

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

**THURSDAY, JULY 14, 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, July 14, 2011 at 8:35a.m. Commissioner Drees thanked staff for the EPC/NRC Planning and Education Session the previous day. 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  
Dr. Sally Prickett  
Janelle Rettig  
Dennis Schemmel, Secretary  
Margo Underwood, Vice-Chairperson

### COMMISSIONERS ABSENT

None

### 1. APPROVAL OF AGENDA WITH PROPOSED CONSENT AGENDA ITEMS

- \*6 – Notice of Intended Action Chapter 40—Speed & Distance Zoning
- \*8.4 – Palisades State Park – Toilet & Gazebo Renovation Project
- \*11.2 – Goshen WMA – Lucas Co. – Hunter
- \*12.3 – Farm Management Contract – Loess Hills State Forest

<p><b>Motion</b> – Commissioner Underwood  <b>Seconded</b> – Commissioner Francisco  <b>Decision</b> – Approved by Unanimous Vote</p>
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<b>CARRIED AS PRESENTED</b>
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### 2. APPROVE MINUTES FROM JUNE 9, 2011 NRC PUBLIC MEETING

<p><b>Motion</b> – Commissioner Francisco  <b>Seconded</b> – Commissioner Rettig  <b>Discussion</b> – Edits were received prior to the meeting from Commissioners Francisco, Underwood, and Rettig.  <b>Decision</b> – Approved by Unanimous Vote</p>
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<b>CARRIED AS AMENDED</b>
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**3. DIRECTOR REMARKS**

- None

**4. HONEY CREEK DESTINATION RESORT STATE PARK – MONTHLY FINANCIAL UPDATE**

➤ **Monthly Financial Update**

Asset Manager Geoff Baekey, Capital Hotel Management, Andy Woodrick, HCR General Manager reviewed with the commission the HCR financials ending May 31, 2011, as well the 90 day forecast.

- Honey Creek Financial Performance – June Forecast
- Strategic Initiatives / Progress
- Operating Metrics
- STR Market Data
- Guest Satisfaction
- Sales and Marketing Update
- Golf Update
- 90-Day Forecast

**5. PUBLIC PARTICIPATION**

<u>Name</u>	<u>Representing</u>	<u>Subject</u>
• Danny Baker	Self	Support of Dove Season
• Mary Brubaker	Self	Opposed to Dove Season
• Larry Leper	Self	Support of Dove Season
• MaryAnn Heins	Self	Opposed to Dove Season
• Jane Wilson	Self	Opposed to Dove Season
• Lyle Goodrich	Self	Support of Dove Season
• Attorney Chuck Becker	Park Green, LLC	Sioux Center area Shooting Range

**\*6. NOTICE OF INTENDED ACTION CHAPTER 40—SPEED & DISTANCE ZONING**

The Department requests Commission approval of this Notice of Intended Action to amend Chapter 40, “Speed & Distance Zoning,” Iowa Administrative Code.

This proposed change is being requested by petition from the City of Harpers Ferry in Allamakee County. The City is requesting that the existing zone (5 mile per hour) located on the Mississippi River, known as Harpers Slough is extended. The existing zone is located 200 feet above the state ramp and ends downstream at a point known as Sandy Point Road Dead-End. The requested zone would extend the existing zone an additional 550 feet downstream from Sandy Point Road Dead-End. This request is being made for the purpose of increasing boating navigation safety because boaters towing skiers/tubers are operating too close to boat docks at a high rate of speed. The Department has reviewed the petition and agrees the Notice of Intended Action is warranted.

<b>CARRIED BY CONSENT</b>
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## **7. FINAL RULE – CHAPTER 97, “COMMON SNIPE, VIRGINIA RAIL AND SORA, WOODCOCK AND RUFFED GROUSE HUNTING SEASONS” (WILL ADD MOURNING DOVE)**

The Commission is requested to adopt a final rule to amend Chapter 97, “Common Snipe, Virginia Rail and Sora, Woodcock and Ruffed Grouse Hunting Seasons”.

The proposed amendments add mourning doves and Eurasian collared doves to the species covered in Chapter 97 and set the season dates, bag and possession limits, shooting hours, and areas open to hunting doves.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 4, 2011, as ARC 9495B. A public hearing was held on May 24, 2011. Numerous comments were received both in support and in opposition to the proposed change. The season dates, bag and possession limits follow those allowed by the United State Fish and Wildlife Service. The Eurasian collared-dove was added to the list of species which can be taken based upon recommendations from the United States Fish and Wildlife Services enforcement personnel. The collared dove is not a migratory species but most states include them as legal species during the season since they are similar in appearance to the mourning dove.

The Department maintains that the new dove season will have a positive impact on jobs in Iowa. The U.S. Fish and Wildlife Service conducted a National Hunting and Fishing Survey in Iowa in 2006 and found that, on average, Iowa hunters spent \$104/day hunting upland game. Surveys conducted by Southwick & Associates in surrounding states show a range of 15,000 to 20,000 dove hunters, each of whom hunts doves an average of 3.3 days a year. These data, when transferred to Iowa, would show a potential economic impact of \$5.1 to \$6.8 million. Additionally, Southwick & Associates’ 2006 survey from surrounding states shows a trend of 1 job created for every 733 days of hunting. Again, these figures when transferred to Iowa would show a potential for 67.5 to 90 new jobs.

These amendments are intended to implement Iowa Code sections 481A.38 and 481A.39 and section 481A.48 as amended by 2011 Iowa Acts, Senate File 464.

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

Adopted and Filed Emergency after Notice

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 97, “Common Snipe, Virginia Rail and Sora, Woodcock and Ruffed Grouse Hunting Seasons,” Iowa Administrative Code.

The proposed amendments add mourning doves and Eurasian collared doves to the species covered in Chapter 97 and set the season dates, bag and possession limits, shooting hours, and areas open to hunting doves.

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The Department maintains that the new dove season will have a positive impact on jobs in Iowa. The U.S. Fish and Wildlife Service conducted a National Hunting and Fishing Survey in Iowa in 2006 and found that, on average, Iowa hunters spent \$104/day hunting upland game. Surveys conducted by Southwick & Associates in surrounding states show a range of 15,000 to 20,000 dove hunters, each of whom hunts doves an average of 3.3 days a year. These data, when transferred to Iowa, would show a potential economic impact of \$5.1 to \$6.8 million.

Additionally, Southwick & Associates' 2006 survey from surrounding states shows a trend of 1 job created for every 733 days of hunting. Again, these figures when transferred to Iowa would show a potential for 67.5 to 90 new jobs.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments should be waived and these amendments should be made effective upon filing with the Administrative Rules Coordinator on August 10, 2011, as the amendments confer a benefit to the public.

These amendments are intended to implement Iowa Code sections 481A.38 and 481A.39 and section 481A.48 as amended by 2011 Iowa Acts, Senate File 464.

The following amendments are adopted.

**ITEM 1.** Amend **571—Chapter 97**, title, as follows:

COMMON SNIPE, VIRGINIA RAIL AND SORA, WOODCOCK,  
~~AND~~ RUFFED GROUSE, AND DOVE HUNTING SEASONS

**ITEM 2.** Adopt the following **new** rule 571—97.6(481A):

**571—97.6(481A) Dove season.** Open season for hunting mourning doves and Eurasian collared-doves shall begin on September 1 and continue for 70 consecutive days. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit is 15; possession limit is 30. The entire state is open.

**Motion(1)** – Commissioner Francisco

**Seconded** – Commissioner Clement

**Discussion** – Commissioner Rettig commented that she was concerned that the summary of public comments had not been included in the agenda item brief. Willie Suchy, Wildlife Bureau explained that a total of 851 comments were received during the public comment period and of those comments;

- 655 came from an emailing service
  - 441 were opposed a dove season
  - 214 in favor of dove season with a non-toxic shot requirement
- 175 comments via mail and phone
  - 98 comments in opposition of a dove season
  - 56 in favor of a dove season
  - 21 general comments about a dove season
- 21 comments about non-toxic shot requirement
  - 19 comments in favor of a dove season
  - 2 opposed to a dove season

**Motion(2)** – Commissioner Clement motioned to amend Chapter 97 by adding the following restriction on the method of take: No person shall take a Mourning Dove or Eurasian Collard Dove on any land or water of the State of Iowa while having in one’s possession any shot other than non-toxic approved by U.S. Fish and Wildlife Service.

**Seconded** – Commissioner Prickett

**Discussion** – Commissioner Clement stated that he had discussed the proposed amendment early that morning with Governor Branstad and that he (Governor Branstad) stated that if this amendment was the consensus of the commission he would be okay with it. Commissioner Schemmel commented that it troubled him that this amendment was being proposed at this point, but had reviewed many of the public comments both for and against the use of non-toxic shot a dove season and personally is opposed to that restriction but for the consensus of the commission would vote for it. Commissioner Underwood stated that she was in favor of the proposed amendment as she felt that it was an important issue to address in the state.

**Amendment Decision** - Approved by Unanimous Vote to add non-toxic shot requirement

**Item Decision** – Approved 6 Aye’s and 1 Nay (Rettig)

**CARRIED AS AMENDED**

## **8. CONSTRUCTION PROJECTS CONTRACT APPROVAL**

### **8.1 DESJARDINS RENEWABLE PROJECT – MECHANICAL**

#### **Appanoose County – Project #11-05-04-17**

**Project Summary:** This project is more than just a renewable energy pilot. It will give the public hands-on witness to the power of renewable energy. The average state park visitor will get an opportunity to spend a period of time living in a space powered by renewable energy and the means for personal exploration about how to make them work. At the same time, measurable energy and cost savings accrue at an important, innovative state facility.

**Function of the Project:** Add 18 Evacuated Tube Solar Thermal Collectors to the South West roof of Honey Creek Resort Lodge. This will provide domestic hot water to all 105 lodge rooms during peak usage, thus lowering the Resort’s reliance on costly liquid propane.

**Construction Needed:** Affix all 18 EV tube collectors on the roof lodge by way of brackets. Running insulated brazed copper lines from the glycol/water storage tanks on main level up through an open chase to the roof. These lines will then exchange the heat to the domestic hot water tanks to be distributed to the rooms as hot water is being used. Excess heat will be dumped to the pool when the hot water is not being actively used by the Resort.

**DNR Project Manager:** Ryan Richey; Engineering Bureau  
**Designer:** James Deeds; KJWW Engineering  
**DNR Inspector:** Jason Kruse, PE; Engineering Bureau  
**Operating Bureau:** Parks  
**Funding Source:** 50% Donation (Desjardin Family) / 50% OEI Grant;  
 (Capital Link 152)

**Cost Estimate:** \$250,000.00  
**Plans Issue Date:** 05/07/11  
**Bid Letting Date:** 06/16/11  
**Plan Holders:** 0  
**Number of Bids Received:** 2

**Bidders**

Proctor Mechanical	Des Moines, IA	Base Bid \$326,165.00
Tri-City Electric	Davenport, IA	Base Bid \$628,000.00

IDNR recommends awarding the Bid to Proctor Mechanical.

**Motion** – Commissioner Underwood  
**Seconded** – Commissioner Francisco  
**Discussion** – Commissioner Underwood asked what the projected savings would be. Ryan Richey explained he did not know the estimated total savings would be but that the project would take care of all of the domestic hot water needs for the 105 rooms in the lodge. Commissioner Prickett asked for clarification of the funding source. Michelle Wilson explained that the OEI grant is paying for everything in this project and that the funds are specific to this project and may not be used for any other projects. Commissioner Rettig again thanked the Desjardin family for the generous donation to the State of Iowa and that the project would really showcase energy savings and honor Mr. Desjardin’s passion for renewable energy.  
**Decision** – Approved by Unanimous Vote

**CARRIED AS PRESENTED**

**8.2 SAYLORVILLE WILDLIFE UNIT – HEADQUARTERS BUILDING**

**Boone County – Project #11-02-08-01**

**Project Summary:** The scope of this project involves constructing a pole building-style office, complete with HVAC and plumbing.

**Function of the Project:** This building will house a conference room, bathroom, kitchenette, two bathrooms and a three stall garage.

**Construction Needed:** The existing building is a remodeled cold storage building that is at the end of its design life. The new building will provide a safe and efficient working environment for the wildlife staff. This project will connect to the existing pavement and water service lines, but will include a new electrical service and infiltration septic system.

**DNR Project Manager:** Ken Jackson; Engineering Bureau  
**Designer:** Ken Jackson; Engineering Bureau  
**DNR Inspector:** Don Labate, PE; Engineering Bureau  
**Operating Bureau:** Wildlife  
**Funding Source:** \$68,750–REAP Land Management, \$206,250 – Federal-PR; (Capital Link 162)

**Cost Estimate:** \$275,000  
**Plans Issue Date:** 05/25/11  
**Plan Holders:** 5  
**Number of Bids Received:** 3

**Bidders**

Brothers Construction	Des Moines, IA	\$286,936.00
R.H. Grabau Construction, Inc.	Boone, IA	\$313,331.40
Joiner Construction Co., Inc.	Plano, IA	\$331,045.60

IDNR recommends awarding the Bid to R.H. Grabau Construction, Inc.  
 The low bidder, Brothers Construction withdrew their bid.

**Motion** – Commissioner Rettig  
**Seconded** – Commissioner Underwood  
**Discussion** – Commissioner Underwood asked about plans for the current building and wanted to know if it would be removed or utilized for something else. Angi Bruce, Wildlife explained that the current unit headquarters building would be used cold storage of tractors, trailers, sign posts, etc. until it gets too costly to repair at which point it would be removed. The new building would provide office space for five wildlife staff as well as work space for general maintenance of equipment and heated work space for projects. Commissioner Prickett asked what the expected life span of the new building would be. Gabe Lee, Engineering Bureau Chief replied that it would be 15-20 years. Commissioner Prickett suggested the creation of a database to track equipment and maintenance needs of the entire department. Gabe Lee agreed and explained that there is discussion of creating such a database.  
**Decision** – Approved by Unanimous Vote

**CARRIED AS PRESENTED**

**8.3 WAUBONSIE STATE PARK – WASHATEE LODGE RENOVATION**

**Fremont County – Project #11-04-36-02**

**Project Summary:** The scope of this project involves is to renovate the old Washatee Girl Scout Camp Lodge to a new reception building with new mechanical systems and the addition of restrooms.

**Function of the Project:** The original Girl Scout Camp Lodge in Waubonsie State Park is no longer utilized for camping. This project will renovate the existing lodge for use as a reception center in the Park. The renovations will include an update and modernization of the use of the existing building without substantially changing the historic nature of the site.

**Construction Needed:** The building renovations will include new Americans Disabilities Act (ADA) compliant restrooms, an ADA compliant walkway from the parking lot to the reception center, new interior finishes, new mechanical systems, new windows, and a new patio and deck. The interior floor joists are also to be reinforced.

**DNR Project Manager:** Butch Doorenbos, PE; Engineering Bureau  
**Designer:** The Schemmer Associates, Inc  
**DNR Inspector:** Mark Johnson; Engineering Bureau  
**Operating Bureau:** Parks  
**Funding Source:** 100% IJOBS 2; (Capital Link 215)  
**Cost Estimate:** \$404,846.00  
**Plans Issue Date:** 05/26/11  
**Bid Letting Date:** 06/16/11  
**Plan Holders:** 1  
**Number of Bids Received:** 2

**Bidders**

Vieco Development & Const. Co	Coralville, IA	\$384,000.00
Lewis Contracting Company	Red Oak, IA	\$488,100.00

IDNR recommends awarding the Bid to Vieco Development & Construction Co.

**Motion** – Commissioner Prickett  
**Seconded** – Commissioner Francisco  
**Discussion** – Commissioner Rettig commented about the difference between the two bids and how greatly bid amounts vary project to project. Gabe Lee agreed and explained that there are a lot of factors in the bidding process so it is very subjective.  
**Decision** – Approved by Unanimous Vote

**CARRIED AS PRESENTED**

**\*8.4 PALISADES STATE PARK – TOILET & GAZEBO RENOVATION PROJECT**

**Linn County – Project #09-06-57-03**

**Project Summary:** The scope of this project is to renovate the existing outhouse toilet and gazebo buildings near the cabins in Palisades State Park in Linn County, Iowa.

**Function of the Project:** The original outhouse toilet and gazebo are stone structures constructed by the CCC. These historic structures are on the list of historic places and are located in high use areas. The structures are in need of repair. This project renovates the existing buildings back to their original appearances and repairs and restores the integrity of the building structures.

**Construction Needed:** The outhouse toilet building renovations will include modifications to interior finishes, toilet fixtures, and interior lighting, exterior repairs to the roof, siding and door/window openings. The repairs to the gazebo structure include exterior repairs to the roof and minor stone repairs.

**DNR Project Manager:** Butch Doorenbos, PE; Engineering Bureau

**Designer:** The Schemmer Associates, Inc  
**DNR Inspector:** Dave Heer, PE; Engineering Bureau  
**Operating Bureau:** Parks  
**Funding Source:** 100% REAP Open Space; (Capital Link 145)  
**Cost Estimate:** \$50,000.00  
**Plans Issue Date:** 05/25/11  
**Bid Letting Date:** 06/16/11  
**Plan Holders:** 0  
**Number of Bids Received:** 3

**Bidders**

Raber Construction	Fairbank, IA	\$69,530.00
Vieco Dev. & Construction Inc	Coralville, IA	\$94,100.00
Tricon Construction Co	Dubuque, IA	\$139,200.00

IDNR recommends awarding the Bid to Raber Construction.

**CARRIED BY CONSENT**

**8.5 LACEY KEOSAUQUA STATE PARK – BEACH HOUSE CONVERSION PROJECT**

**Van Buren County – Project #11-06-89-01**

**Project Summary:** The scope of this project is to convert the existing beach house to a rental space for family gatherings in Lacey Keosauqua State Park in Van Buren County, Iowa.

**Function of the Project:** The original beach house was used for swimmers and beach visitors. This project renovates the existing building to change the use to a family gathering facility that will be rented to users. The project also repairs and restores the integrity of the building structure.

**Construction Needed:** The building renovations will include interior modifications to finishes and exterior repairs to the roof, siding and door/window openings. Also included are site repairs to improve storm water drainage and repair to exiting retaining walls.

**DNR Project Manager:** Butch Doorenbos, PE; Engineering Bureau  
**Designer:** The Schemmer Associates, Inc  
**DNR Inspector:** Dave Heer, PE; Engineering Bureau  
**Operating Bureau:** Parks  
**Funding Source:** 100% IJOBS 2; (Capital Link 214)  
**Cost Estimate:** \$294,893.00  
**Plans Issue Date:** 05/26/11  
**Bid Letting Date:** 06/16/11  
**Plan Holders:** 2  
**Number of Bids Received:** 4

**Bidders**

Smith Seeding, Inc	Eldridge, IA	\$132,000.00
Bi-State Contracting Inc.	West Burlington, IA	\$171,620.00
Vieco Dev. & Construction Inc	Coralville, IA	\$219,850.00
Cole Construction Co	Keosauqua, IA	\$239,000.00

IDNR recommends awarding the Bid to Smith Seeding, Inc.

**Motion** – Commissioner Francisco  
**Seconded** – Commissioner Underwood  
**Discussion** – Commissioner Rettig asked for explanation as to why the recommendation for the low bidder was held. Gabe Lee explained that because the work on this project is so specialized references were checked first. Commissioner Underwood asked about the incorporation of sustainable building practices. Gabe Lee explained that as much as possible. Michelle Wilson explained that projects of this nature must go through SHIPO and they designate to what level restoration may be done. Commissioner Prickett asked that future items of this nature include a return on investment (ROI) cost analysis.  
**Decision** – Approved by Unanimous Vote

**CARRIED AS PRESENTED**

**9. PROFESSIONAL SERVICES CONTRACT – DELIVERY ORDER APPROVAL**

**Lake Darling Campground Electric and Water Services**

**Washington County**

**Project/Contract Summary:**

The Department has negotiated a delivery order under a master contract with **McClure Engineering Company (MEC)** to provide design consultation services for the new electric and water services in the Lake Darling Campground in Mahaska County, Iowa. Approximately 75 camp sites will be provide new electric and water services and approximately 17 of these sites will include sewer hook-ups. In addition to the new campground water services, a new service line will be constructed from the park entrance to the campground.

**Function of the Project/Service:**

Services for this project consist of preliminary planning and final design of the water service, electric service and limited sewer service. MEC will meet with DNR a minimum of three times during planning and design, prepare final bidding documents, final opinion of probable costs, and assist during bidding by answering bidders questions. Project document will be submitted by August 12, 2011.

**DNR Project Manager:** Butch Doorenbos, PE; Engineering Bureau

**Funding Source:** Funding for the design and construction will be REAP Open Spaces.

**Cost Estimate:** The cost for engineering services of this DO is a not to exceed amount of \$37,750.00. The preliminary estimated construction cost is \$600,000.

IDNR recommends awarding the Delivery Order to McClure Engineering Company.

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

**CARRIED AS PRESENTED**

**10. 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
5/26/11	11-02-85-01	Story	State Forest Nursery	Chain Link Fence	\$45,000.00	<b>\$41,605.00</b> \$45,490.43
5/26/11	10-04-80-02	Ringgold	Mount Ayr Wildlife	Resetting culvert/regrading	\$2,500.00	<b>\$1,448.00</b> \$1,800.00 \$2,500.00 \$3,250.00
5/26/11	11-02-08-10	Boone	Boone Wildlife Research Station	Water Service Connections	\$2,000.00	<b>\$2,500.00</b> \$2,986.00 \$4,004.00
6/2/11	11-06-57-04	Linn	Pleasant Creek Recreation Area	Handicap Accessible Walkway	\$51,000.00	<b>\$44,241.00</b>
6/9/01	11-02-94-12	Webster	Dolliver State Park	Debris and Sediment Removal	\$36,000.00	<b>\$9,999.00</b> \$11,900.00 \$14,600.00 \$34,034.00
6/9/11	11-02-94-10	Webster	Dolliver State Park	FEMA Flood Repairs	\$25,000.00	<b>\$38,348.18</b> \$39,245.00 \$48,615.00 \$54,000.02
6/13/11	11-03-09-02	Bremer	Sweet Marsh WMA	Water-control structure	\$24,000.00	<b>\$20,700.00</b> \$23,415.50 \$24,660.00
6/16/11	11-05-63-10	Marion	Red Rock WMA	Clearing/Grubbing/new addition shell	\$50,000.00	<b>\$44,600.00</b> \$52,530.00
6/16/11	11-05-63-09	Marion	Red Rock WMA	Septic System and HVAC system	\$16,000.00	<b>\$19,700.00</b>
6/16/11	11-01-81-03	Sac	Kiowa Marsh WPA	Box Culvert Repair	\$10,000.00	<b>\$16,178.00</b>
6/16/11	11-05-63-08	Marion	Red Rock WMA	Electrical for new addition	\$8,000.00	<b>\$6,200.00</b> \$9,415.00
6/16/11	11-05-63-07	Marion	Red Rock WMA	Concrete and rock base/addition	\$14,000.00	<b>\$13,550.00</b> \$14,075.00

6/16/11	07-03-28-02	Delaware	Backbone State Park	CCC Museum Foundation Repairs	\$17,171.00	<b>\$5,760.00</b>
						\$7,600.00
						\$14,100.00
						\$43,200.00
6/23/11	12-02-41-01	Hancock	Crystal Hills WMA	Water control structure	\$20,000.00	<b>\$26,285.00</b>
						\$26,744.00
						\$29,400.05
						\$41,579.00
6/23/11	10-05-62-03	Mahaska	Lake Keomah State Park	Clean and Televised sewer	\$5,000.00	<b>\$14,004.00</b>

**INFORMATIONAL ONLY**

**11. LAND ACQUISITION PROJECTS**

**11.1 FRANCIS LEE POOL WMA – KEOKUK CO. – SEMCO / DNR LAND EXCHANGE**

The Natural Resource Commission is requested to approve a land exchange located adjacent to Francis Lee Pool Wildlife Management Area in southeastern Keokuk County. In October 2010, an information item was presented to the NRC to determine the viability of the exchange proposal. Since that time, Southeast Iowa Multi-County Solid Waste Agency (SEMCO) has acquired the necessary property to complete the exchange.

Pursuant to 567 Iowa Administrative Code (IAC) 113.9, landfill operators are required to conduct subsurface monitoring for potential off-site migration of methane gas. If subsurface methane is detected, the landfill operator is required to determine the extent of the off-site migration, which is accomplished by installation of gas monitoring wells outside the facility property boundary. Since methane was detected at its facility property boundary, SEMCO submitted a Joint Application to the United States Corps of Engineers (Corps) and the DNR to obtain access to the Francis Lee Pool Wildlife Area for installation and monitoring of landfill gas monitoring wells to determine the extent of methane gas migration. The permit was granted by the Corps and DNR.

The land exchange will result in a permanent solution for compliance with State regulations by obtaining a 300-foot buffer (14 acres) area along the western waste management boundary. In exchange, SEMCO will convey a 21.4 acre tract adjacent to the north of the DNR Pool Wildlife Area. This area will provide buffer to manage potential methane gas migration.

SEMCO has agreed to a use restriction (recorded on the deed) which would prevent landfill expansion on the former DNR property. SEMCO also agrees to pay for all incidental costs associated with the exchange.

Staff recommends approval of the land exchange.

<p><b>Motion</b> – Commissioner Francisco  <b>Seconded</b> – Commissioner Schemmel  <b>Decision</b> – Approved by Unanimous Vote</p>
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**CARRIED AS PRESENTED**

**\*11.2 GOSHEN WMA – LUCAS CO. – HUNTER**

The Natural Resource Commission is requested to approve the acquisition of a tract of land located two miles north of Derby, IA adjacent to the Goshen Wildlife Management Area. This 4.4-acre tract is offered by Mike and Nick Hunter for \$4,400.00.

The property is adjacent to DNR land on the south boundary. Stephens State Forest is located two miles west of the property and Highway 65 makes up the east boundary. The tract consists of 4.4 acres of EWP encumbered sparsely forested grassland. Acquisition of the property will provide the only upland public parking access to the 214 acres of public land.

Acquisition funding will be Wildlife Habitat Stamp and thus will remain on the property tax rolls in Lucas County. Incidental closing costs are the responsibility of the Department.

Staff recommends approval of the land acquisition.

<b>CARRIED BY CONSENT</b>
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**12. LAND MANAGEMENT PROJECTS****12.1 MANAGEMENT AGREEMENT – LITTLE STORM LAKE WMA – CITY OF STORM LAKE**

The Natural Resource Commission is requested to approve a management agreement between the City of Storm Lake, Iowa, and the DNR to allow the City to develop, maintain, and manage an Environmental Education and Discovery Center located within Little Storm Lake WMA through December 31, 2036.

Little Storm Lake WMA is located immediately west of the intersection of Iowa Highway 110 and Vista Drive in Storm Lake, Iowa. The agreement covers an area of state-owned property containing eight acres.

The City of Storm Lake proposes to develop a 2500 square foot environmental interpretive center on City property near the shore of Little Storm Lake. The project will include a 6' wide compacted surface woodland trail, concrete abutment transitioning from the trail to a floating boardwalk, and observation tower all located within the Little Storm Lake WMA. The goal is to develop programs and exhibits which show the ecological relationship between the wetland ecosystem of Little Storm and Storm Lake providing a learning experience for people of all ages. Within a short distance, the newly built Storm Lake Public School's elementary and middle school buildings will enable ease of access for school groups. The observation tower will provide a very unique view of the wetland and the entire Little Storm Lake area along with wildlife viewing to visitors. Nothing in this agreement shall restrict the use of the Little Storm Lake Wildlife Area for wildlife dependent uses including hunting and trapping.

This proposed agreement will set forth the responsibilities of the City and the DNR for future maintenance and management. Under the agreement, the City will be responsible for all

expenses for development, construction, operation and future maintenance of the area for the length of the agreement.

Staff recommends approval of the management agreement.

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

**CARRIED AS PRESENTED**

**12.2 BARGE FLEETING LEASE RENEWAL - MISSISSIPPI RIVER - SCOTT COUNTY**

The Natural Resources Commission is requested to approve the renewal of Chapter 17 Lease 110-R with Blackhawk Fleet, Inc. of Buffalo, Iowa

The areas consist of the following locations and configurations:

Area 3: is located at Mississippi River Mile 470 (Section 21, Township 77 North, Range 2 East of the 5th P.M., Scott County, Iowa). It has a capacity to 34 barges anchored in two groups with one anchor barge each. Barges will be moored 9 wide by 2 long (approximately 315 feet of depth by 400 feet of frontage for each group). The annual fee would be \$8,448.46.

Area 8: is located at Mississippi River Mile 472 (Section 19, Township 77 North, Range 2 East of the 5th P.M., Scott County, Iowa). It has a capacity of 17 barges anchored with 1 anchor barge. Barges will be moored 6 wide by 3 long (approximately 210 feet of depth by 600 feet of frontage). Barges may not be fleeted or moored at Area 8 from May 1 through September 30. The annual fee would be \$2,523.56

The total annual fee for both areas would be \$10,972.02. The annual fees will be increased annually based on the percentage increase of the consumer price index. The term of the lease will be five years.

These fleeting areas support current operation in Pool 16. Fleeting operation serves several industries between Muscatine and Davenport, including grain elevators, quarries, power generation, agricultural chemicals, and oil, as well as asphalt and coal suppliers.

This area has been under a barge fleeting lease since 2001.

A Public Notice was printed in local newspapers. No comments were received.

Staff recommends approval of the lease.

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

**CARRIED AS PRESENTED**

**\*12.3 FARM MANAGEMENT CONTRACT – LOESS HILLS STATE FOREST**

The Natural Resource Commission is requested, pursuant to Chapter 8 of the Iowa Administrative Code [561], to approve a farm management contract with Agri-Valley Farm Management, LLC of Mineola, IA to provide farm management services in the Loess Hills State Forest for a period ending June 30, 2016.

Professional farm managers in partnership with DNR foresters, wildlife biologists/technicians and parks/recreational area managers have been utilized since 1987 to improve the agricultural lease program for wildlife habitat management in a variety of areas. Proposals were solicited to provide farm management services for approximately 1900 acres of agricultural land in the Loess Hills State Forest where 30 leases are currently administered. Invitations for proposals were advertised in newspapers both locally and statewide in the Des Moines Register.

One proposal was submitted. Agri-Valley Farm Management submitted a proposal with an annual fee of \$6.50 per managed acre, approximately \$12,350 per year for a total contract fee of \$61,750. The Department currently pays between \$6 and \$10 per acre on its existing farm management contracts.

Agri-Valley Farm Management has been in business since 2000 and currently manages approximately 11,000 acres of farmland in Western Iowa. Chad McCollester is the owner/operator of the business. He is an Accredited Farm Manager (AFM) through the American Society of Farm Managers and Rural Appraisers with 14 years of farm management experience.

Staff recommends approval of the contract.

<b>CARRIED BY CONSENT</b>
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**13. FINAL RULE – CHAPTER 52, “WILDLIFE REFUGES”**

The Commission is requested to adopt a final rule to amend Chapter 52, “Wildlife Refuges”.

Chapter 52 gives the regulations for establishing wildlife refuges or sanctuaries for the purpose of preserving the biological balance pursuant to the provisions of Iowa Code section 481A.39 and to effect sound wildlife management.

These amendments are proposed to reclassify some existing refuges for the purposes of improving public use and safety and reducing the time required to post refuges each fall. No new refuges are being established.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 1, 2011, as ARC 9524B. A public hearing was held on June 21, 2011. No comments were received.

**NATURAL RESOURCE COMMISSION[571]**

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 52, "Wildlife Refuges," Iowa Administrative Code.

Chapter 52 gives the regulations for establishing wildlife refuges or sanctuaries for the purpose of preserving the biological balance pursuant to the provisions of Iowa Code section 481A.39 and to effect sound wildlife management.

These amendments are proposed to reclassify some existing refuges for the purposes of improving public use and safety and reducing the time required to post refuges each fall. No new refuges are being established.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 1, 2011, as ARC 9524B. A public hearing was held on June 21, 2011. No comments were received. This amendment is identical to that published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 481A.5, 481A.6, 481A.9 and 481A.39.

These amendments shall become effective September 14, 2011.

The following amendments are adopted.

ITEM 1. Amend subrule 52.1(2) as follows:

**52.1(2) Wildlife refuges.**

~~a.—Restrictions.~~ The following areas under the jurisdiction of the department of natural resources are established as ~~game~~ wildlife refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, ~~between the dates of September 1 and January 31 of each year,~~ during the dates posted, both dates inclusive, except that department personnel, ~~and~~ law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
Lake Icaria .....	Adams
Pool Slough Wildlife Area.....	Allamakee
Rathbun Area .....	Appanoose, Lucas, Wayne
Sedan Bottoms .....	Appanoose
Wildlife Exhibit Area.....	Boone
Sweet Marsh.....	Bremer
Big Marsh.....	Butler
South Twin Lake.....	Calhoun
Ventura Marsh .....	Cerro Gordo
Round Lake .....	Clay
Allen Green Refuge .....	Des Moines
Henderson .....	Dickinson
Jemmeron Slough Complex .....	Dickinson
Spring Run .....	Dickinson
Ingham Lake .....	Emmet
Forney Lake .....	Fremont
Riverton Area.....	Fremont
Dunbar Slough .....	Greene
Bays Branch.....	Guthrie
Crystal Hills .....	Hancock
Eagle Flats.....	Hancock
Eagle Lake .....	Hancock
Green Island Area .....	Jackson
Hawkeye Wildlife Area .....	Johnson
Muskrat Slough.....	Jones
Colyn Area .....	Lucas
Red Rock Area.....	Marion, Polk, Warren
Gladys Black Eagle Refuge .....	Marion
Badger Lake.....	Monona
Tieville/Decatur Bend.....	Monona
Five Island Lake.....	Palo Alto
Big Creek Saylorville Complex.....	Polk
Chichaqua Area.....	Polk
Polk City Refuge.....	Polk
Smith Area .....	Pottawattamie
McCausland .....	Scott
Princeton Area .....	Scott
Prairie Rose Lake.....	Shelby
Otter Creek Marsh.....	Tama
Green Valley Lake .....	Union

Three Mile Lake.....	Union
Lake Sugema.....	Van Buren
Rice Lake Area .....	Winnebago
Snyder Lake .....	Woodbury
Elk Creek Marsh .....	Worth
Lake Cornelia.....	Wright

~~b. It shall be unlawful to trespass in any manner on the following areas, where posted, anytime year around, except that department personnel and law enforcement officials may enter the area at any time in performance of their duties, and hunters under the supervision of department staff may enter when specifically authorized by the department of natural resources.~~

<u>Area</u>	<u>County</u>
Middle River Wildlife Area (formerly Banner Pits)	Warren
Black Hawk Bottoms Wildlife Area .....	Des Moines

~~c. It shall be unlawful to trespass in any manner on the following areas or portion of the areas during the time of the year they are posted as refuges. Department personnel and law enforcement officials may enter the area at any time in performance of their duties, and hunters under the supervision of department staff may enter to retrieve dead or wounded game animals when specifically authorized by the department.~~

<u>Area</u>	<u>County</u>
Gladys Black Eagle Refuge .....	Marion

**ITEM 2.** Adopt the following new subrules 52.1(3) and 52.1(4):

**52.1(3)** Waterfowl refuges. The following areas under the jurisdiction of the department of natural resources are established as waterfowl refuges where posted. It shall be unlawful to hunt ducks and geese on the following areas, where posted, at any time during the year. It shall be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
Lake Icaria .....	Adams
Pool Slough Wildlife Area.....	Allamakee
Rathbun Area .....	Appanoose, Lucas, Wayne
Sedan Bottoms .....	Appanoose

<u>Area</u>	<u>County</u>
Sweet Marsh.....	Bremer
Big Marsh.....	Butler
Ventura Marsh .....	Cerro Gordo
Round Lake.....	Clay
Jemmerson Slough Complex .....	Dickinson
Forney Lake .....	Fremont
Riverton Area.....	Fremont
Dunbar Slough .....	Greene
Bays Branch .....	Guthrie
Crystal Hills .....	Hancock
Eagle Flats.....	Hancock
Eagle Lake .....	Hancock
Green Island Area .....	Jackson
Muskrat Slough.....	Jones
Red Rock Area.....	Marion, Polk, Warren
Badger Lake .....	Monona
Chichaqua Area.....	Polk
McCausland .....	Scott
Princeton Area .....	Scott
Otter Creek Marsh.....	Tama
Three Mile Lake.....	Union
Lake Sugema.....	Van Buren
Rice Lake Area .....	Winnebago
Snyder Bend Lake.....	Woodbury
Elk Creek Marsh .....	Worth

**52.1(4)** Restricted areas. It shall be unlawful to trespass in any manner on areas posted as restricted areas, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties.

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

**CARRIED AS PRESENTED**

**14. FINAL RULE – CHAPTER 98, “WILD TURKEY SPRING HUNTING”**

The Commission is requested to adopt a final rule to amend Chapter 98, “Wild Turkey Spring Hunting”.

These rules stipulate the regulations for hunting wild turkeys during the spring and include season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements.

The proposed amendments lengthen the youth season from three to nine days and change the starting date for the regular turkey season from the Monday closest to April 13 to the Monday closest to April 15. This provides more time for youth hunters to hunt during the youth season and moves the regular turkey seasons back an average of three days. The proposed amendments also provide that the cost of the preference point for a nonresident who was unsuccessful in the draw be refunded if the hunter buys a license that was left over after the drawing in a different zone or season.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 18, 2011, as ARC 9507B. A public hearing was held on June 7, 2011. Most comments received were in support of the change although some expressed concern about shifting the regular seasons to a slightly later date. Research indicates that the slightly later date will not affect the productivity of wild turkeys or the hunting opportunity for Iowa’s hunters.

**NATURAL RESOURCE COMMISSION[571]**

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 98, “Wild Turkey Spring Hunting,” Iowa Administrative Code.

These rules stipulate the regulations for hunting wild turkeys during the spring and include season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements.

The proposed amendments lengthen the youth season from three to nine days and change the starting date for the regular turkey season from the Monday closest to April 13 to the Monday closest to April 15. This provides more time for youth hunters to hunt during the youth season and moves the regular turkey seasons back an average of three days. The proposed amendments also provide that the cost of the preference point for a nonresident who was unsuccessful in the draw be refunded if the hunter buys a license that was left over after the drawing in a different zone or season.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 18, 2011, as ARC 9507B. A public hearing was held on June 7, 2011. Most comments received were in support of the change although some expressed concern about shifting the regular seasons to a slightly later date. Research indicates that the slightly later date will not affect the productivity of wild turkeys or the hunting opportunity for Iowa's hunters. This amendment is identical to that published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24.

These amendments shall become effective September 14, 2011.

The following amendments are adopted.

**ITEM 1.** Amend subrule 98.2(4) as follows:

**98.2(4) Seasons.** Seasons will be established in accordance with the type of license issued.

*a.* Combination shotgun-or-archery licenses. Consecutive seasons are 4, 5, 7, and 19 days, respectively, with the first season beginning on the Monday closest to April ~~13~~ 15. These seasons shall be designated as seasons 1, 2, 3 and 4, respectively.

*b.* Archery-only licenses. The season shall be 35 days beginning on the Monday closest to April ~~13~~ 15.

**ITEM 2.** Amend subrule 98.6(2) as follows:

**98.6(2) Youth season dates.** The youth turkey hunting license shall be valid during the ~~Friday, Saturday and Sunday~~ nine days immediately before the first turkey season.

**ITEM 3.** Amend rule ~~571—98.13(483A)~~, first unnumbered paragraph, as follows:

Each individual applicant who is unsuccessful in the drawing will be assigned one preference point for each year in which the individual applies and is unsuccessful. If a person who was unsuccessful in the drawing purchases a leftover license within four weeks, the person will receive a refund for the cost of the preference point. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Once an applicant receives a license, all preference points will be erased. Preference points will apply to any zone or season for which a hunter applies. The first license drawing each year will be made from the pool of applicants with the most preference points. If

licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and continue until the license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

**Motion** – Commissioner Francisco

**Seconded** – Commissioner Clement

**Discussion** – Commissioner Francisco commented that he had received a lot of public comments about extending the youth hunters turkey season to increase their opportunities to tag a turkey.

**Decision** – Approved by Unanimous Vote

**CARRIED AS PRESENTED**

## **15. FINAL RULE – CHAPTER 107, “RABBIT AND SQUIRREL HUNTING”**

The Commission is requested to adopt a final rule 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.

The proposed amendment closes the jackrabbit season statewide. Jackrabbits have not been counted on the August roadside survey during two of the last three 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 its season from Grand Island to the Iowa border in 2006. Minnesota still has a season, although jackrabbit numbers there are also in long-term decline.

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

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 1, 2011, as ARC 9543B. A public hearing was held on June 21, 2011. No comments were received.

**NATURAL RESOURCE COMMISSION[571]**

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends 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 two of the last three 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 its season from Grand Island to the Iowa border in 2006. Minnesota still has a season, although jackrabbit numbers there are also in long-term decline.

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

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 1, 2011, as ARC 9543B. A public hearing was held on June 21, 2011. No comments were received. This amendment is identical to that published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48

These amendments shall become effective September 14, 2011.

The following amendments are adopted.

Amend rule **571—107.2(481A)** as follows:

**571—107.2(481A) Jackrabbit 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.~~  
Continuous closed season.

**Motion** – Commissioner Francisco

**Seconded** – Commissioner Prickett

**Discussion** – Commissioner Rettig asked for clarification on the legality of shooting from a roadway. Jason Sandholdt, DNR Law Enforcement Assistant Bureau Chief explained to the commission the circumstances in which an individual may shoot from a roadway.

Tamara Mullen, DNR Legal Attorney provided the commission a copy of an email that she had sent to Commissioner Francisco explaining shooting from a motor vehicle. Commissioner Rettig requested an executive summary be drafted to outlining the stance of the department in reference to this issue. Tamara Mullen then distributed to the commission the January 2011 DNR Iowa Hunting Laws and Weapons Permit Applicability document. Robert Garrison, DNR Law Enforcement Bureau Chief noted that in the January 2011 DNR Iowa Hunting Laws and Weapons Permit Applicability document there is an exception for non-ambulatory individuals.

**Decision** – Approved by Unanimous Vote

**CARRIED AS PRESENTED**

**16. FINAL RULE – 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 adopt a final rule 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”.

These rules stipulate 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 for river otters from 2 to 3. This change 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 closed season is announced.
4. Increase the amount of time allowed to get a CITES tag for a bobcat or river otter from 48 hours to seven days. The taking of 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 the trapper picks up the 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.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 1, 2011, as ARC 9544B. A public hearing was held on June 21, 2011. No comments were received.

**NATURAL RESOURCE COMMISSION [571]**

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends 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.

These rules stipulate 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 for river otters from 2 to 3. This change 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 closed season is announced.

4. Increase the amount of time allowed to get a CITES tag for a bobcat or river otter from 48 hours to seven days. The taking of 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 the trapper picks up the 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.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 1, 2011, as ARC 9544B. A public hearing was held on June 21, 2011. No comments were received. This amendment is identical to that published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

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

These amendments shall become effective September 14, 2011.

The following amendments are adopted.

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

**571—108.4(481A) Beaver.** Open season for the taking of beaver shall be from 8 a.m. on the first Saturday in November through April ~~1~~ 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~~ seven 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 tag 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.

<p><b>Motion</b> – Commissioner Schemmel  <b>Seconded</b> – Commissioner Francisco  <b>Decision</b> – Approved 6Aye's and 1 Nay (Rettig)</p>
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<p><b>CARRIED AS PRESENTED</b></p>
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## **17. FINAL RULE – CHAPTER 109, “GROUNDHOG SEASON”**

The Commission is requested to adopt a final rule to amend Chapter 109, “Groundhog Season”.

These rules stipulate the regulations for taking groundhogs. The proposed amendment provides for a continuous open season for groundhogs to allow people to manage nuisance animals at any time.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 1, 2011, as ARC 9545B. A public hearing was held on June 21, 2011. No comments were received.

**NATURAL RESOURCE COMMISSION[571]**

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends 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 groundhogs to allow people to manage nuisance animals at any time.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 1, 2011, as ARC 9545B. A public hearing was held on June 21, 2011. No comments were received. This amendment is identical to that published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

This rule is intended to implement Iowa Code chapter 481A.

This amendment shall become effective September 14, 2011.

The following amendment is adopted.

Amend rule 571—109.1(481A) as follows:

**571—109.1(481A) 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.

This rule is intended to implement Iowa Code chapter 481A.

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

**CARRIED AS PRESENTED**

**18. EARLY DUCK AND CANADA GOOSE SEASON DATES AND DUCK/GOOSE ZONE BOUNDARY DESCRIPTION**

The Commission is requested to endorse the following dates for the September duck and early Canada goose seasons in urban zones as well as the description of the boundary that divides the north and south duck/goose zones. The final rule for Chapter 91 will be submitted to the NRC in August. The dates for the early seasons and the description of the boundary that divides the north and south duck/goose zones in Iowa must be submitted to the Fish and Wildlife Service by August 1 so this action is requested at this time. The final dates for late duck season and the zone boundaries will be decided at the August NRC meeting. After the August NRC meeting the final rule for Chapter 91 will be filed.

The dates proposed in the notice for the September duck season were from September 17th to September 21st.

The dates proposed in the notice for the early Canada goose season were from September 4<sup>th</sup> to September 11<sup>th</sup>. The early Canada goose season is restricted to the Cedar Rapids/Iowa City, the Des Moines, and the Cedar Falls/Waterloo urban zones.

The zone boundary proposed in the notice for Chapter 91 was the same as it has been for the past 5 years except at the west end where the boundary description was modified so all of the Missouri River from Sioux City to Onawa would be included in the south zone.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 18, 2011, as ARC 9506B. A public hearing was held on June 7, 2011. No comments were received about these dates or seasons.

**Motion** – Commissioner Underwood

**Seconded** – Commissioner Prickett

**Discussion** – Commissioner Drees asked when Fish and Wildlife Service will offer the potential third zone option. Guy Zenner, Wildlife explained that it is unknown at this time but if approved it would not be available until next year's duck season. Commissioner Drees asked for explanation of how the survey was conducted. Guy Zenner explained that the data is being compiled now for a final presentation at the August NRC meeting. The preliminary survey results reflected; 8% of the hunters that participated in the survey wanted three zones in the state, 38% thought that two zones with the season divided into two segments was the structure they thought they wanted to use, 28% wanted no zones and the season split into three segments. The other survey question asked was how they wanted to structure the Canada Goose season, 46% of respondents said they did not want the Canada Goose season to structure the duck season. Commissioner Francisco requested that detailed survey information be provided to the commission prior to the August meeting for their review.

**Decision** – Approved by Unanimous Vote

**CARRIED AS PRESENTED**

## **19. FISCAL YEAR 2012 CAPITAL BUDGET AMENDMENT**

The Commission is requested to approve changes to the fiscal year 2012 capitals budget based on the approved budget of the Iowa Legislature. These changes, as approved by the Commission, will be added to the capitals budget approved at the June NRC meeting and reflected in the budget book that Commissioners will receive from the Budget and Finance Bureau. Overall this is a reduction of \$2,507,850 in FY12 appropriations available for Conservation & Recreation Division Capitals.

- Lakes Water Quality Improvements – reduced from \$8,600,000 to \$5,459,000 with \$350,000 earmarked for a Lake Delhi study

- REAP
  - REAP Open Spaces – increased from \$2,733,899 to \$2,851,709
  - REAP Protected Water Areas – increased from \$160,818 to \$167,748
  - REAP Public Private Cost Share – increased from \$321,635 to \$335,495
  - REAP Land Management – increased from \$1,033,827 to \$1,078,377
  
- Special Appropriations
  - Water Trails – increased from zero appropriation to \$75,000
  - Honey Creek Asset Manager – increased from zero appropriation to \$75,000
  - Grow Iowa Values Fund – increased from zero appropriation to \$300,000

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

**CARRIED AS PRESENTED**

**20. DONATIONS**

The Natural Resource Commission is requested to approve the following donations:

Donation to:	Amount	Description	Donation Provided by:
Law Enforcement Bureau	1,600.00	Nikon D3100 digital camera kit with 18-55mm lens, 70-300mm zoom lens, camera bag, 4 memory cards, and extra battery	Whitetails Unlimited, Milo Chapter
Lake Macbride State Park	1,500.00	Funds for improvements to Lake Macbride State Park	Kohl's Dept. Stores
Fish and Game Trust Fund	360.00	In memorial for John B. Willson for habitat conservation	Family and Friends of John Willson
Lacey-Keosauqua State Park	90.00	Repair broken handrail at beach	David McQuoid, McQuoid Welding

**Motion** – Commissioner Rettig  
**Seconded** – Commissioner Schemmel  
**Decision** – Approved by Unanimous Vote with gratitude

**CARRIED AS PRESENTED**

**GENERAL DISCUSSION**

- Conrad Clement
  - None
- Commissioner Drees
  - Observed education session on the new .08 limit while boating at Gull Point and commented that this will be a positive move for the state.
- Commissioner Francisco
  - None
- Commissioner Prickett
  - None
- Commissioner Rettig
  - Asked for and update on where the department is on the study of wind energy.
- Commissioner Schemmel
  - None
- Commissioner Underwood
  - Attended the June 28<sup>th</sup> Midwest Association of Fish and Wildlife Agencies Annual Director's Meeting. Where two excellent workshop sessions of particular interest were a presented; Lead by Dr. Dave Clausen, Chair, Wisconsin Natural Resource Commission, and Public Access to Private Lands by Tim McCoy, Agriculture Program Manager, Nebraska Game and Parks Commission. Handouts from these two sessions will be provided to all the Commissioners.
  - Suggested that the IDNR host round-table discussions on the lead issue and invite Dr. Clausen to speak during these sessions.
  - Asked about the Iowa Parks Foundation leadership transition and if any additional information had been received about the NRC representatives on the Iowa Parks Foundation Board.
  - Suggested that an update on the new Design Guide for State Parks be provided at the next Commission Meeting.

**INFORMATIONAL ONLY****UPCOMING NRC MEETING DATES:**

- August 11, 2011 - Henry Wallace State Office Building, Des Moines, 9:30am start time
- September 8, 2011 – Henry Wallace State Office Building, Des Moines, 9:30am start time

**ADJOURNMENT**

*Motion was made by Commissioner Francisco 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 July 14, 2011 at 12:29 p.m.*

**CARRIED – MEETING ADJOURNED**

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