from the last Saturday in October through December 1 of each year. Bag limit shall be 1 per day; possession limit 2. Legal hunting hours shall be from sunrise to sunset. Entire state open.~~~~

**Motion(1)** – Commissioner Francisco motioned to recind the original NOIA.

**Seconded** – Commissioner Schemmel

**Decision** – Approved 6 Ayes and 1 Nay (Rettig)

**Motion(2)** – Commissioner Underwood motioned to approve the new NOIA.

**Seconded** – Commissioner Schemmel

**Decision** – Approved 6 Ayes and 1 Nay (Rettig)

**APPROVED AS AMENDED**

**25. CHAPTER 108, “MINK, MUSKRAT, RACCOON, BADGER, OPOSSUM, WEASEL, STRIPED SKUNK, FOX (RED AND GRAY), BEAVER, COYOTE, RIVER OTTER, BOBCAT, GRAY (TIMBER) WOLF AND SPOTTED SKUNK SEASONS**

The Commission is requested to rescind their approval of the NOIA to Chapter 108 that was presented at the March 10, 2011 meeting and instead approve this NOIA to amend Chapter 108, “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf and Spotted Skunk Seasons.”

Chapter 108 sets the season dates, bag limits, possession limits, and areas open to hunting or trapping furbearers.

The proposed amendments change the closing date for beavers from April 1 to April 15, increase the quota for bobcats from 250 to 350, and increase the quota for river otters from 500 to 650. Both populations appear capable of sustaining the increased harvest. The amendments also increase the seasonal bag limit from 2 to 3 for river otters. This will reduce the number of otters trapped and turned over to the DNR. The amendments also change the grace period for taking a bobcat or river otter from 48 hours to a period that ends at midnight of the day after the quota fills and the season is announced as being closed. The amendments also increase the amount of time allowed to get a CITES tag for a bobcat or river otter from 48 hours to 7 days. The bobcat or river otter must still be reported within 24 hours of capture so that an accurate count can be maintained. The trapper is also required to bring the skin and the carcass when they pick up their CITES tag so that biological samples may be obtained from the carcass. An exception is made if the bobcat or river otter is going to be taken to a taxidermist to be mounted.

## **NATURAL RESOURCE COMMISSION[571]**

### **Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 108, “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf and Spotted Skunk Seasons,” Iowa Administrative Code.

Chapter 108 sets the season dates, bag limits, possession limits and areas open to hunting or trapping furbearers. The proposed amendments:

1. Change the closing date for beavers from April 1 to April 15, increase the quota for bobcats from 250 to 350 and increase the quota for river otters from 500 to 650. Both populations appear capable of sustaining the increased harvest.
2. Increase the seasonal bag limit from 2 to 3 for river otters. This will reduce the number of otters trapped and turned over to the DNR.
3. Change the grace period for taking a bobcat or river otter from 48 hours to a period that ends at midnight of the day after the quota fills and the season is announced as being closed.
4. Increase the amount of time allowed to get a CITES tag for a bobcat or river otter from 48 hours to 7 days. The bobcat or river otter must still be reported within 24 hours of capture so that an accurate count can be maintained. The trapper is also required to bring the skin and the carcass when they pick up their CITES tag so that biological samples may be obtained from the carcass. An exception is made if the bobcat or river otter is going to be taken to a taxidermist to be mounted.

A study in 2006 estimated that 251,000 hunters spent 3.8 million days hunting in Iowa. These hunters spent \$299.4 million in retail sales, creating \$149.1 million in salaries and wages, and supporting more than 6,137 jobs. After analysis and review of this rule making, no impact on jobs has been found.

Any interested person may make written suggestions or comments on the proposed amendment on or before June 21, 2011. Written comments may be directed to Wildlife Bureau Chief, at the Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by email at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)281-6794. Persons who wish to convey their comments orally may contact the wildlife bureau by phone at (515) 281-5034 or by visiting the 4th floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on June 21, 2011, at 1 pm in auditorium on the 2nd floor of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These amendments are intended to implement Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, and 481A.90.

The following amendments are proposed.

**ITEM 1.** Amend rule 571--108.4(481A) as follows:

**108.4** Beaver. Open season for the taking of beaver shall be from 8 a.m. on the first Saturday in November through April ~~±~~ 15 of succeeding year. No bag or possession limit.

**ITEM 2.** Amend subrule 108.7(3) as follows:

**108.7(3)** Quotas and seasonal bag limit.

a. Seasonal bag limit. The seasonal bag limit is ~~2~~ 3 river otters and 1 bobcat per person.

b. Quotas. The quota for the number of river otters that may be taken is ~~500~~ 650 statewide. The quota for the number of bobcats that may be taken is ~~250~~ 350 in the open area. The season shall end for river otters when the number of river otters trapped, as determined by the harvest reporting system, reaches ~~500~~ the quota. The season shall end for bobcats when the number of bobcats taken, as determined by the harvest reporting system, reaches ~~250~~ the quota. Trappers shall be allowed a ~~48-hour~~ grace period that ends on midnight of the day after the quota

is reached to clear their traps of river otters or bobcats. River otters or bobcats found in traps during the grace period may be kept even though the quota is exceeded provided that the trapper has not reached the trapper's personal bag limit. River otters or bobcats trapped after the grace period or in excess of the seasonal bag limit must be turned over to the department; the trapper shall not be penalized.

**ITEM 3.** Amend paragraph 108.7(5)“a” as follows:

a. Anyone, including a landowner or tenant not required to have a fur harvester license, who takes a river otter or bobcat must report the harvest to a DNR conservation officer or designated DNR employee within 24 hours. The fur harvester must arrange to receive a CITES tag from the officer or designated DNR employee within ~~48 hours~~ 7 days of the time the harvest is reported ~~or before the river otter or bobcat is skinned, whichever occurs first.~~ The river otter or bobcat shall be skinned and the carcass turned over to the DNR conservation officer or designated DNR employee at the time the CITES tag is issued. If the specimen is to be kept whole for taxidermy purposes a cut shall be made by the trapper between the gum line and eye so the CITES can be attached to the skin. It shall be the responsibility of the taxidermist to have the carcass turned over to a DNR conservation officer or designated DNR employee once that animal has been skinned for taxidermy purposes.

**Motion(1)** – Commissioner Underwood motioned to rescind the original NOIA.

**Seconded** – Commissioner Schemmel

**Decision** – Approved 6 Ayes and 1 Nay (Rettig)

**Motion(2)** – Commissioner Underwood motioned to approve the new NOIA.

**Seconded** – Commissioner Francisco

**Discussion** – Commissioner Rettig stated that in her opinion the presentation to the commission nor the science support the proposed quota increase, as the population has not increased to support such a change. Dale Garner disagreed with Commissioner Rettig's statement and explained through genetic studies conducted by ISU and the DNR it shows that bobcats are expanding northward from southern Iowa into potential habitat in the rest of the state. The current management regulations are designed to allow this to continue to occur.

**Decision** – Approved 6 Ayes and 1 Nay (Rettig)

**APPROVED AS AMENDED**

**26. CHAPTER 109, GROUNDHOG SEASON**

The Commission is requested to rescind their approval of the NOIA to amend Chapter 109 that was presented at the March 10, 2011 meeting and instead approve this NOIA to amend Chapter 109, "Groundhog season", Iowa Administrative Code.

These rules stipulate the regulations for taking groundhogs. The proposed amendment provides for a continuous open season for ground hogs. This will allow people to deal with nuisance animals anytime they occur.

**NATURAL RESOURCE COMMISSION[571]  
Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 109, "Groundhog Season," Iowa Administrative Code.

These rules stipulate the regulations for taking groundhogs. The proposed amendment provides for a continuous open season for ground hogs. This will allow people to deal with nuisance animals anytime they occur.

A study in 2006 estimated that 251,000 hunters spent 3.8 million days hunting in Iowa. These hunters spent \$299.4 million in retail sales, creating \$149.1 million in salaries and wages, and supporting more than 6,137 jobs. After analysis and review of this rule making, no impact on jobs has been found.

Any interested person may make written suggestions or comments on the proposed amendment on or before June 21, 2011. Written comments may be directed to Wildlife Bureau Chief, at the Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by email at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)281-6794. Persons who wish to convey their comments orally may contact the wildlife bureau by phone at (515) 281-5034 or by visiting the 4th floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on June 21, 2011, at 1 pm in auditorium on the 2nd floor of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These amendments are intended to implement Iowa Code sections 481A.

The following amendments are proposed.

**ITEM 1.** Amend rule 571--109.1(481A) as follows:

**567--109.1** Groundhog. ~~Open season for groundhog (woodchuck) shall be from June 15 through October 31 of each year.~~ Continuous open season. Entire state open. No daily bag or possession limit.

**Motion** – Commissioner Francisco motioned to recind the original NOIA.  
**Seconded** – Commissioner Clement  
**Decision** – Approved 6 Ayes and 1 Nay (Rettig)  
**Motion** – Commissioner Francisco motioned to approve the new NOIA.  
**Seconded** – Commissioner Clement  
**Decision** – Approved 6 Ayes and 1 Nay (Rettig)

**APPROVED AS AMENDED**

**27. WILDLIFE DIVERSITY HABITAT MANAGEMENT GRANTS**

The Wildlife Diversity Program annually makes small grants available for management projects directly related to wildlife diversity conservation. Funds for this grant come from the Natural Resource License Plate Fund. Approved projects will be funded on a single-year basis but can be submitted for additional funding in subsequent years (not to exceed 3 years in succession). Proposals will be accepted from any organization engaged in management for the benefit of wildlife conservation. Projects should be closely related to the goals of Iowa's Wildlife Action Plan. Total grant allotment is \$15,000 per year with \$7,500 being the maximum amount available per proposal request.

A total of three proposals were submitted for 2011. The grant committee, consisting of all members of the Wildlife Diversity Program as well as the Wildlife Action Plan Manager reviewed the proposals and selected the following 2 projects for funding:

Organization	Project	Amount Awarded
Story County Conservation Board	Savanna and Prairie Restoration on Robison Wildlife Area	\$4,400.00
Iowa Natural Heritage Foundation	Land Stewardship Intern Program	\$7,500.00
	<b>TOTAL Awarded:</b>	<b>\$11,900.00</b>

The following project was not funded:

Organization	Project	Amount Requested
River Action, Inc.	Blanding’s Turtle Habitat Restoration at Nahant Marsh	\$7,500.00

**INFORMATIONAL ONLY**

**28. WILDLIFE DIVERSITY PROGRAM SMALL RESEARCH GRANTS SELECTED FOR 2011**

Each year the Wildlife Diversity Program solicits proposals for research projects directly relating to wildlife diversity conservation, education, or research. Approved projects will be funded on a single-year basis but can be submitted for additional funding in subsequent years (not to exceed 3 years in succession). Total grant allotment for 2011 was \$10,000 with \$2,500 being the maximum amount available per project funding request. Funds come from donations to the Fish & Wildlife Protection Fund (Chickadee Checkoff) and Natural Resource License Plate funds,

Eight proposals were received for the Wildlife Diversity Program's Small Research Grants Program for 2011. Proposals are reviewed by a panel of Wildlife Bureau, Fisheries Bureau, and Land and Waters Bureau Staff. Proposals are scored individually, discussed as a group, and then the scores are combined into a ranking. The top five proposals that were funded for 2011 are:

1. Drake University (Keith Summerville) – The Lepidoptera of Chichaqua Bottoms Greenbelt: A Structured Inventory of a Species Rich Assemblage in a Restored Landscape - \$2,000.00
2. Iowa Grotto of the National Speleological Society (Joseph Dixon) – Roosting Behavior of Eastern Pipistrelles and Little Brown Bats in Iowa Caves - \$435.00
3. University of Nebraska at Omaha (Jeremy White) – Distribution of the Plains Pocket Mouse in the Loess Hills of Iowa – \$2,500.00
4. River Action (Mikael Holgersson) – Nahant Marsh Turtle Monitoring Program, Davenport, IA, Year 2 - \$2,500.00
5. Morningside College (James Stroh and William Heybourne) – Survey of Mammals and Reptiles of the Five Ridge Prairie Wildlife Management Area - \$2,490.00

The three proposals which were not selected for funding were:

1. Iowa DNR (Barb Gigar) and Blank Park Zoo (Kathy McGee) - Design Session for Wetland Education Approach - \$2,400.00
2. Iowa State University (Nathan Brockman) – Determining the State of *Lycanena helloides* in Iowa: Current Numbers and Future Potential - \$2,500.00
3. Mount Mercy University (Neil Bernstein) – Sand Dune Succession Following Removal of Pine Planting: Impacts on Microclimates, Habitat Succession, and Ornate Box Turtles - \$2,500.00

Discussion:

Karen Kinkead explained that they did not elect to offer the remaining money to the final applicant because the committee did not believe that applicant had provided enough information to adequately rank the proposal. In the past, they had offered any remaining money to the next applicant on the list.

**INFORMATIONAL ONLY**

**GENERAL DISCUSSION**

- City of Sioux Center –
  - Commissioner Drees explained that as NRC Chairperson he had recently been an individual that has come forward opposing the proposed shooting range that had been approved by the NRC in January and that he felt it was appropriate to hear again about the project plans.
  - Megan Wise Cup and Marty Eby both with DNR Law Enforcement explained to the commission the plans for the proposed shooting range. A map of the sound test areas and lead shot area was provided to the commission.
  
- Conrad Clement
  - None
  
- Commissioner Drees
  - None
  
- Commissioner Francisco
  - None
  
- Commissioner Prickett
  - None
  
- Commissioner Rettig
  - Recently went on a tour at Iowa University with former DNR Deputy Director Liz Christiansen and got a first hand look at all of the great sustainability work they are doing at the university.
  
- Commissioner Schemmel
  - Recently been by the new High Tressel Bridge trail while traveling and noted the amount of use it is getting.
  
- Commissioner Underwood
  - Donor Recognition - Recently attended a meeting with the DNR communication staff in reference to additional venues to recognize donors.
  - State Park Design – There will be one more meeting possibly in June before a report back to the commission.
  - Lead Taskforce – Asked if there is an update on the progress of creating a taskforce.
    - Deputy Director explained that the department does intend to move forward with this but is overwhelmed at this time. It will be added to the lead action plan.

<b>INFORMATIONAL ONLY</b>
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**UPCOMING NRC MEETING DATES:**

- 6/9/11 – Henry Wallace State Office Building, Des Moines, 9:30am start time
- 7/13/11 – Commission Planning & Education Session, 10:00am-3:00pm start time at:  
DNR Air Quality Office  
7900 Hickman Road  
Windsor Heights, IA 50322
- 7/14/11 – Henry Wallace State Office Building, Des Moines, 8:30am start time

**ADJOURNMENT**

*Motion was made by Commissioner Underwood to adjourn the meeting. Seconded by Commissioner Schemmel. Approved by Unanimous Vote. With no further business to come before the Natural Resource Commission, Chairperson Drees adjourned the meeting on May 12, 2011 at 3:28 p.m.*

**APPROVED – MEETING ADJOURNED**

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