

**IOWA DEPARTMENT OF NATURAL RESOURCES  
NATURAL RESOURCE COMMISSION**

**Meeting Date:** Tuesday, January 17, 2012  
**Meeting Location:** Wallace Bldg – 4th Floor Conference Rooms  
502 E. 9<sup>th</sup> Street, Des Moines, IA

**MEETING AGENDA**  
Meeting convenes at 1:00 pm  
Public Participation begins at approximately 1:30pm

1.	Approval of Agenda Consent Agenda ( <i>*within agenda indicates proposed consent agenda item</i> ) * 5 Contract with Marjory Randol, Iowa Habitat and Access Program Project * 6 Donations *10 Land Management Projects *18 28E Agreement with Gypsum City OHV Park	Decision	Commission
2.	Approve Minutes of 12/08/11 NRC Public Meeting	Decision	Commission
3.	Director Remarks	Information	Director
4.	Honey Creek Resort State Park Update	Information	Chuck Corell
*5.	Contract with Marjory Randol, Iowa Habitat and Access Program Project	Decision	Dale Garner
*6.	Donations	Decision	Chuck Corell
7.	2011 REAP Conservation Education Program Grants	Information	Tammie Krausman
8.	Appeal of Contested Case Decision on Residency Determination: Keith Hughes	Decision	Tamara Mullen
9.	Land Acquisition Projects		
9.1	Odessa WMA – Louisa Co. – Schafer	Decision	Travis Baker
9.2	George Wyth State Park – Black Hawk County Conservation Board	Decision	Travis Baker
9.3	Lake George WMA – Hancock Co. – Logemann	Decision	Travis Baker
9.4	Big Marsh WMA – Butler Co. – Ulfers	Decision	Travis Baker
9.5	West Fork WMA – Franklin Co. – Kiburz	Decision	Travis Baker
9.6	White Horse Access WMA—Sac County -- Melvin J. Forward Estate	Decision	Travis Baker
*10.	Land Management Projects		
*10.1	Mississippi River – Des Moines County – Ch. 17 Barge Fleeting Lease	Decision	Travis Baker
*10.2	Mississippi River – Scott County – Ch. 17 Barge Fleeting Lease	Decision	Travis Baker
*10.3	Jesse R. Furrow, Sr. Access – Marshall County – Management Agreement	Decision	Travis Baker

For details on the NRC meeting schedule, visit:  
<http://www.iowadnr.gov/InsideDNR/BoardsCommissions/NaturalResourceCommission.aspx>

Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

*10.4	Helmke WMA – Wright County – Management Agreement	Decision	Travis Baker
11.	Contract between the Conservation Corps and IA DNR Rivers Program	Decision	Travis Baker
12.	Small Construction Projects	Information	Gabe Lee
13.	Professional Services, Site Survey for Backbone State Park Cabin Improvements	Decision	Gabe Lee
14.	Construction Projects		
14.1	Clear Lake State Park - campground improvements & sanitary sewer rehabilitation	Decision	Gabe Lee
14.2	Beeds Lake - sanitary sewer rehabilitation	Decision	Gabe Lee
14.3	Virgin Lake - new outlet structure and channels	Decision	Gabe Lee
14.4	Maquoketa Caves State Park - water distribution system upgrade	Decision	Gabe Lee
14.5	Lake Keomah State Park - sewer rehab	Decision	Gabe Lee
14.6	Lacey Keosauqua State Park - sewer rehab	Decision	Gabe Lee
14.7	Snyder Bend Wildlife Management Area - Snyder Bend water supply channel excavation	Decision	Gabe Lee
14.8	Honey Creek Resort - kiosk installation	Decision	Gabe Lee
15.	Contract with Iowa State University for Urban Fishing Assessment and Plan Development	Decision	Joe Larscheid
16.	Contract with Iowa Economic Development Authority – Chariton Research Station	Decision	Joe Larscheid
17.	Contract with City of Creston Water Works - Spillway Replacement at Summit Lake	Decision	Joe Larscheid
*18.	28E Agreement with Gypsum City OHV Park	Decision	Robert Garrison
19.	Lease Agreement with U.S. Cellular	Decision	Kelley Myers
	General Discussion		
Upcoming NRC Meeting Dates:			
<ul style="list-style-type: none"> <li>• January 18, 2012 – Legislative Open House, IA State Capitol Rm 116, 7:30am</li> <li>• February 9, 2012 - Henry Wallace State Office Building, Des Moines, 9:30am</li> <li>• March 8, 2012 - Henry Wallace State Office Building, Des Moines, 9:30am</li> </ul>			

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**Iowa Department of Natural Resources  
Natural Resource Commission**

# 5\* (\*indicates proposed consent item)

**Decision Item**

**Title:** Contract with Marjory Randol, Iowa Habitat and Access Program Project

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Commission approval is requested for a 2 year-service contract with Marjory Randol of Weldon, IA. The contract would begin on January 20, 2012, and terminate on July 30, 2013. The total amount of this contract shall not exceed \$34,790. DNR shall have the option to renew this contract as long as this contract and any extensions do not exceed a six-year period.

Marjory Randol enrolled 215 acres into the Iowa Habitat and Access Program (IHAP). Along with 215 acres of access, enrollment allows for a service contract between the landowner and DNR to complete habitat work on 165 of those acres. This work will complement the resources the landowner has received through the federal Conservation Reserve Program.

The contract cost was determined using standardized "Not to Exceed" rates that have been developed for each practice that is eligible for IHAP funding. This contract will be funded through Iowa Code section 483A.3B(3)/Iowa Habitat and Access Program.

Dale Garner, Wildlife Bureau Chief  
Conservation and Recreation Division  
January 17, 2012

**Iowa Department of Natural Resources  
Natural Resource Commission**

# 6\* (\*indicates proposed consent item)

**Decision Item**

**Title:** Donations

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

Donation to:	Amount	Description	Donation Provided by:
Pleasant Creek State Rec Area	\$10.00	Funds for natural resource management	Shellsburg Homemakers Ladies group
Stephens State Forest Campground	\$12.95	Remaining funds after Eagle Scout project at Stephens State Forest	Joe Morrett, Scout Troop 149
Spirit Lake Fish Hatchery	\$25.00	In memory of Tim Van Meter, who was an outdoorsman and loved to go fishing	Jeff Johnston
Fish and Game Trust Fund	\$60.00	Memorial contribution in memory of Daryl Neumann.	Kathy Simon
Lacey-Keosauqua State Park	\$61.00	Repair brush cutter wheel	David McQuoid, McQuoid Welding
Pleasant Creek State Rec Area	\$165.00	Fill sand	Wending Quarries C/O Doug Martin
Pleasant Creek State Rec Area	\$500.00	Two manhole covers and one riser	Gee Grading and Excavating
Law Enforcement Bureau	\$750.00	Printing of hunting season posters and wallet cards for Scott County vendor use	Wade Webster, Waterfowl USA, Miss Valley Chapter
Pleasant Creek State Rec Area	\$1,000.00	Funds for natural resource management	Linn Co. Pheasants Forever
Pleasant Creek State Rec Area	\$1,000.00	Labor and equipment for cleaning the beach, beach parking lot, and beach restrooms once a day, 3 days per week.	Les and Mary Van Fossen
Pleasant Creek State Rec Area	\$1,000.00	Funds for natural resource management and park operations	JMS Racing Services
Pleasant Creek State Rec Area	\$3,500.00	Labor, equipment, and fuel for custom mowing of prairies, trails and outlying parking areas	Kyle Schminke

Chuck Corell, Administrator  
Conservation and Recreation Division  
January 17, 2012

**Iowa Department of Natural Resources  
Natural Resource Commission**

# 7

**Information Item**

**Title:** 2011 REAP Conservation Education Program Grants

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Annually, the first \$350,000 of the REAP appropriation is dedicated to conservation education. A conservation education board of five representatives of the following organizations determines how those funds are expended, under the REAP Act and administrative rules: DNR, Dept. of Education, Association of County Conservation Boards, Iowa Association of Naturalists, and the Iowa Conservation Education Council.

A total of 23 conservation education grants were awarded for the May and November 2011 grant rounds, with awards totaling \$361,231. Approximately \$422,023 was leveraged through in cash and in-kind matches through these projects. Another \$31,500 was awarded to the University of Northern Iowa to assist and monitor implementation of CEP grants. A total of 10 projects requesting \$253,974 were not funded, and another project was funded at about one-third of request.

The Conservation Education Program Board has awarded grants to all the projects listed below. The scope of work in each grant agreement will be to complete the grant project as described below.

In its 20-year history, that board has issued over \$8 million in grants to Iowa educators and education institutions. An explanation of grants in recent years and a full explanation of the program can be found at: [www.iowadnr.gov/Environment/REAP/REAPFundingatWork/ConservationEducation.aspx](http://www.iowadnr.gov/Environment/REAP/REAPFundingatWork/ConservationEducation.aspx).

***Perpetuate a Good Idea Grants***

**Exploring Outdoors to Teach the Core--\$4,728**

Guthrie Center Elementary School (REAP CEP#12-02)

Project funded: June 2011

The project's goal is to use available resources such as an outdoor classroom to provide conservation education opportunities for pre-K-6 grade students. A second goal is to demonstrate to educators and administrators how comprehensive, site-based conservation education supports the Iowa Core.

**GreenArts--\$5,000**

Metro Arts Alliance, Des Moines (REAP CEP #12-11)

Project funded: November 2011

Metro Arts Alliance (MAA) will adapt and build upon a GreenArts CEP grant, awarded one year ago, to connect people to nature and build conservation awareness through the arts. With this project, MAA will provide more in-depth education to support long-term learning and exposure; and will perform a more robust evaluation to improve the program and attract new partners. The program is expected to provide 100 hours of community and school-based conservation arts activities, impacting up to 1,000 community members.

**Trees Forever GreenForce--\$5,000**

Trees Forever, Marion (REAP CEP #12-12)

Project funded: November 2011

Trees Forever will work with six to 10 affiliated groups that haven't previously participated in GreenForce youth involvement training. Trees Forever also plans to reach an additional 25 high school and college clubs to let them know about opportunities with Trees Forever. Through this program, they expect to work with 150 youth and 60

adults, and have the youth become aware of environmental volunteer opportunities. They expect some to become regular volunteers.

### ***REAP CEP Grant Agreements***

#### **Education for Cedar River Watershed: We're all in this Watershed Together--\$49,600**

Iowa Association of County Conservation Boards (REAP CEP #12-15)

Project funded: November 2011

Iowa Association of County Conservation Boards will coordinate an educational effort throughout the Cedar River Watershed, drawing on 20 county conservation boards (CCB) to accomplish their education goals. Their goal is for citizens to understand and advocate for the value of natural areas for flood mitigation and to improve water quality. The project will develop tools such as signs, displays, a presentation, news articles, and short videos using unified themes and messages.

#### **Green Holidays: Training Trainers to Create Socio-Cultural-Environmental Change--\$36,746**

University of Northern Iowa Center for Energy & Environmental Education (REAP CEP #12-14)

Project funded: November 2011

Green Holidays will be targeted to non-formal educators/trainers. UNI CEEE plans to serve 125 new educators/trainers and continue to engage more than 100 existing trainers. A number of educational tools are available at [www.reclaimyourholidays.org](http://www.reclaimyourholidays.org), and this project will allow creation of more tools, and coordination of train-the-trainer workshops. A needs assessment for K-12 will also be conducted. UNI expects educators to create more environmentally friendly holidays, and educate others about how to do this as well.

#### **Using Consumption and Waste to Teach for Deeper Understanding--\$30,439**

University of Northern Iowa Center for Energy & Environmental Education (REAP CEP #12-04)

Project funded: June 2011

UNI CEEE will conduct three graduate credit courses to provide 80 educators with a deeper content understanding of global consumption and waste issues. UNI will also introduce lesson plans to Pre-K-12 grade educators and future educators at conference sessions. UNI expects participants to know they are globally connected through the decisions they make and the products they buy. UNI also expects that teachers in the professional development course will be able to teach mini-units about consumption/waste.

#### **Rainscaping Loess Soils--\$29,513**

West Pottawattamie Soil & Water Conservation District (REAP CEP (#12-06)

Project funded: June 2011

Rainscaping Loess Soils education will be offered to 520 professionals such as nursery/garden center owners, the general public, and college students. Goals are for participants to achieve an understanding of the capabilities and limitations of loess soils; learn effective rainscaping strategies; and incorporate this knowledge into the planning, design, installation and maintenance of Best Management Practices.

#### **Managing Wildlife: Outreach for Women Landowners--\$28,499**

Women, Food and Agriculture Network (REAP CEP #12-21)

Project funded: November 2011

Women, Food and Agriculture Network's goal is to increase and improve wildlife and hunting management practices on Iowa's private land by creating an outreach program targeting women landowners. They will hold peer-to-peer meetings with landowners in three locations, both to increase participants' knowledge of wildlife and hunting management practices, and to collect data to inform development of a communication piece directed at women landowners.

#### **Tallgrass Prairie Center Educational Shorts Film Series--\$25,080**

University of Northern Iowa (REAP CEP # 12-17)

Project funded: November 2011

The University will develop, write, shoot and edit a series of 10 educational short films. The overall theme will be "How to plant and establish a prairie reconstruction." Each film will be five to 10 minutes long and provide techniques and basic information to achieve a successful tallgrass prairie reconstruction. The shorts will be used by the Tallgrass Prairie Center and also via streaming from the TPC website.

**Master River Stewards: Ensuring a Legacy of River Restoration--\$22,690**

Iowa Rivers Revival (REAP CEP #12-09)

Project funded: June 2011

Master River Stewards provides hands-on classroom and field-based training for adults interested in knowing more about Iowa's river systems and using that knowledge to develop river protection and restoration projects. The project staff will develop curriculum that will be used to create a Master River Steward program, and to pilot the program with 25 adults from five watershed groups. Master River Stewards extends the models used in the Master Conservationist/Gardener programs, but focuses on rivers. The program is an eight-week course (four-hour sessions) that culminates in a volunteer project.

**Iowa Outdoors: Science Segments—\$18,172**

Iowa Public Broadcasting Board, Des Moines (REAP CEP #12-19)

Project funded: November 2011

Iowa Public Broadcasting Board will produce season two of the Iowa Outdoors television series. REAP CEP funding will assist with production of video segments highlighting environmental sciences, and this new feature will be added to the Iowa Outdoors series. The goal is for TV viewers and web users to be more knowledgeable and interested in conservation issues. It is hoped that this, in turn, will result in viewers making greater use of Iowa's state and county parks and other natural resources to observe phenomena explored in the programs.

**National Association for Interpretation: National Workshop--\$17,560**

Iowa Association of Naturalists (#12-05)

Project funded: June 2011

Funds will be used to award scholarships to members of the Iowa Association of Naturalists to attend the National Association for Interpretation conference in St. Paul in November, 2011. Funding will provide scholarships to 56 IAN members.

**Reiman Garden Butterfly Conservation Awareness and Education Application--\$13,400**

Reiman Gardens (REAP CEP #12-16)

Project funded: November 2011

Reiman Gardens will develop software and will provide on-site and remote interactive technology to further engage visitors in the Garden's butterfly wing. The project's goals are also to enhance educational programming, provide a needed support service to volunteers, and provide new interactive educational tools for schools, field research and butterfly enthusiasts throughout Iowa. REAP CEP funds will be used to establish a database with a user interface to help users identify butterfly species and access species-specific data.

**Expanding Professional Networks at Winter Solstice 2012—\$13,200**

Iowa Conservation Education Coalition (#12-08)

Project funded: June 2011

Participants in this project will be able to integrate new knowledge and skills gained, access new resources and contribute to a support network to encourage quality environmental education. The project includes awarding 30 scholarships to participants to attend Winter Solstice, conducting reflection groups to help scholarship recipients explore ways to apply what they learn at the conference, developing electronic tools to enable recipients to continue networking, and evaluating impact of program efforts.

**Project WET Generation II Preservice Workshops--\$11,122**

Iowa Academy of Science, Cedar Falls (REAP CEP #12-18)

Project funded: November 2011

The Iowa Academy of Science will provide professional development workshops for Iowa preservice educators using Project WET (Water Education for Teachers). The goal is for at least 100 new preservice educators to be reached, and that they will be able to implement WET activities in future classrooms.

**Project Archaeology: Investigating Culture and History--\$9,664**

Golden Hills Resource Conservation and Development (REAP CEP #12-20)

Project funded: November 2011 Golden Hills RC&D will conduct a workshop for up to 35 educators. One of the goals is for participants, at workshop's end, to be knowledgeable about the Glenwood Culture and history. Teachers will visit a reconstructed Glenwood Culture Earthlodge and see the work of an archaeological dig hosted by the Glenwood Museum. Another goal is for attendees to leave the workshop with the needed tools to develop their own lesson plans for indoor or outdoor classrooms.

**Watershed Steward Eco-Team Program--\$8,824**

Iowa Stormwater Education Program (REAP CEP #12-22)

Project funded: November 2011

Iowa Stormwater Education Program's goal is to improve and protect Iowa's water resources by working directly with urban neighborhoods in Cedar Rapids. In this pilot project, volunteers will create eco-teams in Cedar Rapids neighborhoods. These teams will hold eight meetings and work together to make meaningful changes to improve and protect Iowa water quality.

**Frog Watch: Expanding Citizen Science in Iowa--\$8,219**

Dubuque County Historical Society (#12-07)

Project funded: June 2011

The National Mississippi River Museum & Aquarium will provide training to a projected 70 volunteers participating in the American Zoo Association Citizen Science program, Frog Watch. Volunteers will be trained to recognize species by sound. They will also be able to accurately collect and upload data to the Frog Watch website and the Iowa North American Amphibian Monitoring Program. An estimated 300 schoolchildren will be introduced to Citizen Science and amphibians.

**Gladys Black Eagle Nest Cam--\$8,000**

Red Rock Lake Association (REAP CEP #12-24)

Project funded: November 2011

Red Rock Lake Association will provide eagle education for K-16 students as well as the general public. Videos will be developed as part of the project, and placed on the web. The goals are for the targeted audience to develop empathy for raptors, and for those reached to subsequently improve conservation practices and improve voluntary participation in nature.

**Salute to Songbirds Traveling Exhibit--\$5,000**

Friends of Hartman Reserve (REAP CEP #12-03)

Project funded: June 2011

Funds will be used to ship the Salute to Songbirds traveling exhibit back to California at the end of its traveling exhibit time period.

**Burn Association and Prescribed Fire Education--\$4,975**

Southern Iowa Oak Savanna Alliance (REAP CEP #12-10)

Project funded: June 2011

The Alliance will educate landowners in the southern Iowa region about the use of prescribed fire as a land management tool. In addition, they will help establish a private prescribed burn association aimed at ameliorating avenues of communication between landowners so they may help each other plan and execute prescribed burns on each others' property. The fundamental goal is to increase the amount of prescribed fire conducted in Iowa for land management purposes.

**Smart TrailsSM--\$3,300**

Harrison County Conservation Board (REAP CEP # 12-13)

Project funded: November 2011

Harrison County Conservation Board will develop Smart TrailsSM, which incorporate quick response codes (QR) that allow for interactive interpretation. The Smart TrailsSM will bring interpretation to hiking trails in three county parks. A code will be scan-able by a mobile device to see or hear audio or visual interpretation using a URL address. Goals are for hikers to become more knowledgeable of Iowa's natural resources and the Loess Hills, thereby increasing environmental literacy.

**Kellerton Grasslands Prairie Chicken Education--\$2,500**

Ringgold County Conservation Board (REAP CEP #12-23)

Project funded: November 2011

Ringgold County Conservation Board will develop an educational kiosk to educate the public about protecting the prairie chicken and other species. The goal, in part, is for visitors and others they talk with to become better stewards of the land.

Applications that did not receive funding:

LaCIM	Writing to Wholeness	\$ 5,550.00
Villages Folk School	Nature Conservation Education program	\$ 4,600.00
Science Center of Iowa	iEARTH Summer Camp	\$ 36,373.00
Nahant Marsh Education Center	Nahant Marsh Field Station Educator	\$ 30,000.00

Tammie Krausman, REAP Coordinator

Conservation and Recreation Division

January 17, 2012

**Iowa Department of Natural Resources  
Natural Resource Commission**

**# 8**

**Decision Item**

**Title:** Appeal of Contested Case Decision on Residency Determination: Keith Hughes

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This matter comes before the Natural Resource Commission on appeal of a Decision issued by an Administrative Law Judge (ALJ) of the Iowa Department of Inspections and Appeals. Pursuant to rule 561 Iowa Administrative Code (I.A.C.) 7.17(5), as adopted by reference in 571 IAC 7.1, a party may appeal the decision of the ALJ to the Natural Resource Commission. In this case, the ALJ determined that the Appellant is not an Iowa resident for purposes of obtaining hunting and fishing licenses pursuant to Iowa Code chapter 483A.

The Commission is being presented with the Decision of the ALJ, Mr. Hughes' Appeal, and Appeal Briefs of both parties. The entire record on appeal is available for review of the Commission. The record created in this contested case shall be the record relied upon by the Commission in reaching its Decision, which constitutes final agency action.

The parties shall be allowed oral arguments pursuant to rule 561 I.A.C. 7.17(5)(f).

Tamara Mullen, Attorney II  
Legal Bureau  
January 17, 2012

Attachment: Proposed Decision, Appeal, Appeal Briefs

To whom it may concern:

9/19/11

I would like to formally request an appeal of the decision to reverse my residency to nonresident in the state of Iowa.

In October 2007 – Officer Davis walked on to my property and pulled me out of a tree by rifle with 2 other officers.

Officer Davis had received a tip from my Neighbors grandson BJ Hagen that I was hunting with a resident tag but actually lived in New York.

At this point the Iowa legislation, a person merely had to have an Iowa driver's license and be registered to vote.

I had the driver's license, I had a home, and I paid taxes, utility bills. I gave up my homestead exemption. I gave up any and all hunting and fishing privileges etc.

In the end, although the court recognized I may not have had everything, I did show INTENT. Intent to claim Iowa as my one and only home for all purposes. Not my only house, not the only state I was going to spend any time in. I forfeit all other privileges I could receive in any other state.

In January 2010 – roughly, I sold that piece of land with the home. At this point, I owned 2 other parcels of land. Both in Monroe County. One of them right next to Officer Davis' house.

The basis of my request is as follows

- 1) You state in your decision I do not own any land, I do own land in Iowa, but not in Monroe County. I currently own 88 acres.
- 2) You state 6501 260<sup>th</sup> street is the address of Mr. Steve Hanson and family, but yet you have no proof I do not reside there, you have not questioned Mr. Hanson. There is no legal rule that states a man cannot live under the same roof as another man. It does not mention anywhere that Mr. Hanson is the manager of my business. It does not discuss the farming equipment I own and lease back to Mr. Hanson in exchange for a room to live in. The document does not indicate that one year ago, I sold a residence in North Salem NY. Why would I ever want to buy another home in this environment?
- 3) You state, the notarized ground water hazard form was notarized in New York, but you do not state that the given address is a PO Box. The decision does not state that in order to have a

legal document notarized, 2 owners need to be there at exactly the same time. My wife, who I am separated from, lives in New York in a rental Home. Since I sold the home she lived in.

- 4) You state I do not have a registered vehicle in Iowa, that is true for now, but where does it say you must own a car to be considered a resident?
- 5) I work in sales all over the US and in Europe for a Japanese bank.

How many times does a person have to defend themselves for the same thing in the state of Iowa? I already proved INTENT in the Albia court house. Selling a piece of property, liquidating all my assets across the country does not lessen my intent to be a resident in the state of Iowa.

Regards,

Keith Hughes

Iowa Department of Inspections and Appeals  
Division of Administrative Hearings  
Wallace State Office Building  
Des Moines, Iowa 50319

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In the Matter of  
Keith Hughes,  
Appellant,

Docket No. 11DNR001

v.

Decision

Iowa Department of Natural Resources,  
Respondent.

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This matter came on for telephonic hearing before Administrative Law Judge David Lindgren on August 16, 2011 following an appeal by Keith Hughes from a decision of the Iowa Department of Natural Resources finding that he failed to satisfy the criteria to be a resident of Iowa for purposes of obtaining Iowa hunting licenses. Hughes was present for the hearing, but did not testify. Attorney Jon Tack appeared on behalf of the Department. Conservation Officer Dallas Davis testified at the hearing.

Official notice of the administrative file was taken. Department's exhibits A, B, and C were admitted into evidence.

#### FINDINGS OF FACT

Dallas Davis has been a State Conservation Officer with the Department since 1994. His duties are to patrol and enforce fish and game laws of the State of Iowa within his home territory of Monroe and Appanoose counties.

Officer Davis first became aware of Mr. Hughes in October of 2007 when he received information that Hughes might be violating Iowa law by hunting in Iowa with a resident license even though he was a non-resident. In particular, Davis was informed that Hughes was a resident of New York, but that he had recently purchased property in Iowa.

Through his investigation, Officer Davis learned that Hughes did own property in Iowa, located in a rural area southwest of Lovilia. That property had what Davis described as a "hunting cabin" located on it, although he conceded at hearing that some people might consider it to be a residence. In fact, that structure was

what Hughes claimed to be his residence for purposes of his Iowa hunting license records. Also, at that time, Hughes had not registered to vote in Iowa, but he had recently received an Iowa driver's license.

Subsequently, a criminal action was brought against Hughes for his alleged violation of Iowa residency hunting laws. Following a hearing, Hughes was found not guilty. In particular, the court noted that Hughes had resided in Iowa for at least 30 days, that he held a valid Iowa driver's license, and that he had recently given up some tax exemptions in the State of New York.

Sometime thereafter, Davis learned that Hughes had sold the property that he previously listed as his residence for hunting licensure. He further learned that after Hughes sold the property, he purchased different property in Monroe County. Davis described that new property "typical rural property" consisting of timber and crops. However, Davis further noted that that property had no buildings, dwellings, or other structures located upon it.

When Iowa changed its law with regard to residency for hunting licensure in 2009, Davis was directed by supervisors to submit the names of any persons that he felt might be in violation of that new residency law. Accordingly, Davis submitted Hughes' name to his supervisors for possible further investigation.

During this process, Hughes listed property at 6501 260th Street in Albia as his address. Use of this address raised questions for Davis because he knew this address to be owned by Steve Hanson, who is a hunting outfitter and who Davis knew through his work. Davis explained at hearing that Hanson lives in a home at that address along with his wife and two kids. Davis also noted that the Department's ELSI system had recent transactions with all four of those individuals listing that address for licensing purposes. In fact, Davis had recently checked that residence and because of the presence of certain vehicles known to him, he surmised that the Hansons were still living there.

Furthermore, the day prior to this hearing, Davis checked on the previously mentioned property that Hughes had purchased in Monroe County. Davis learned that this property had been sold by Keith and Cheryl Hughes on May 26, 2011. Upon further investigation, Davis was not able to find any other records showing that Hughes owned any other property in Monroe County. However, he was able to locate a groundwater hazard statement in the county recorder's office that had been filed as part of the sale of that property. The address Hughes listed on this document for the appellant was P.O. Box 368, Waccabuc, New York. In addition, this document was notarized by a New York State (County of Westchester) notary on May 26, 2011.

Davis finally testified that a record check done the day prior to this hearing revealed that although at one time Hughes had a green Ford Expedition

registered in Iowa, it was no longer so registered. However, Hughes did currently have a trailer registered in Iowa.

As noted previously, Hughes did not testify at the hearing.

### CONCLUSIONS OF LAW

The principal issue in this case is whether the appellant qualifies as a "resident" for purposes of receiving an Iowa hunting license. In 2009, the Iowa General Assembly adopted 2009 Iowa Acts, Chapter 144, sections 34 and 35, which amended the applicable provisions of Iowa Code section 483A.1A relating to the determination of residency for purposes of obtaining Department-issued licenses. These amendments became effective on July 1, 2009. The following provisions of chapter 483A were thus applicable in this case at the time of the determination of the appellant's residency:

8. "*Nonresident*" means a person who is not a resident as defined in subsection 10.
9. "*Principal and primary residence or domicile*" means the one and only place where a person has a true, fixed, and permanent home, and to where, whenever the person is briefly and temporarily absent, the person intends to return. Relevant factors in determining a person's principal and primary residence or domicile include but are not limited to proof of place of employment, mailing address, utility records, land ownership records, vehicle registration, and address listed on the person's state and federal income tax returns. A person shall submit documentation to establish the person's principal and primary residence or domicile to the department or its designee upon request. The department or its designee shall keep confidential any document received pursuant to such a request if the document is required to be kept confidential by state or federal law.
10. "*Resident*" means a natural person who meets any of the following criteria during each year in which the person claims status as a resident:
  - a. Has physically resided in this state as the person's principal and primary residence or domicile for a period of not less than ninety consecutive days immediately before applying for or purchasing a resident license, tag, or permit under this chapter and has been issued an Iowa driver's license or an Iowa nonoperator's identification card. A person is not considered a resident under this paragraph if the person is residing in the state only for a special or temporary purpose including but not limited to engaging in hunting, fishing, or trapping.

b. Is a full-time student at either of the following:

(1) An accredited educational institution located in this state and resides in this state while attending the educational institution.

(2) An accredited educational institution located outside of this state, if the person is under the age of twenty-five and has at least one parent or legal guardian who maintains a principal and primary residence or domicile in this state.

c. Is a student who qualifies as a resident pursuant to paragraph "b" only for the purpose of purchasing any resident license specified in section 483A.1 or 484A.2.

d. Is a nonresident under eighteen years of age whose parent is a resident of this state.

e. Is a member of the armed forces of the United States who is serving on active duty, claims residency in this state, and has filed a state individual income tax return as a resident pursuant to chapter 422, division II, for the preceding tax year, or is stationed in this state.

Iowa Code sec. 483A.1A(8)-(10).

The Iowa Department of Natural Resources has also adopted administrative rules in order to allow it to implement the new provisions and to help inform its determination as to an applicant's residency. In particular, 571 Iowa Administrative Code 15.9 (483A) now provides as follows:

**Proof of residency required.**

The department shall have the authority to require persons applying for or who have received resident licenses to provide additional information to determine the person's principal and primary residence or domicile and residency status. Whether a person was issued resident or nonresident licenses by the department in previous years shall not be a determining factor of residency. Persons required to provide additional information under this rule shall be notified in writing by the department and shall have 60 days to submit all required information to the department.

Moreover, 571 Iowa Administrative Code 15.10 (483A) was adopted in response to the new legislation, and provides as follows:

**Residency status determination.**

Upon receipt of information requested from the person, the department may determine whether the person is a resident or a nonresident for purposes of these rules and Iowa Code chapter 483A. The department shall provide the person with written notice of the finding.

When asked by the appellant during the hearing what caused Officer Davis to renew his concerns as to Hughes' residency status after their initial interaction and legal action in 2007, Officer Davis specifically noted the 2009 law change that resulted in the above-noted statutes and rules. Prior to the adoption of those new statutes and rules, Iowa law provided for the following:

19. "Nonresident or alien" means a person who does not qualify as a resident of the state of Iowa either because of a bona fide residence in another state or because of citizenship of a country other than the United States. However, "alien" does not include a person who has applied for naturalization papers.

20. "Resident" means a person who is legally subject to motor vehicle registration and driver's license laws of this state, or who is qualified to vote in an election of this state.

Iowa Code sec. 482.2 (2007).

Moreover, the previous law defined resident in a different fashion:

7. "Resident" means a natural person who meets any of the following criteria:

a. Has physically resided in this state at least thirty consecutive days immediately before applying for or purchasing a resident license under this chapter and has been issued an Iowa driver's license or an Iowa non-operator's identification card.

e. Is registered to vote in this state.

Iowa Code sec. 483A.1A(7).

I find that this change in the law, coupled with the changing circumstances of Hughes' apparent living situation in and connections to Iowa, reasonably renewed Officer Davis' concerns about Hughes' residency status.

As a general matter, the Iowa Administrative Procedure Act provides that when a license is denied, the licensee must be given "an opportunity to show, in an evidentiary hearing conducted according to the provisions of [Chapter 17A] for contested cases, compliance with all lawful requirements for the retention of the license." Moreover, as noted, Iowa Code section 483A.1A(9) requires that a "person shall submit documentation to establish the person's principal and primary residence or domicile to the department" and 571 IAC 15.10 also requires the applicant to submit relevant information.

With these authorities in mind, a review of the administrative file shows that during the course of its initial investigation, under the authority of section 483A.1A(9) the Department asked Hughes to provide information from which it could make a determination of his residency. In response, Hughes chose to "plead the 5<sup>th</sup> Amendment" and refused to provide such information. Moreover, when the Department made formal discovery requests for this information from Hughes during the course of this contested case hearing, Hughes did not respond. Finally, Hughes did not testify at the hearing, and thus provided no testimony that would help the undersigned finder-of-fact to make an informed decision as to his residency status.

Administrative law allows me to draw an adverse inference from the lack of information provided by Hughes on this issue. See Craig Foster Ford, Inc. v. IDOT, 562 N.W.2d 618, 623 (Iowa 1997). Accordingly, I find that based on Hughes' refusal to respond to informal inquiries, to formal discovery requests and to even testify at hearing, any testimony or answers he would have given would have been adverse to his case. More particularly, I conclude any evidence he would have provided would have reflected negatively on his status as a resident of Iowa.

It is therefore with this adverse inference in mind that I consider the Department's case for why Hughes does not qualify as a resident for purposes of Iowa hunting licensure. On this question, I find the following facts significant:

- Although shortly before hearing on this matter Hughes did own land in Iowa, there was no dwelling or other structure located on that property.
- After that property was sold, Officer Davis was not able to determine that Hughes owned any other property in Monroe County.
- The address provided by Hughes to the Department as part of his license application is the address of a residence at which Steve Hanson and his family reside.
- After his previous property was sold, Hughes filled out a Groundwater Hazard Statement that shows a notarization in the State of New York.
- Hughes provided a New York address for himself in that Groundwater Hazard Statement.
- Hughes does not have any vehicles registered in the State of Iowa.

Other than the previous ownership of a parcel of rural property, this information evinces no real connection to the State of Iowa. Consideration of this evidence (or lack thereof), along with the negative inferences provided by Hughes' failure to provide any evidence or testimony, thus leads to the conclusion that the Department correctly changed Hughes' status to that of non-resident.

## DECISION

The Department's determination that the appellant does not under current circumstances qualify as a resident for purposes of being issued an Iowa hunting license is AFFIRMED.

DATED THIS 17<sup>th</sup> DAY OF AUGUST, 2011.



David Lindgren  
Administrative Law Judge

CC: JON TACK, DNR

**ADMINISTRATIVE RULE 561-7.17 (5) (a) (1) TIME ALLOWED TO APPEAL OF DECISION;**

*Appeal and review.* Any adversely affected party may appeal a proposed decision. Except as provided otherwise by another provision of law, all rulings by an administrative law judge acting as presiding officer are subject to appeal to the agency. The agency having jurisdiction shall review the proposed decision.

*a. Time allowed.* (1) Appeal by party. An appeal by a party shall be made to the agency having jurisdiction of the proceeding and shall be taken within 30 days after receipt of the proposed decision or order.

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**BEFORE THE NATURAL RESOURCE COMMISSION**

<p>IN THE MATTER OF:</p> <p>Keith Hughes, Appellant</p> <p>v.</p> <p>Iowa Department of Natural Resources, Respondent</p>	<p>IOWA DEPARTMENT OF NATURAL RESOURCES APPEAL BRIEF</p> <p>DIA NO. 11DNR001</p>
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**Comes now**, the Iowa Department of Natural Resources (Department) through its attorney Tamara Mullen and submits this brief in support of the Proposed Decision issued by Administrative Law Judge David Lindgren dated August 17, 2011 and in opposition to the appeal filed by Mr. Keith Hughes.

**STATEMENT OF ISSUE PRESENTED FOR REVIEW**

- I. ADMINISTRATIVE LAW JUDGE LINDGREN CORRECTLY CONSIDERED THE TOTALITY OF THE EVIDENCE AND CONCLUDED THAT MR. HUGHES IS NOT AN IOWA RESIDENT FOR PURPOSES OF OBTAINING HUNTING AND FISHING LICENSES.

**STATEMENT OF FACTS**

The Department adopts by reference the Findings of Fact in Judge Lindgren's Proposed Decision dated August 17, 2011 and attached hereto.

**ARGUMENT**

- I. ADMINISTRATIVE LAW JUDGE LINDGREN CORRECTLY CONSIDERED THE TOTALITY OF THE EVIDENCE AND CONCLUDED THAT MR. HUGHES IS NOT AN IOWA RESIDENT FOR PURPOSES OF OBTAINING HUNTING AND FISHING LICENSES.

The Department argued at an administrative hearing on August 16, 2011, that Mr. Hughes is not a resident of Iowa for purposes of obtaining resident hunting and fishing licenses, and ALJ Lindgren agreed; the Natural Resource Commission should uphold this finding.

As a general matter, the Iowa Administrative Procedures Act provides that when a license is denied, the licensee must be given an "opportunity to show, in an evidentiary hearing conducted

according to the provisions of [Chapter17A] for contested cases, compliance with all lawful requirements for the retention of the license.” Thus, a license applicant must make a showing sufficient to establish his or her right to the license.

Additionally, Iowa Code section 483A.1A(9), which defines “principle and primary residence or domicile” for purposes of obtaining resident hunting and fishing licenses, requires that “a person *shall submit* documentation to establish the person’s principal and primary residence or domicile to the department . . . .” (emphasis added). This requirement is echoed in the related administrative rules at 571 Iowa Administrative Code 15.10. Requiring the applicant to submit relevant information places the burden of production *on the person* seeking to prove residence.

Moreover, it would be illogical (as noted in the Proposed Decision) to place the burden on the Department to establish a negative - that the appellant is NOT a resident of the State of Iowa. Thus, Mr. Hughes has the burden of proof in this case.

Yet, Mr. Hughes failed to participate at any point in this investigation or during the hearing, producing no evidence whatsoever as to his residency. Specifically, in response to the Department’s initial inquiry in August 2010 concerning his residency, Mr. Hughes “plead the 5<sup>th</sup> Amendment.” During formal discovery to prepare for the hearing, Mr. Hughes refused to respond to the Department’s Request for Production or Interrogatories. Mr. Hughes also failed to produce any evidence or to testify at the hearing.

Administrative law allows the drawing of an adverse inference from a lack of information provided by an appellant. *Craig Foster Ford, Inc. v. DOT*, 562 N.W.2d 618, 623 (Iowa 1997). As stated in the Proposed Decision, the judge correctly found that Mr. Hughes’ refusal to respond to formal inquires, to formal discovery requests, or to testify at the hearing implies the answers he would have given would have been adverse to his case. This adverse inference, coupled with the fact that the appellant holds the burden of proof to establish residency, justifies a finding of no residency in this case in and of itself.

However, further justifying this result is the fact that the only evidence presented in this case warrants a finding of non-residency for Mr. Hughes. Namely,

1. The land that Mr. Hughes owned at the time of the initial residency inquiry in August 2010 did not have a dwelling or any other structure on it.

2. The address provided by Mr. Hughes to the Department as part of his license application is actually the address of a residency at which Mr. Steve Hanson and his family (wife, young children) reside.
3. When Mr. Hughes sold his Monroe County property just before the August 2011 hearing, he filled out a Groundwater Hazard Statement that listed a New York state address for him and was notarized in New York.
4. Mr. Hughes does not have any vehicles registered in Iowa.

Thus, while Mr. Hughes certainly owned property in Iowa at one time, there is currently no other connection to the State of Iowa.

### CONCLUSION

Mr. Hughes failed to produce any evidence to establish his residency, and he held the burden of proof in this case. Additionally, the evidence presented by the Department correctly warrants Mr. Hughes having a non-resident status for purposes of obtaining hunting and fishing licenses.

For these reasons, the Department respectfully requests that the Natural Resource Commission affirm the Proposed Decision.

Respectfully Submitted,



Tamara Mullen, Attorney II  
Iowa Department of Natural Resources  
502 E 9th Street  
Des Moines, Iowa 50319  
Tel. 515-281-8934  
tamara.mullen@dnr.iowa.gov

### CERTIFICATE OF SERVICE

I, Tamara Mullen, certify that on December 22, 2011, I emailed the above-entitled Brief addressed to the party listed below.



Tamara Mullen, Attorney II

Copy to (via email): Keith Hughes, [keith.hughes@nomura.com](mailto:keith.hughes@nomura.com)



**BEFORE THE NATURAL RESOURCE COMMISSION**

<p>IN THE MATTER OF:</p> <p>Keith Hughes, Appellant</p> <p>v.</p> <p>Iowa Department of Natural Resources, Respondent</p>	<p style="text-align: center;">APPELLANT BRIEF</p> <p style="text-align: center;">DIA NO. 11DNR001</p>
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**STATEMENT OF FACTS**

*In 2007/2008- Case# STNR414823,STNR414824- State of Iowa vs. Keith Hughes  
“The court concludes that the Defendant is qualified as a resident under Section 483A.2*

*“There is other evidence which shows the defendant’s **INTENT TO BE A RESIDENT OF IOWA, including relinquishing exemptions on his residence in New York such that he can no longer claim that as his Primary residence.**”*

*“ To require that a person be physically present in the state at least 30 consecutive days prior to application for a hunting license, would lead to absurd results with regard to any resident who travels out of state as part of their job duties. A strict application would disqualify a truck driver living in this state from obtaining resident hunting privileges’.”*

Please compare the facts of my life in 2007 and in 2010/2011 and I think you will see nothing has really changed.

**2007:**

IOWA LAND: 323 acres with 2 bedrooms 2.5 bath house- Lovilia- Monroe County

NY HOME: 15 ACRES WITH 3 BED 2 BATH - North Salem

HOMESTEAD EXEMPTION: Zero

REGISTERED TO VOTE: No

MARITAL STATUS: Married -1 child

JOB- Sales- Bank of America-Midwest region

CAR- 2 – NY

DRIVERS LICENSE: NY/Iowa

HUNTING: 3 Tags Iowa, 0 tags anywhere else

**2010:**

IOWA LAND: 88 acres- Allerton, Wayne County- 179 acres Monroe county- In Contract- 1/09/12  
close-

**The North 48 acres of the West Half of the Northwest Quarter of Section 1  
and the Northeast Quarter of the Northeast Quarter of Section 2, all in  
Township 67 North, Range 22 West of the 5th P.M. in Wayne County, Iowa.**

NY Home: 15 acres – North Salem, NY- SOLD 10/01/10

HOMESTEAD EXEMPTION: Zero

REGISTERED TO VOTE: No

MARITAL STATUS: Separated – 2 children

WIFES ADDRESS: PO Box 368 Waccabuc, NY 10597

JOB: Sales: Nomura-Midwest region

CARS: 1 NY, 1 Iowa

DRIVERS LICENSE: Iowa

HUNTING: 2 Tags Iowa- 0 tags anywhere else.

Since 2005 I have purchased 1,190 acres and sold 923

On August 17<sup>th</sup> 2011- Judge Lindgren wrote-

**“It is with adverse inference in mind that I consider the Department’s case for  
Hughes does not qualify as a resident for purposes of Iowa hunting licensure.”**

## ARGUMENT

### **WHY IS THE BURDEN OF PROOF ON ME IF I HAVE ALREADY BEEN DECLARED IN COURT A RESIDENT OF IOWA?**

I would argue my case is stronger today than it was in 2007. I would also argue my case is different than all others in that I have stood trial in the court of law and fought for my residency and won. You can argue 90 days; you can claim the law has changed. The law has not truly changed. This case is no different than my former case. This case comes down to two things, **INTENT and CONSISTENCY**. The only thing I do not have today is a house in Iowa. I also don't have a house in North Salem. I have read no law in which home ownership is a requirement for a hunting license. I have read no law in which one adult cannot live at another's house for as long as he or she wants. The economy is so bad right now, why would I run out and buy a home. I have read no law which states vehicle ownership is a requirement for a hunting license, yet I registered a vehicle. In response to the Groundwater hazard statement notary. No law states a man or woman cannot have more than one residence, only one primary residence. I know people that have ski houses, Florida houses, kids with different mothers and fathers, multiple ex wives/husbands etc... Life is not so cookie cutter, dual notary requires both people to be there at the same time. Only way for me to get that done was to go to New York.

If I didn't get pulled out of a tree by 3 men at gunpoint, forced to hire and fire attorneys, spend \$10,000 on legal fees, miss an entire hunting season, and spend four years defending myself, I would probably be a little more understanding of these inquiries. Are you asking everyone who has sold a farm and does not own a house to re-qualify for residency? Are you asking all Iowa residents living in homes owned by others to re-qualify as a resident? I would like to keep this to facts only but you must realize Officer Davis is still very angry as a result of the first court decision. Officer Davis was threatened with contempt of court and jail time at the proceeding in the Albia courtroom in 2007 if he did not give up his source. In March 2009, I purchased 190 acres directly across the street from his house and I gave Officer Davis permission to set up a turkey decoy in order to catch poachers. Would a man who is attempting to beat the system buy a farm right across from the warden and then allow him to use that land as I did?

## CONCLUSION

**I AM NOT ASKING YOU TO CHANGE ME FROM A NON RESIDENT TO A RESIDENT FOR PURPOSES OF OBTAINING HUNTING AND FISHING LICENSES. I AM ALREADY A RESIDENT IN THE SYSTEM AND I HAVE ALREADY FOUGHT FOR THE RIGHTS YOU ARE TRYING TO TAKE AWAY. I have never been *DENIED*.**

In the past, I admit I was given poor legal advice. I was told not to respond to these inquiries. Without legal representation at my last proceeding, I was unaware of what was expected of me and what my

rights were and I was unprepared. I was not advised to testify and was not aware that by failing do so would be viewed negatively.

Last year I did not hunt. This year I hunted for 3 days. I didn't even register my farm to get a landowners tag. I have not hunted anywhere else since 2005. This is not about deer hunting; this is about fighting for my rights AGAIN! How many times am I going to have to spend time and money to defend myself? As you can see, I did not hire an attorney, the facts are the facts. I am asking you to let me get on with my life and please let me focus on what is important. Have I done anything that indicates I am claiming any other state to be my one and only state? The answer is no. I may have been ill informed on the ways of legal system, unorganized in my personal life and affairs and probably should have registered my vehicle sooner but that does not make me a non resident in any capacity.

Respectfully Submitted,

Keith Hughes

CERTIFICATE OF SERVICE

I, Keith Hughes, certify that on \_\_\_\_\_, I mailed the above entitled brief addressed to the Natural Resource Commission and attorneys in record.

\_\_\_\_\_  
Keith Hughes

**Iowa Department of Natural Resources  
Natural Resource Commission**

**# 9**

**Decision Item**

Title: **Land Acquisition Projects**

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**1. Odessa WMA – Louisa Co. – Schafer**

The Natural Resource Commission is requested to approve the acquisition of a tract of land located 4 miles Northeast of Wapello, Iowa. This 2.31-acre parcel is offered by Harlan and Linda Schafer for \$12,500.00.

Jerry Gibson negotiated the purchase agreement in compliance with Title 49 CFR Part 24 which allows the acquisition agent to negotiate without an appraisal from a value of \$10,000 to \$25,000 with the landowners waiving an appraisal.

The property consists of 0.5 acres of grass/pasture/road frontage; 1.5 acres of timber on a steep slope; and 0.31 acres of road right-of-way. The tract is immediately adjacent to the Odessa Wildlife Management Unit headquarters, and can facilitate future expansion of the headquarters facilities. The area provides a beautiful vista of the Mississippi River, and has been sought after as a rural residential site. There are no buildings.

Acquisition funding will be Wildlife Habitat Stamp. Minimal surveying costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

**2. George Wyth State Park – Black Hawk County Conservation Board**

The Natural Resource Commission is requested to accept the donation of 39.71 acres of land surrounded by George Wyth State Park in Waterloo. This donation is offered by the Black Hawk County Conservation Board/Black Hawk County Board of Supervisors.

The donation is being facilitated by Jerry Gibson.

The property is located within the boundaries of George Wyth State Park adjacent to the Cedar River, and was previously leased to the Iowa DNR for management starting in 1981. The tract is locally known as Canfield Park.

No survey costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

**3. Lake George WMA – Hancock Co. – Logemann**

The Natural Resource Commission's approval is requested to purchase a permanent easement on a tract of land located in Hancock County adjacent to state-owned and

managed Lake George Wildlife Management Area (WMA). Duane Logemann offers this 61.8-acre easement for \$47,814.

The Natural Resources Conservation Service (NRCS) has purchased a 30-year Wetland Reserve Program (WRP) easement on this tract for \$143,441 (75% of the value of a permanent easement). Funding was provided under the Iowa-Cedar Headwaters Wetland Initiative, a partnership agreement established on April 5, 2011 between the DNR and NRCS through provisions of the Wetland Reserve Enhancement Program (WREP). Eligibility for the 30-year WRP easement was conditional on the landowner agreeing to sell a permanent water quality protection easement to the State of Iowa for 25% of the value of the permanent easement.

Under the WREP program, DNR submitted a proposal to address priority wetland protection, restoration, and enhancement in the Upper Reaches of the Iowa and Cedar River Watersheds. WREP is a voluntary conservation program designed to foster coordination with eligible partners and to encourage eligible landowners to enroll their property into perpetual and 30-year conservation easements for the purposes of restoring, protecting, and enhancing wetland and associated grassland and woodland habitats. The project proposes to work with 14 landowners to place 1,173 acres under a combination of permanent and 30-year WRP easements. The Project further proposes that state monies will be used to purchase permanent easements in tandem with the 30-year WRP easements from 7 landowners on 534 acres.

NRCS WRP compensation methodology for a permanent easement is the lesser of 1) fair area-wide market survey analysis, 2) approved Geographic Area Rate Cap (GARC), or 3) offer made by the landowner. The GARC includes a 20% reduction in value to account for the residual value of the property after the easement is in place.

The landowner has also signed up to enroll the property in the Iowa Habitat Access Program (IHAP), and the property will be open to public hunting for a period of 5 years once the wetland and other habitat restoration has been completed.

Acquisition funding will be \$47,814 from State Revolving Fund non-program income under the General Nonpoint Source Program. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the permanent easement acquisition.

#### **4. Big Marsh WMA – Butler Co. – Ulfers**

The Natural Resource Commission's approval is requested to purchase a permanent easement on a tract of land located in Butler County near the state-owned and managed Big Marsh Wildlife Management Area (WMA). Milton Ulfers offers this 45.4-acre easement for the price of \$50,895.

The Natural Resources Conservation Service (NRCS) has purchased a 30-year Wetland Reserve Program (WRP) easement on this tract for \$152,685 (75% of the value of a permanent easement). Funding was provided under the Iowa-Cedar Headwaters Wetland Initiative, a partnership agreement established on April 5, 2011 between the DNR and NRCS through provisions of the Wetland Reserve Enhancement Program (WREP).

Eligibility for the 30-year WRP easement was conditional on the landowner agreeing to sell a permanent water quality protection easement to the State of Iowa for 25% of the value of the permanent easement.

Under the WREP program, DNR submitted a proposal to address priority wetland protection, restoration, and enhancement in the Upper Reaches of the Iowa and Cedar River Watersheds. WREP is a voluntary conservation program designed to foster coordination with eligible partners and to encourage eligible landowners to enroll their property into perpetual and 30-year conservation easements for the purposes of restoring, protecting, and enhancing wetland and associated grassland and woodland habitats. The project proposes to work with 14 landowners to place 1,173 acres under a combination of permanent and 30-year WRP easements. The Project further proposes that state monies will be used to purchase permanent easements in tandem with the 30-year WRP easements from 7 landowners on 534 acres.

NRCS WRP compensation methodology for a permanent easement is the lesser of 1) fair area-wide market survey analysis, 2) approved Geographic Area Rate Cap (GARC), or 3) offer made by the landowner. The GARC includes a 20% reduction in value to account for the residual value of the property after the easement is in place.

The landowner has also signed up to enroll the property in the Iowa Habitat Access Program (IHAP), and the property will be open to public hunting for a period of 5 years once the wetland and other habitat restoration has been completed.

Acquisition funding will be \$50,895 from State Revolving Fund non-program income under the General Nonpoint Source Program. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the permanent easement acquisition.

##### **5. West Fork WMA – Franklin Co. – Kiburz**

The Natural Resource Commission approval is requested to purchase a permanent easement on a tract of land located in Franklin County adjacent to the state-owned West Fork Wildlife Management Area (WMA). This 140-acre easement is offered by Kent Kiburz for \$145,012.00.

The Natural Resources Conservation Service (NRCS) has purchased a 30-year Wetland Reserve Program (WRP) easement on this tract for \$435,037 (75% of the value of a permanent easement). Funding was provided under the Iowa-Cedar Headwaters Wetland Initiative, a partnership agreement established on April 5, 2011 between the DNR and NRCS through provisions of the Wetland Reserve Enhancement Program (WREP). Eligibility for the 30-year WRP easement was conditional on the landowner agreeing to sell a permanent water quality protection easement to the State of Iowa for 25% of the value of the permanent easement.

Under the WREP program, DNR submitted a proposal to address priority wetland protection, restoration, and enhancement in the Upper Reaches of the Iowa and Cedar River Watersheds. WREP is a voluntary conservation program designed to foster coordination with eligible partners and to encourage eligible landowners to enroll their

property into perpetual and 30-year conservation easements for the purposes of restoring, protecting, and enhancing wetland and associated grassland and woodland habitats. The project proposes to work with 14 landowners to place 1,173 acres under a combination of permanent and 30-year WRP easements. The Project further proposes that state monies will be used to purchase permanent easements in tandem with the 30-year WRP easements from 7 landowners on 534 acres.

NRCS WRP compensation methodology for a permanent easement is the lesser of 1) fair area-wide market survey analysis, 2) approved Geographic Area Rate Cap (GARC), or 3) offer made by the landowner. The GARC includes a 20% reduction in value to account for the residual value of the property after the easement is in place.

Acquisition funding will be \$145,012 from State Revolving Fund non-program income under the General Nonpoint Source Program. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the permanent easement acquisition.

#### **6. White Horse Access WMA—Sac County -- Melvin J. Forward Estate**

The Natural Resource Commission is requested to accept the donation by devise of approximately 100 acres in Sac County, Iowa. This 100-acre donation is offered by Melvin J. Forward in his last will and testament. The donation is subject to the life estate of Carlotta S. Buse. The donation is being facilitated by Jerry Gibson.

The property is located three miles North of Auburn, and 7 miles East of Lake View adjacent to the west boundary of the White Horse Access WMA. The subject tract contains approximately 75 acres of cropland, and 25 acres of timber/brush adjacent to the North Raccoon River. The tract is utilized by songbirds, fur bearers, deer, wild turkey, and pheasants. The attorney for the estate said that Mr. Forward wanted to continue the growth of the wildlife area started by the Patton acquisition in 1983. The value of the land can be used as cost share “match” for federal funding on future acquisitions.

No fencing or survey costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Travis Baker, Land & Waters Bureau Chief  
Conservation and Recreation Division  
January 17, 2012

Attachments: location maps

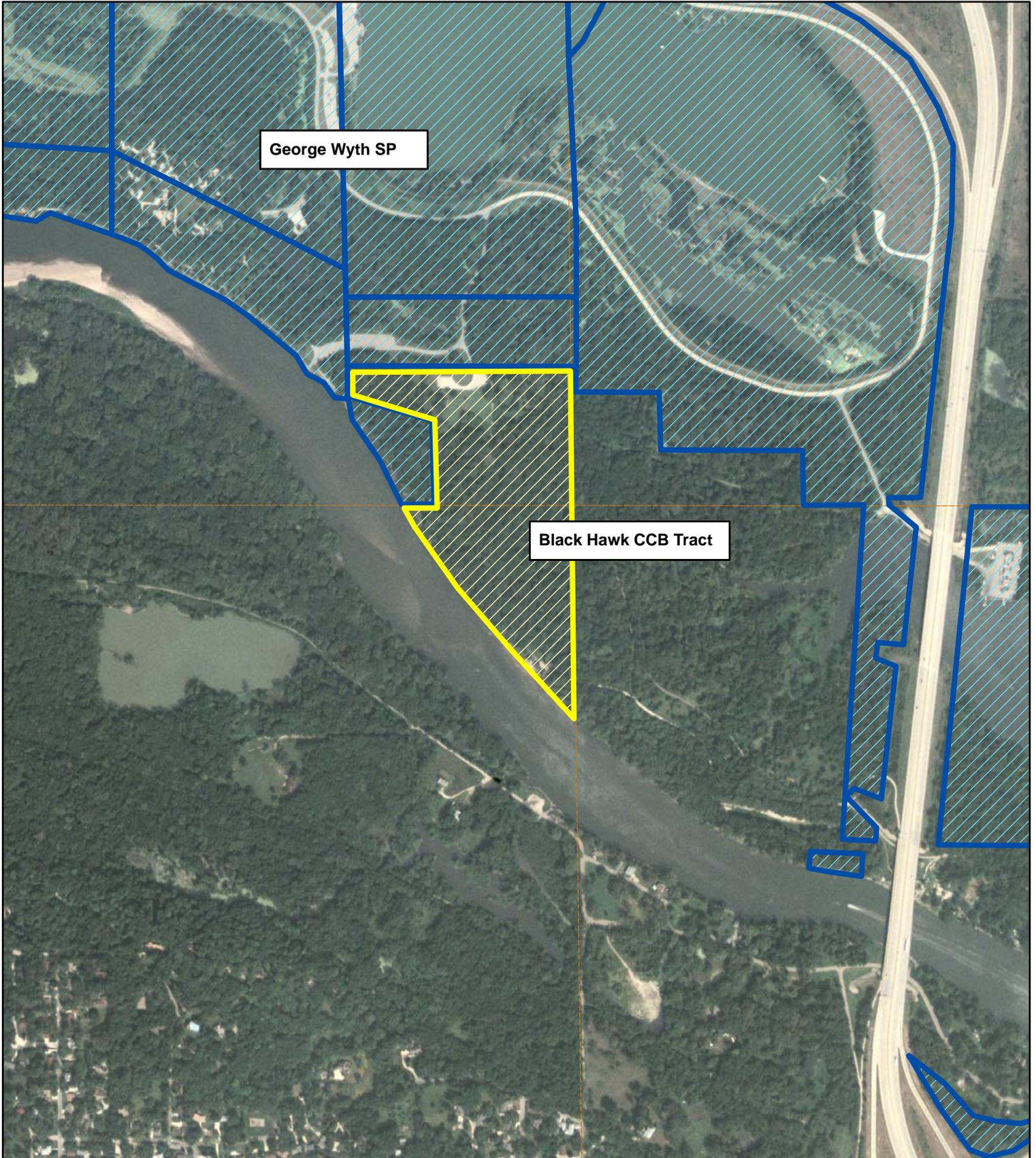


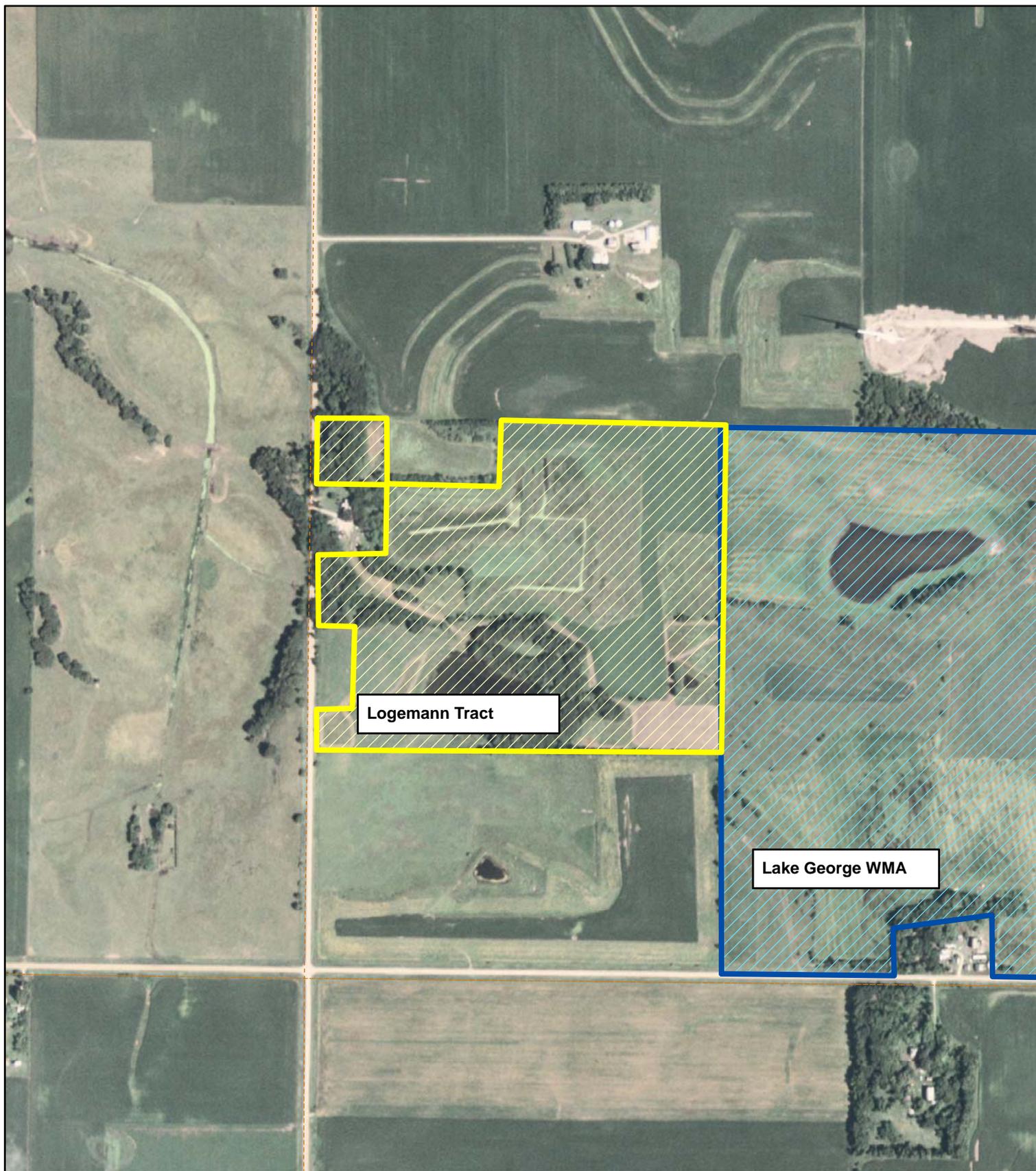
Odessa WMA HQ

Schafer Tract



LAND & WATERS BUREAU / Realty / Black Hawk CCB

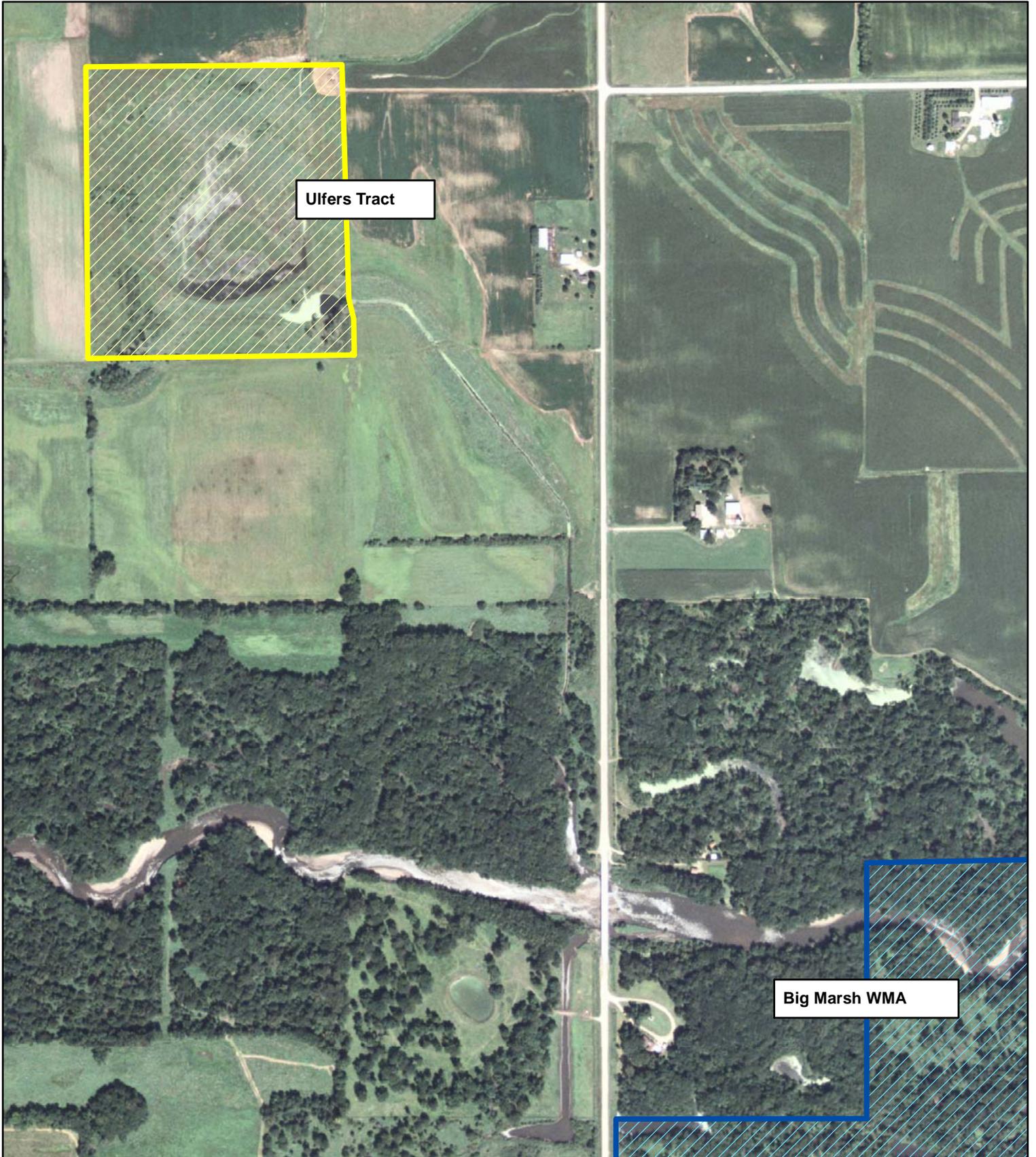




Logemann Tract

Lake George WMA



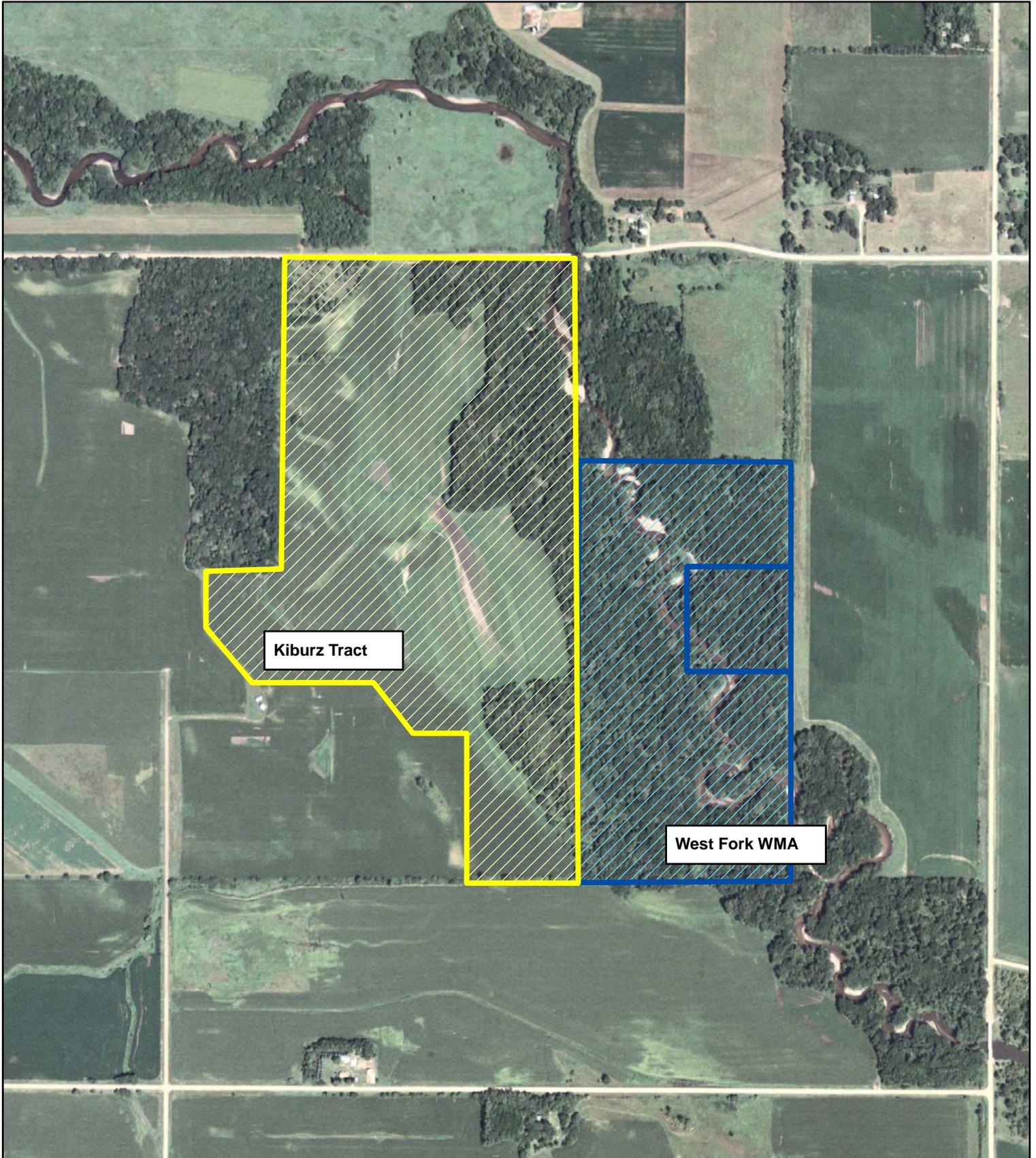


Ulfers Tract

Big Marsh WMA



LAND & WATERS BUREAU / Realty / Franklin Co. / Kiburz



Kiburz Tract

West Fork WMA





Forward Tract

White Horse Access WMA



**Iowa Department of Natural Resources  
Natural Resource Commission**

# **10\*** (\*indicated proposed consent items)

**Decision Item**

Title: **Land Management Projects**

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**\*1. Mississippi River – Des Moines County – Ch. 17 Barge Fleeting Lease**

The Natural Resource Commission is requested to approve the renewal of Chapter 17 Lease No. 60-R with Matteson Marine Service, Inc. of Burlington, Iowa.

The leased area is 150 feet in depth along 800 feet of frontage at Mississippi River Mile 405.8 adjacent to Baby Rush Island near the City of Burlington in Section 27, Township 70 North, Range 2 West of the 5th P.M., Des Moines County, Iowa. Barges are tied to deadmen installed on the Island, permitted by the DNR in 1992. This area has been under a barge fleeting lease since 1988.

A Public Notice was published. No comments were received. The annual fee is \$4,220.66 and will be increased annually based on the percentage increase of the consumer price index. The term of the lease will be five years.

Staff recommends approval of the lease agreement.

**\*2. Mississippi River – Scott County – Ch. 17 Barge Fleeting Lease**

The Natural Resources Commission is requested to approve the Chapter 17 Lease 110-N with Blackhawk Fleet, LLC (wholly owned subsidiary of Marquette Transportation Company, LLC). Marquette Transportation purchased the area from Blackhawk Fleet Inc. in Buffalo, Iowa, in September 2011.

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 other moored at Area 8 from May 1 through September 30.

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. Marquette Transportation will make no changes to the operation of the terminal. A Public Notice was printed in local newspapers. No comments were received.

The total annual fee for both areas would be \$10,982.59. 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.

Staff recommends approval of the lease agreement.

**\*3. Jesse R. Furrow, Sr. Access – Marshall County – Management Agreement**

The Natural Resource Commission's approval is requested for the renewal of a management agreement with the Marshall County Conservation Board and the DNR. This agreement authorizes the Marshall County Conservation Board to manage the Jesse R. Furrow, Sr., Access through 2036.

This area was donated to the DNR in August of 1985 to be used as a river access site to the Iowa River. The Marshall County Conservation Board already manages two river access sites within seven miles and their headquarters is located within five miles of the Jesse R. Furrow, Sr., Access. They will be able to more efficiently manage and maintain this facility because of their proximity.

The county desires to continue the agreement. Staff recommends approval of the management agreement.

**\*4. Helmke WMA – Wright County – Management Agreement**

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

Helmke Wildlife Area is a 50 acre area located 3 miles northeast of Renwick along the Boone River in northwestern Wright County. The area is primarily timber along the Boone River. A small parking area is provided on the south end for public access. Hunting and fishing are allowed.

Marshall County desires to continue its management. Staff recommends approval of the management agreement.

Travis Baker, Land & Waters Bureau Chief  
Conservation and Recreation Division  
January 17, 2012

**Iowa Department of Natural Resources  
Natural Resource Commission**

**# 11**

**Decision Item**

**Title:** Contract between the Conservation Corps and IA DNR Rivers Program

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Commission approval is requested to extend the Conservation Corps contract for three additional years with \$320,000 of new scope for additional projects. The original contract was a 2-year, \$210,000 contract with Conservation Corps, Inc., Maplewood, MN, which expires Jan. 31. State and federal recreational trails grant funding will allow the Department to continue projects that are constructed and maintained in support of state designated water trails, Department-owned dam warning signage hazard system maintenance and eroding hiking trail systems in state parks.

To date, the contract accomplished the following, primarily in support of water trails:

- constructed three hiking trail segments and seven portage trails around dams
- designed plans for and installed hazard warning signage systems at seven dams
- cut passage through two major river snags
- installed two riverbank native restoration plantings in lieu of expensive riprap
- built a paddle-in campground at a USACE-managed area on Red Rock Lake
- constructed five water accesses
- built one water access parking lot

Conservation Corps provides vehicles and crew equipped with chainsaws and tools sufficient for many types of projects. Field assistants are project management liaisons with Iowa DNR staff so that proper materials and equipment are stationed at project sites when the crew will arrive, assist with project development, and help supervise the crew's work in the field. Conservation Corps members are 18 to 24 years old can work in locations that would be difficult for standard contractors to access. In most cases, they camp at the project site. They have hung hazard warning signs, fine-tuned grades, built stone stairs cases, planted native species, removed invasive species, rocked trails and constructed rolling dip trails at state parks and for portages around dams.

Projects are scored, prioritized, determined and planned by Iowa DNR staff during winter months. They are prioritized by competitive assistance applications for non-state public land managers on water trails, and by priority selection for state-managed lands both on water trails and at state parks. Projects are then designed and permitted with specialized assistance from rivers team and state parks trail staff. A projects calendar is developed, and the crew is scheduled only when needed.

Funding the addendum projects will derive from several revenue sources, including state recreational trails grants, federal recreational trails grants, REAP land management, marine fuel tax, and Rebuild Iowa's Infrastructure Fund.

Minnesota Conservation Corps is a 501(c)3 non-profit entity that contracts for hire to public agencies. Approximately \$180,000 in this contract will be used for water trails projects, and approximately \$140,000 will be used for state park trail projects.

Travis Baker, Land & Waters Bureau Chief  
Conservation and Recreation Division  
January 12, 2012

**Iowa Department of Natural Resources  
Natural Resource Commission**

# 12

**Information Item**

**Title:** Small Construction Projects

---

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
12/1/2011	12-02-40-02	Wright	White Fox Creek WMA	Oxbow Lake	\$15,000	\$28,550.00
						<b>\$19,300.00</b>
12/8/2011	11-05-91-05	Warren	Lake Ahquabi State Park	Trail Repairs	\$60,000	\$56,204.00
						\$54,780.60
						\$54,473.40
						<b>\$44,606.00</b>

Gabe Lee, PE, Engineering Bureau Chief  
Management Services Division  
January 17, 2012

**Iowa Department of Natural Resources  
Natural Resource Commission**

**# 13**

**Decision**

**Title:** Professional Services, Site Survey for Backbone State Park Cabin Improvements

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The Department requests Commission approval of a delivery order for professional services of WHKS of Mason City, Iowa, a consulting engineer. Site survey services are needed from this consulting engineer.

The Department has decided to restore eight CCC cabins located in Backbone State Park. The cabin's substructures are in excellent condition while the exterior and interior finishes (renovated in 1997) are worn and in need of replacement. These cabins will be taken off the current wooden post foundations, placed on a continuous concrete foundation wall and have a floating-slab floor inside of the foundation walls. They will also be raised an average of three feet via the new foundation walls to allow flood water to pass by without detrimental effects. To allow the DNR to finish this project, the Department will need to contract a consultant to establish a survey and locate all utilities.

The WHKS will be completing a survey of the CCC cabins and the surrounding area at Backbone State Park. The survey will need to include all existing utilities (sewer, water, electric and other found in the area). The survey will provide topographical information (grading) and utilities in a usable digital file; area to be surveyed will be the cleared area around the cabins. The survey will also show all existing finish floors of cabins (spot elevation) and all points of contact with existing grade.

Compensation for the services provided under this Delivery Order are not exceed \$7,950.00. The funding source is REAP Land Management 100% (Capital Link #162).

Gabe Lee, PE, Engineering Bureau Chief  
Management Services Division  
January 17, 2012

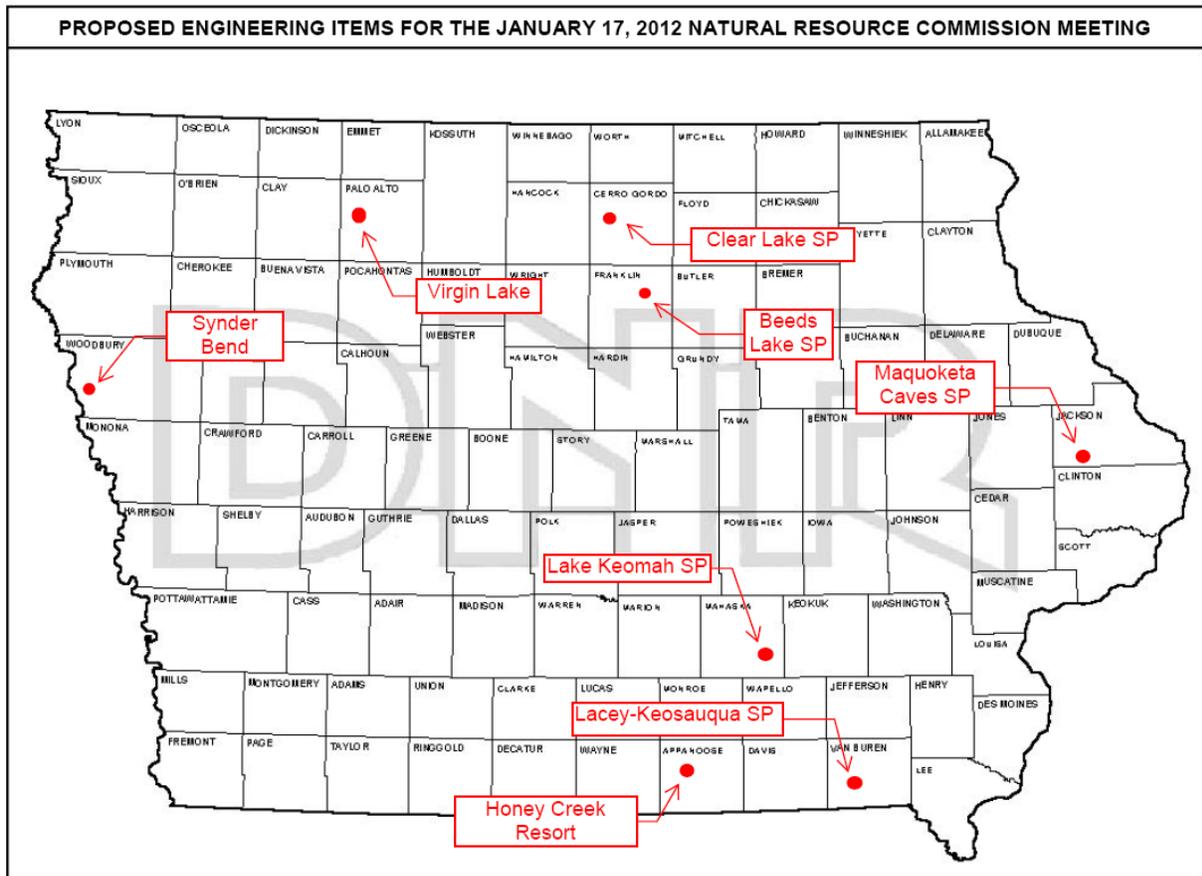
Iowa Department of Natural Resources  
Natural Resource Commission

# 14

Decision Item

Title: Construction Projects

The Department requests Commission approval of the following construction projects:



1. CERRO GORDO -- PROJECT # 10-03-17-09  
CLEAR LAKE STATE PARK  
CAMPGROUND IMPROVEMENTS & SANITARY SEWER REHABILITATION

**Project Summary:** This project consists of upgrading eight of the existing campsites (No. 95 – 101 and Host site) to full hookup sites, building two new dump stations & rehabilitating the existing wastewater collection system. The sewer line will be rehabilitated by in-situ lining of the pipe, the leaking manholes will be repaired by grouting, readjusting the frames or in some cases replacing the manholes.

**Function of the Project:** The eight new full hookup sites and two new dump stations will be an improvement to the campground. Currently, the 176-site campground has only one dump station; the limited number dump station has cause traffic congestions and is an inconvenience for campers. The sewer collection system has infiltration and inflow of ground water. Under dry conditions, the leaking sewers can introduce raw sewage into ground water. However, under high water table conditions, groundwater can be introduced into the sewers and overload the wastewater treatment system. The sewers and manholes are to be rehabilitated by lining and/or grouting under this construction project.

**Construction Needed:** Construction includes 906 linear feet of 6” sewer relining, 230 linear feet of 4” sewer for hookups, 415 linear feet of 2” water main, 150 linear feet of water service, granular surfacing of campsites and concrete pavement for host site. Other items include miscellaneous point repairs of sewers; and electrical modifications.

**DNR Project Manager:** Shahid “Mike” Hameed, PE; Engineering Bureau  
**Designer:** Nathan Anderson, PE; WHKS & CO  
**DNR Inspector:** Mel Pacovsky; Engineering Bureau  
**Operating Bureau:** Parks  
**Funding Source:** 100% IJOBS #1 (Cap Link 214)  
**Cost Estimate:** \$151,000

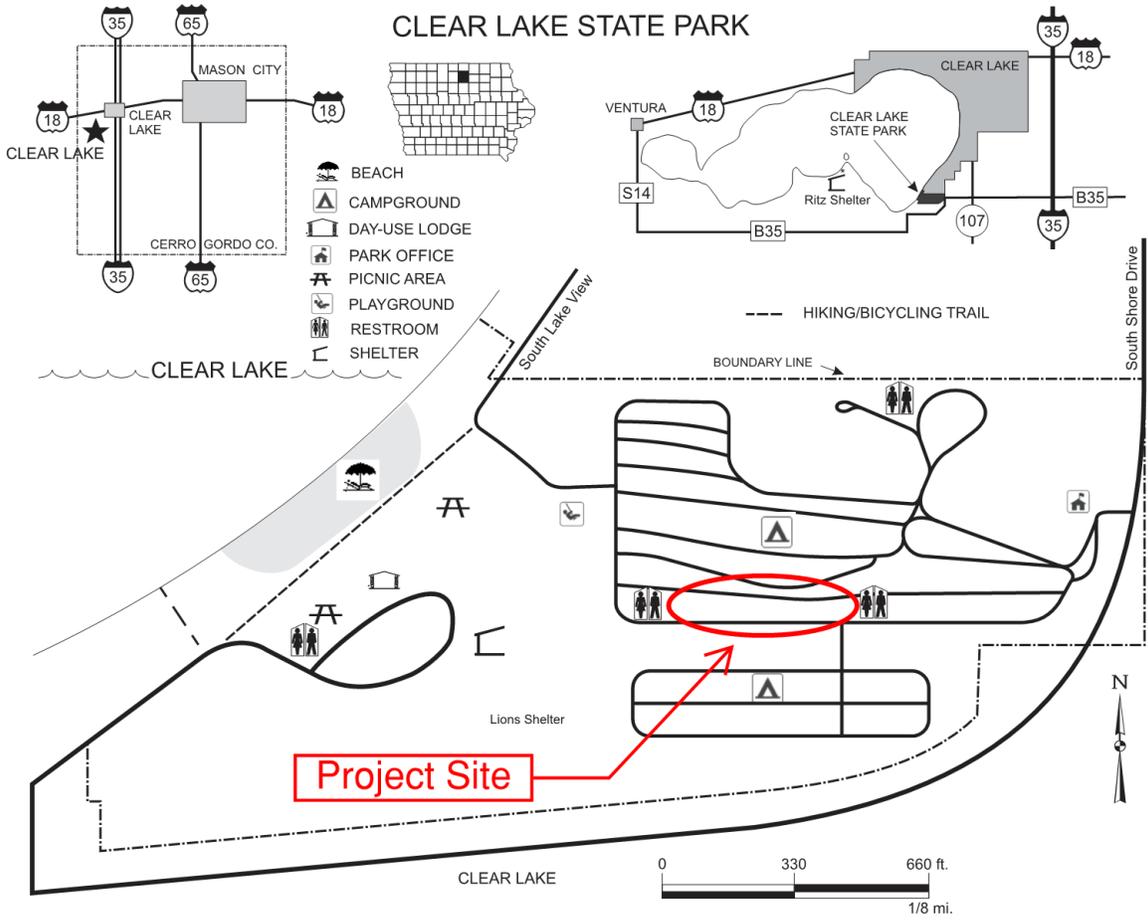
**Plans Issue Date:** 11/23/2011  
**Bid Letting Date:** 12/15/2011  
**Plan Holders:** 13  
**Number of Bids Received:** 3

**Bidders**

Dean Snyder Construction Co.	Clear Lake, IA	\$166,128.00
GM Contracting Inc.	Lake Crystal MN	\$238,978.05
Municipal Pipe Tool Co	Hudson, IA	\$275,665.40

**IDNR recommends awarding the Bid to Dean Snyder Construction Co.**

# CLEAR LAKE STATE PARK



2. FRANKLIN -- PROJECT # 10-03-35-02  
BEEDS LAKE  
SANITARY SEWER REHABILITATION

**Project Summary:** This project consists of rehabilitating the existing wastewater collection system at Beeds Lake State Park. The scope of the project includes in-situ lining of the collection pipe, rehabilitation of the manholes by either grouting, readjusting the frames or in some cases replacing the manholes.

**Function of the Project:** The sewer collection system at Beeds Lake has lot of infiltration and inflow of ground water. The leaking sewers, during dry conditions, can introduce raw sewage into ground water; and under high water table, can overload the wastewater treatment system by allowing clean water into the system. The main purpose of this project is to rehabilitate the sewer lines and manholes by lining and grouting, respectively.

**Construction Needed:** Construction includes 3,127 linear feet and 332 linear feet of 8” sewer and 6” sewer relining, respectively. Other items include miscellaneous point repairs and grouting of sewers and manholes.

**DNR Project Manager:** Shahid “Mike” Hameed, PE; Engineering Bureau  
**Designer:** Nathan Anderson, PE; WHKS & CO  
**DNR Inspector:** Don Labate, PE; Engineering Bureau  
**Operating Bureau:** Parks  
**Funding Source:** 100% IJOBS #1 (Cap Link 214)  
**Cost Estimate:** \$157,000

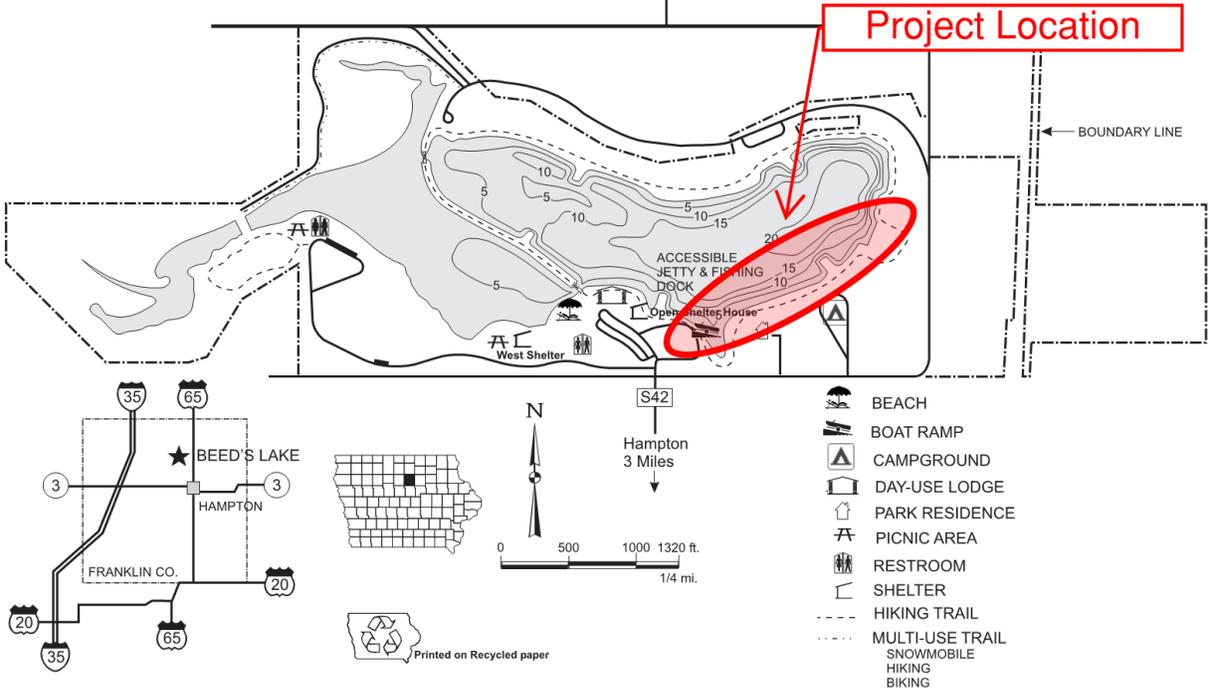
**Plans Issue Date:** 11/23/2011  
**Bid Letting Date:** 12/15/2011  
**Plan Holders:** 9  
**Number of Bids Received:** 2

**Bidders**

VISU-Sewer Inc.	Pewaukee, WI	\$162,596.25
Municipal Pipe Tool Co	Hudson, IA	\$173,679.00

**IDNR recommends awarding the Bid to VISU-Sewer Inc**

# BEED'S LAKE STATE PARK



3. PALO ALTO -- PROJECT # 11-01-74-03  
VIRGIN LAKE  
NEW OUTLET STRUCTURE+CHANNELS (REBID)

**Project Summary:** This project is for refurbishment of the outlet at Virgin Lake. Virgin Lake is seriously degraded and needs new, additional facilities for proper management. The new outlet structure will provide for easier adjustment of lake levels and incorporate a carp barrier. This project was rebid. The original bid came in high. After original bid opening, some bidders have indicated that they were busy during original bidding and construction period. Project was rebid with a later construction period and has resulted in a lower bid price.

**Function of the Project:** To provide for improved drainage and lake level management by incorporating a new drainage structure that is also designed to curb carp migration via the outlet channel.

**Construction Needed:** The Virgin Lake project shall consist of replacing the existing 12-foot wide concrete spillway with twin 8-foot wide, 48-foot long precast reinforced concrete box culverts (RCBC) with stop log bays installed in each barrel. The lake will be drained by excavating a 1700-foot long channel into the lake from the existing spillway location. The outlet channel shall also be excavated to accommodate a new water control structure (WCS). The WCS includes a steel catwalk, an aluminum fish barrier, stop logs, and chain link fencing. A 100-foot long emergency spillway will also be constructed, consisting of an earthen berm armored with geotextile and revetment stone. The project also consists of installing corrugated metal pipe culverts and a 6-foot by 4-foot precast RCBC culvert for field accesses over the discharge channel.

**DNR Project Manager:** Mike Broderick, PE; Engineering Bureau  
**Designer:** Brent Johnson, PE; McClure Engineering Co.  
**DNR Inspector:** Jeff Felts, PE; Engineering Bureau  
**Operating Bureau:** Wildlife  
**Funding Source:** Duck Stamp Funds (Cap Link 12)  
**Cost Estimate:** \$211,265.00

**Plans Issue Date:** 11/23/11

**Bid Letting Date:** 12/15/11

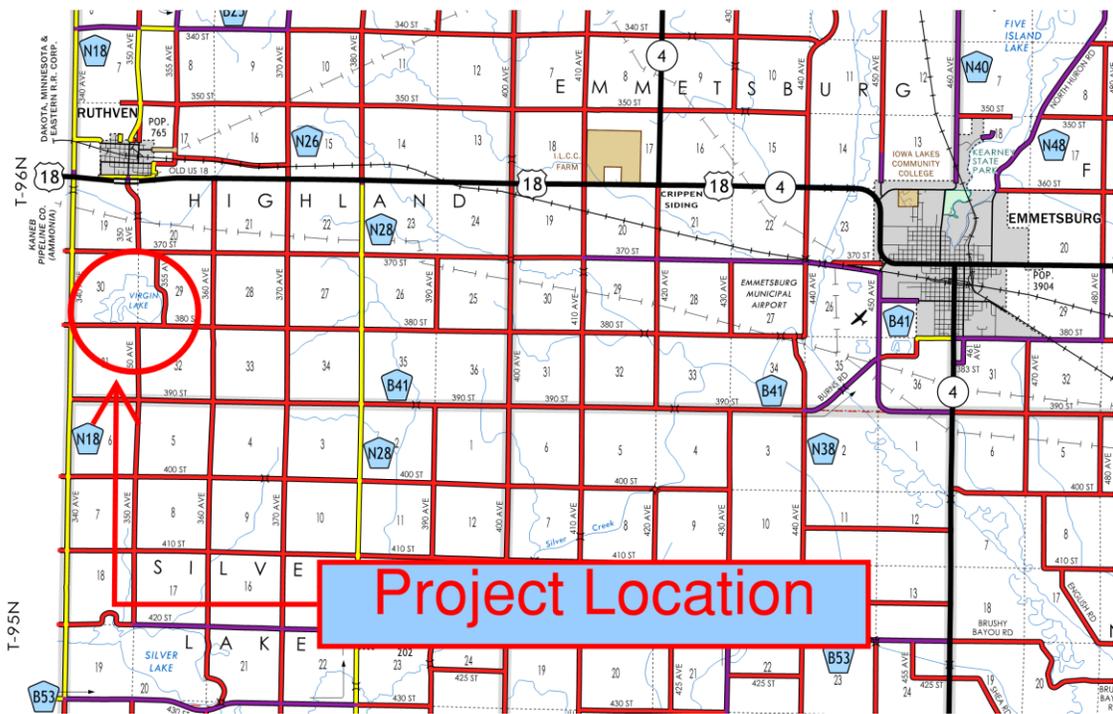
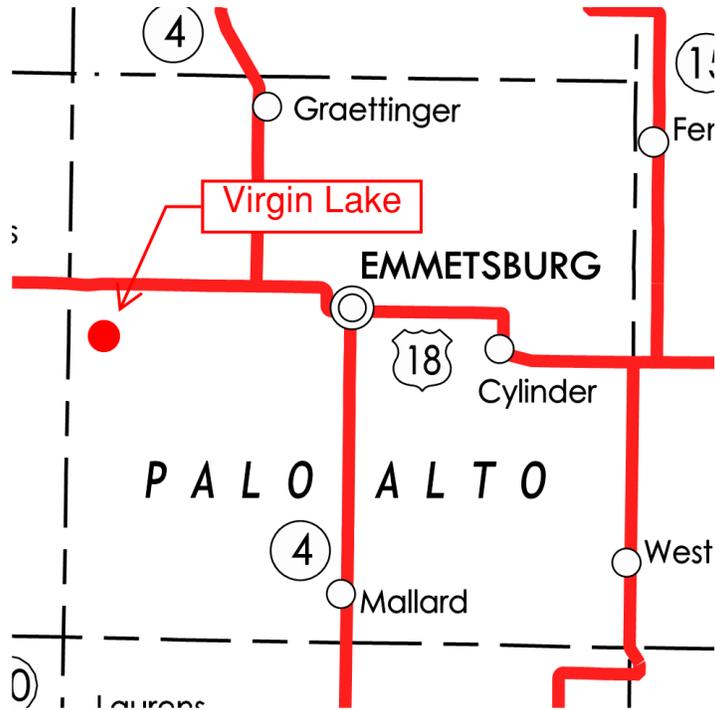
**Plan Holders:** 17

**Number of Bids Received:** 6

**Bidders**

Landwehr Construction Inc.	St Cloud, MN	\$229,870.85
Lessard Contracting Inc	Sergeant Bluff, IA	\$289,449.00
Reilly Construction	Ossian, IA	\$304,381.00
Valley Contracting Inc	Estherville, IA	\$308,212.00
Vaughn Deloss Construction	Spencer, IA	\$314,075.00
Redings Gravel & Excavating	Algona, IA	\$3,622,711.80

IDNR recommends awarding the bid to Landwehr Construction Inc.





4. JACKSON COUNTY – PROJECT #09-03-49-02  
MAQUOKETA CAVES STATE PARK  
WATER DISTRIBUTION SYSTEM UPGRADE

**Project Summary:** This project consists of installing a new water distribution system from an existing well to meet the water needs of the park. Currently, the Park is served by four different wells, three of these wells have issues and environmental concerns; these wells will be capped and abandoned.

**Function of the Project:** The purpose of the project is to address the issues and concerns that have been brought up by IDNR Environmental Services Division. A centralized well will also save Park Staff time by maintaining only a single well instead of four wells spread all over the park.

**Construction Needed:** Construction includes installation of 4,900 linear feet of 3” water mains, disinfection system and miscellaneous hydrants and appurtenances.

**DNR Project Manager:** Shahid “Mike” Hameed, PE; Engineering Bureau  
**Designer:** Shahid “Mike” Hameed, PE; Engineering Bureau  
**DNR Inspector:** Dave Heer, PE; Engineering Bureau  
**Operating Bureau:** Parks  
**Funding Source:** 100% IJOBS #1 (Cap Link 214)  
**Cost Estimate:** \$75,000

**Plans Issue Date:** 11/28/2011

**Bid Letting Date:** 12/15/2011

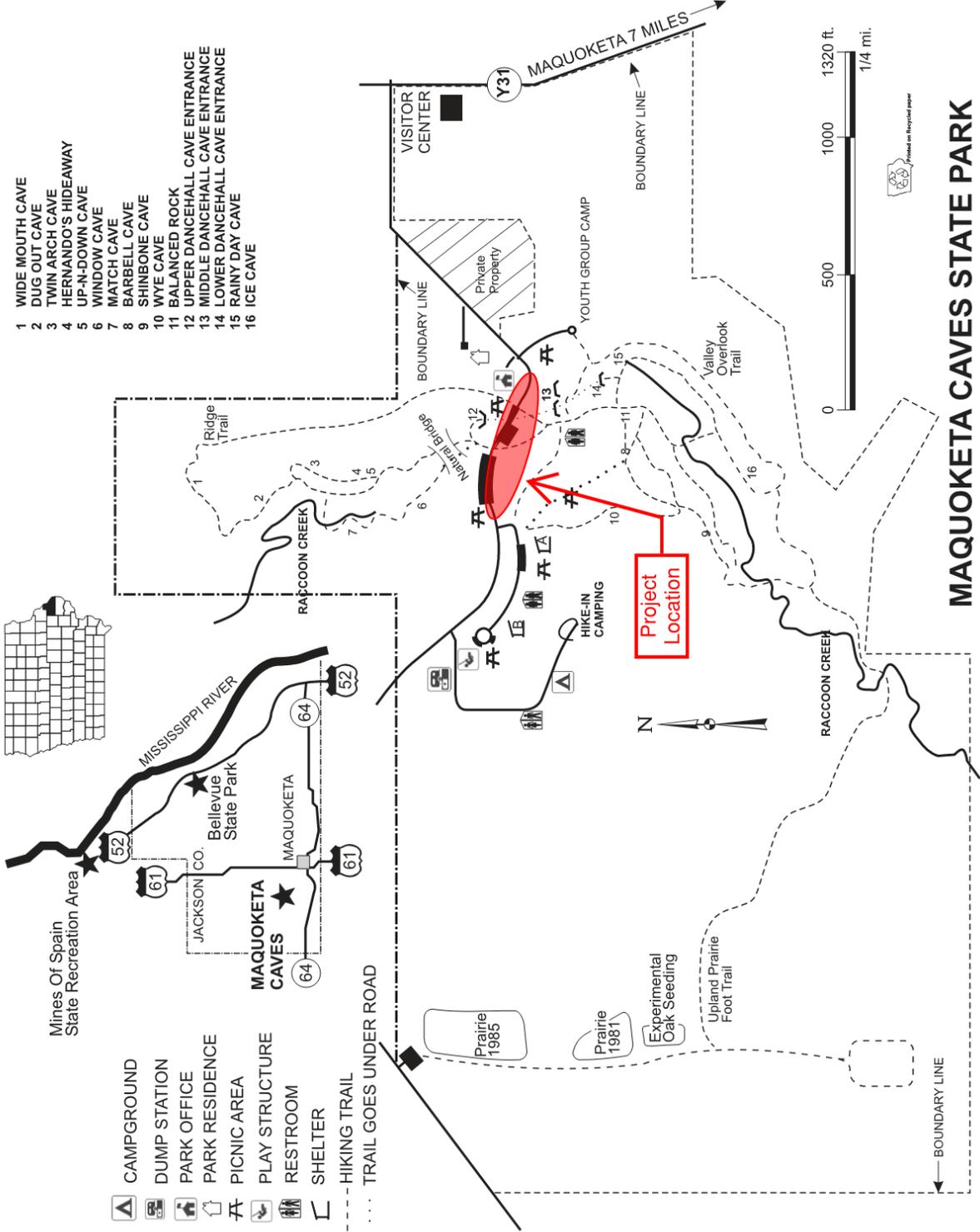
**Plan Holders:** 7

**Number of Bids Received:** 4

**Bidders**

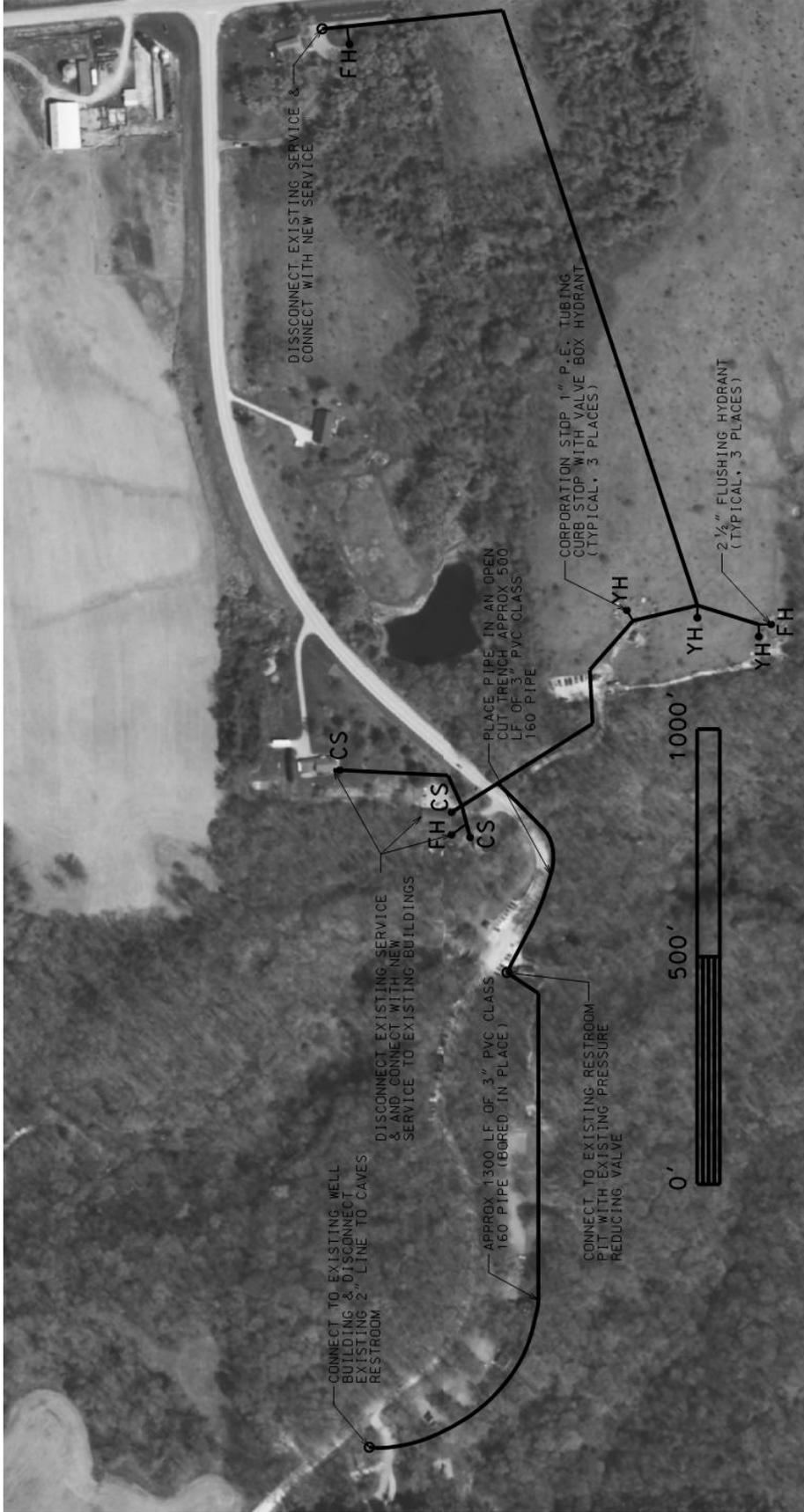
Arensdorf Excavating & Trucking Inc	Anamosa, IA	\$74,683.00
Connolly Construction Inc	Peosta, IA	\$108,191.00
Eastern Iowa Excavating & Concrete LLC	Cascade, IA	\$151,040.00
F L Krapfl Company Inc	Dyersville, IA	\$153,762.00

**IDNR recommends awarding the Bid to Arensdorf Excavating & Trucking Inc**



# MAQUOKETA CAVES STATE PARK





5. MAHASKA -- PROJECT # 10-05-62-04  
LAKE KEOMAH STATE PARK  
SEWER REHAB

**Project Summary:** The scope of this project involves the construction of repairs and improvements to the existing Lake Keomah sanitary sewer system.

**Function of the Project:** Lake Keomah has an existing sanitary sewer collection system that is in need of repair. The sewers and manholes have deteriorated and as a result, appreciable ground water is entering the system. The extraneous flows overload the treatment system and have potential to contaminate the ground water in the park.

**Construction Needed:** Construction will include various sanitary sewer rehab work including pipe lining, joint grouting, manhole lining, and reconstruction. In addition, the existing pump station has deteriorated and is near the end of its useful life. The equipment will be replaced. Finally, an inverted siphon that runs under the lake is suspected to be failing. The gravity flow siphon will be removed and a pump station and force main will be constructed to replace the siphon. Construction items are 1,925 linear feet of 6" sewer, 330 linear feet of 8" sewer, 1,200 linear feet of grouting, rehab work on the South System's lift station, new package lift station for the North System, 820 linear feet of 2" force main, and miscellaneous repair work of manholes.

**DNR Project Manager:** Butch Doorenbos; Engineering Bureau  
**Designer:** Butch Doorenbos; Engineering Bureau  
**DNR Inspector:** Jason Kruse, PE; Engineering Bureau  
**Operating Bureau:** Parks  
**Funding Source:** 100% IJOBS #1 (Cap Link 214)  
**Cost Estimate:** \$199,000.00

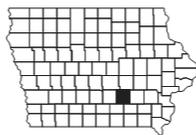
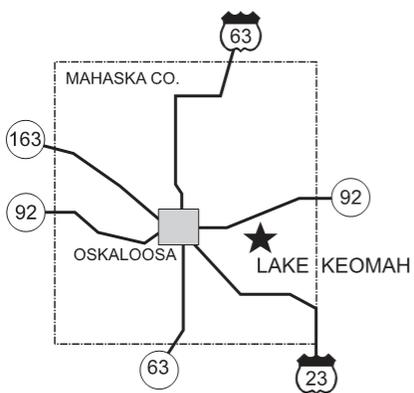
**Plans Issue Date:** 12/20/2011  
**Bid Letting Date:** 01/05/2012  
**Plan Holders:** Unknown  
**Number of Bids Received:** Unknown

**Bidders**

Bids to be open

**IDNR will make bid recommendation at the NRC January 17 meeting.**

# LAKE KEOMAH STATE PARK



- BEACH AREA
- BOAT RAMP
- CAMPGROUND
- DUMP STATION
- FISH ATTRACTOR
- FISHING PIER
- DAY-USE LODGE
- PARK RESIDENCE
- PICNIC AREA
- RESTROOM
- SHELTER
- MULTI-USE TRAIL
  - HIKING
  - SNOWMOBILE
  - CROSS COUNTRY SKING

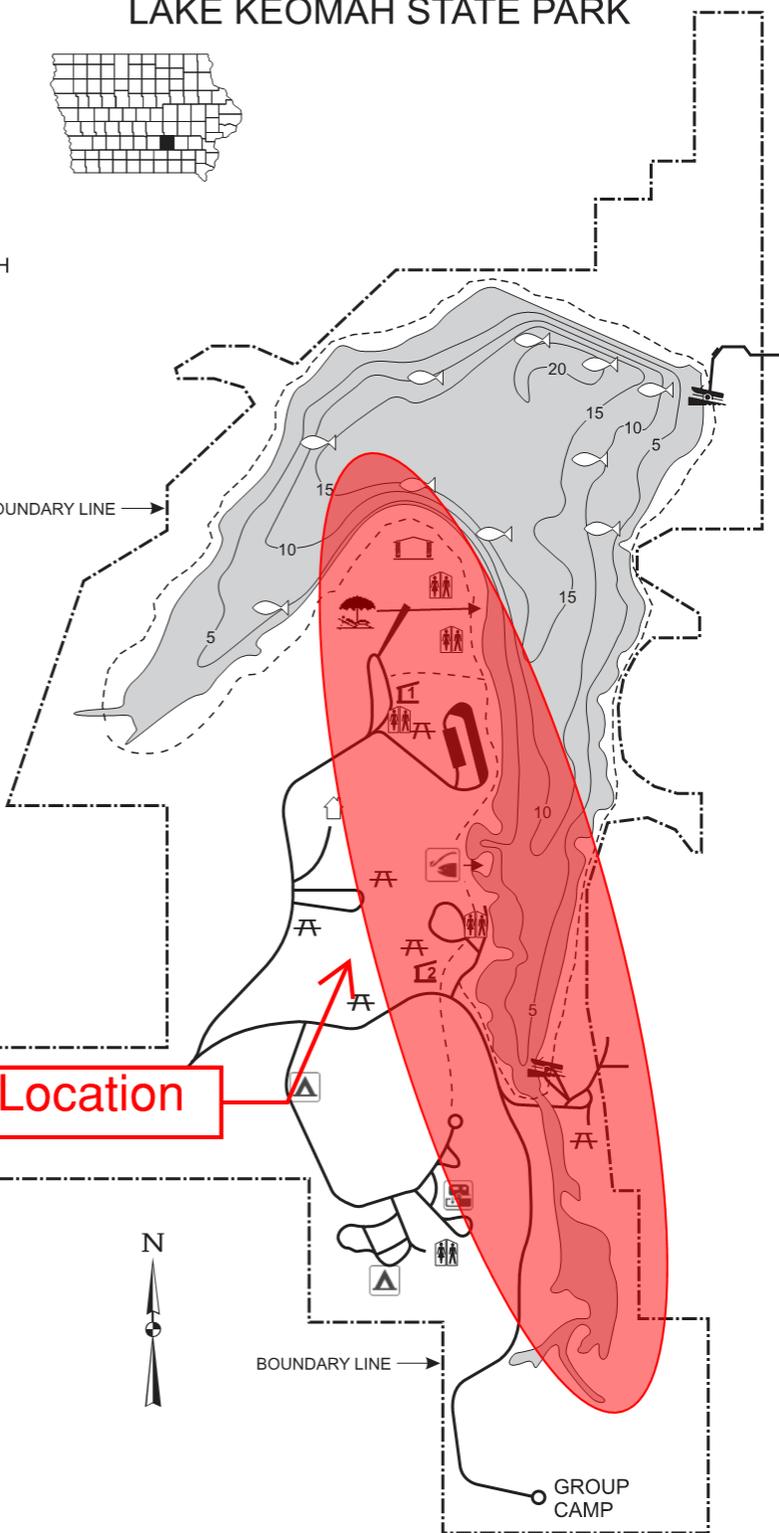
BOUNDARY LINE →

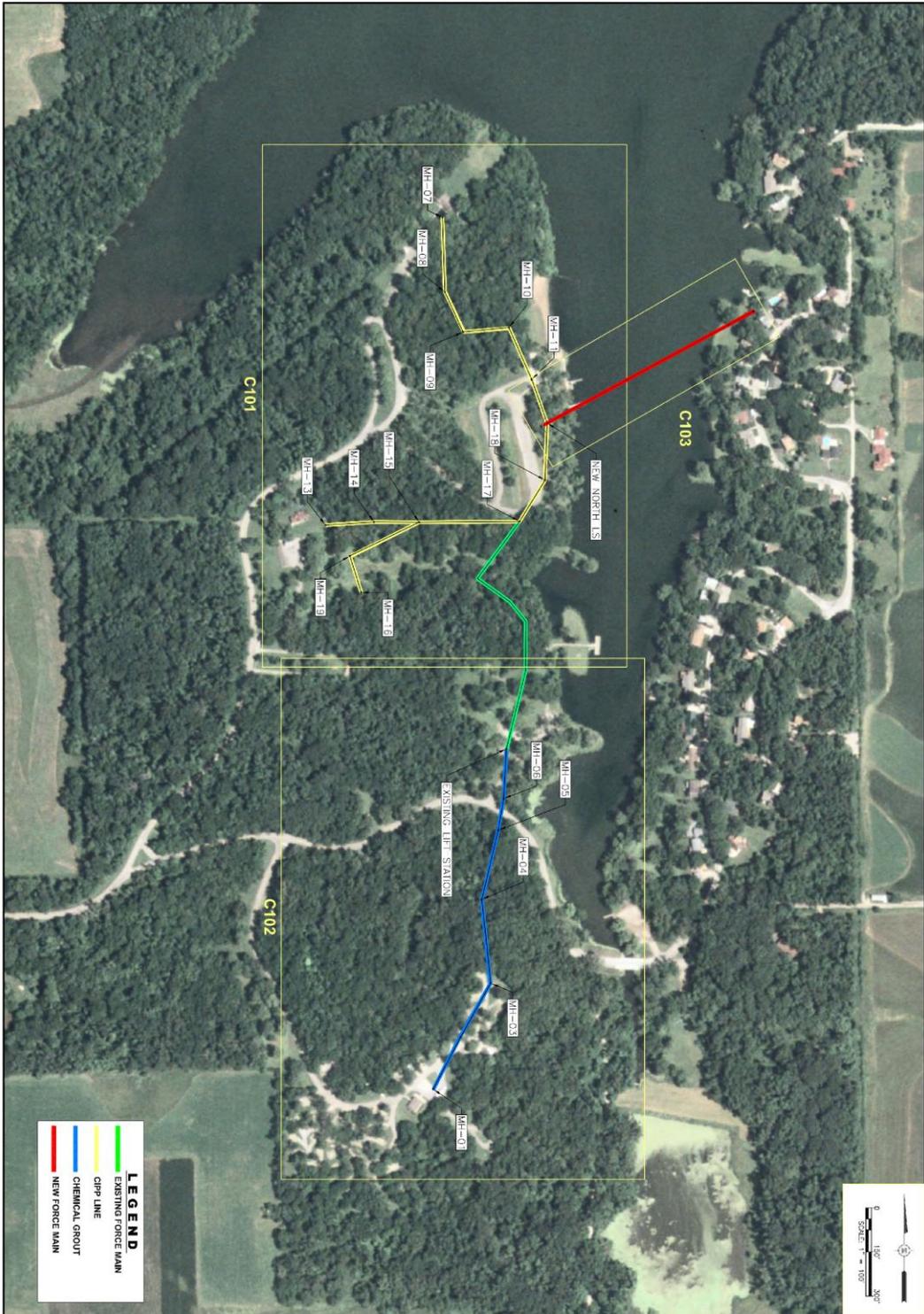
**Project Location**



BOUNDARY LINE →

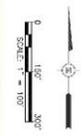
GROUP CAMP





**LEGEND**

<span style="color: green;">—</span>	EXISTING FORCE MAIN
<span style="color: yellow;">—</span>	CPII LINE
<span style="color: blue;">—</span>	CHEMICAL GROUT
<span style="color: red;">—</span>	NEW FORCE MAIN



**OVERALL PROJECT LAYOUT**

LAKE KEOMAH STATE PARK  
 IOWA DEPARTMENT OF NATURAL RESOURCES  
 MAHASKA COUNTY, IOWA

**BARTLETT & WEST**

6015 VINTA DRIVE, WEST DES MOINES IA 50319  
 PHONE: 515.281.2200 FAX: 515.281.2200  
 WWW.BARTWEST.COM

PROJECT NO.	C100
DATE	3/14/13

6. VAN BUREN -- PROJECT # 10-06-89-08  
LACEY KEOSAUQUA STATE PARK  
SEWER REHAB

**Project Summary:** The scope of this project involves the construction of repairs and improvements to the existing Lacey-Keosauqua State Park sanitary sewer system.

**Function of the Project:** Lacey-Keo State Park has an existing sanitary sewer collection system that is in need of repair. Over time, sewer pipes and manholes have deteriorated and as a result, appreciable ground water is entering the system. The extraneous flows overload the treatment system and have potential to contaminate the ground water in the park.

**Construction Needed:** The scope of the project includes in-situ lining of the sewer collection pipe, digging, and point repairing the pipe at several places where pipe has collapsed and cannot be lined and rehabilitation of the manholes by either grouting, readjusting the frames or in some cases replacing the manholes. Work includes 1,049' linear foot of sewer pipe relining, miscellaneous sewer point and manhole repairs.

**DNR Project Manager:** Shahid "Mike" Hameed, PE; Engineering Bureau  
**Designer:** Shahid "Mike" Hameed, PE; Engineering Bureau  
**DNR Inspector:** Dave Heer, PE; Engineering Bureau  
**Operating Bureau:** Parks  
**Funding Source:** 100% IJOBS #1 (Cap Link 214)  
**Cost Estimate:** \$97,000.00

**Plans Issue Date:** 12/16/2011

**Bid Letting Date:** 01/05/2012

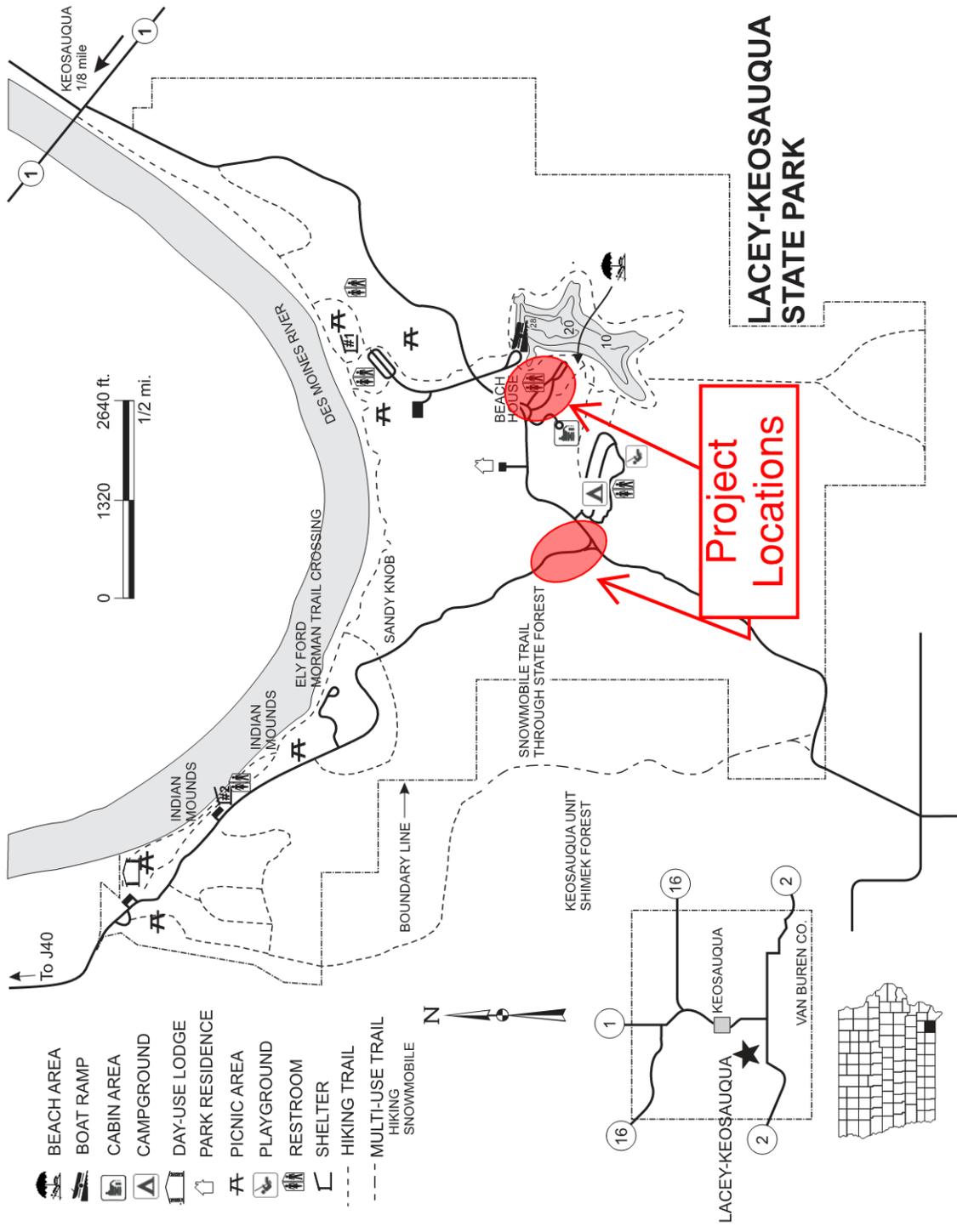
**Plan Holders:** Unknown

**Number of Bids Received:** Unknown

**Bidders**

Bids to be open

**IDNR will make bid recommendation at the NRC January 17 meeting.**





**POINT REPAIR NOTE:**  
 WORK SHALL BE PERFORMED IN ACCORDANCE WITH 2011 STANDARD  
 SPECIFICATIONS AND SPECIFICATIONS SECTION 400 - PIPE REHABILITATION.

KEY	MANHOLE REPAIRS TO BE PERFORMED
C1	REMOVE AND REPLACE MANHOLE
C2	REMOVE AND REPLACE MANHOLE
C3	REMOVE AND REPLACE MANHOLE
C4	REMOVE AND REPLACE MANHOLE
C5	REMOVE AND REPLACE MANHOLE
C6	REMOVE AND REPLACE MANHOLE
C7	REMOVE AND REPLACE MANHOLE
C8	REMOVE AND REPLACE MANHOLE
1	NONE
2	NONE
3	NONE
4	NONE
5	NONE
6	NONE
7	NONE
8	NONE
9	NONE
10	NONE
11	NONE

MANHOLE REHABILITATION WORK SHALL BE PERFORMED IN  
 ACCORDANCE WITH 2011 STANDARD SPECIFICATIONS AND  
 SPECIFICATIONS SECTION 400 - PIPE REHABILITATION.  
 33.01.31 - MANHOLE REHABILITATION WITH CONCRETE  
 LINER.  
 NEW MANHOLES SHALL BE INSTALLED PER 2011 STANDARD  
 SPECIFICATIONS AND SPECIFICATIONS SECTION 601.1, FIGURE  
 601.01.03.



NO.	REVISIONS	ISSUED	CHNG	APPROV	DATE

**Stanley Consultants inc**  
 100 East Avenue, Suite 300, Oak Mills, Iowa 50390-2280

OWN: DEPARTMENT OF NATURAL RESOURCES  
 LACEY KEO STATE PARK SANITARY SEWER REHABILITATION  
 LACEY KEO STATE PARK, IOWA

**SANITARY SEWER REHABILITATION**

DESIGNED BY: J. K. STEINLEBER, B.S., P.E.  
 CHECKED BY: J.M. ZEMER, P.E.  
 APPROVED BY: J.E. SUTHER, P.E.  
 DATE: 12/13/2011

SCALE: NONE  
 REV: 0  
 CGZ

7. WOODBURY COUNTY – PROJECT #12-01-97-01  
SNYDER BEND WILDLIFE MANAGEMENT AREA  
SNYDER BEND WATER SUPPLY CHANNEL EXCAVATION

**Project Summary:** The Missouri River Floods of 2011 have completely filled the wetland areas and water supply channel above Snyder Bend Lake with silt and sediment. The scope of this project involves excavation of 3,600 feet of open channel to re-establish the water supply to Snyder Bend Lake in Woodbury County. This supply channel connects cooling water from Mid-American Energy to the Snyder Bend wetland complex.

**Function of the Project:** Because the water supply to Snyder Bend Lake has been completely cut off with the exception of some very localized runoff. The lack of a fresh water combined with siltation issues, and low water levels in the lake have raised concerns over the possibility of a winter fish kill when full ice conditions develop on the lake. This project will re-establish the water supply and the incoming water will prevent full ice over conditions on the lake. A secondary benefit (at this time) is being able to maintain normal water levels through next year's recreational season. In addition, this channel also provides water supply for wetlands downstream throughout the year.

**Construction Needed:** Work under this project involves excavating 3,600 feet of 10' wide channel from the water supply pipe at the Missouri River to the north end of Snyder Bend Lake. The total estimated material that will be removed is 19,900 Cubic Yards, which is to be side-cast, smoothed and used in the future for reconstruction of an adjacent settling pond.

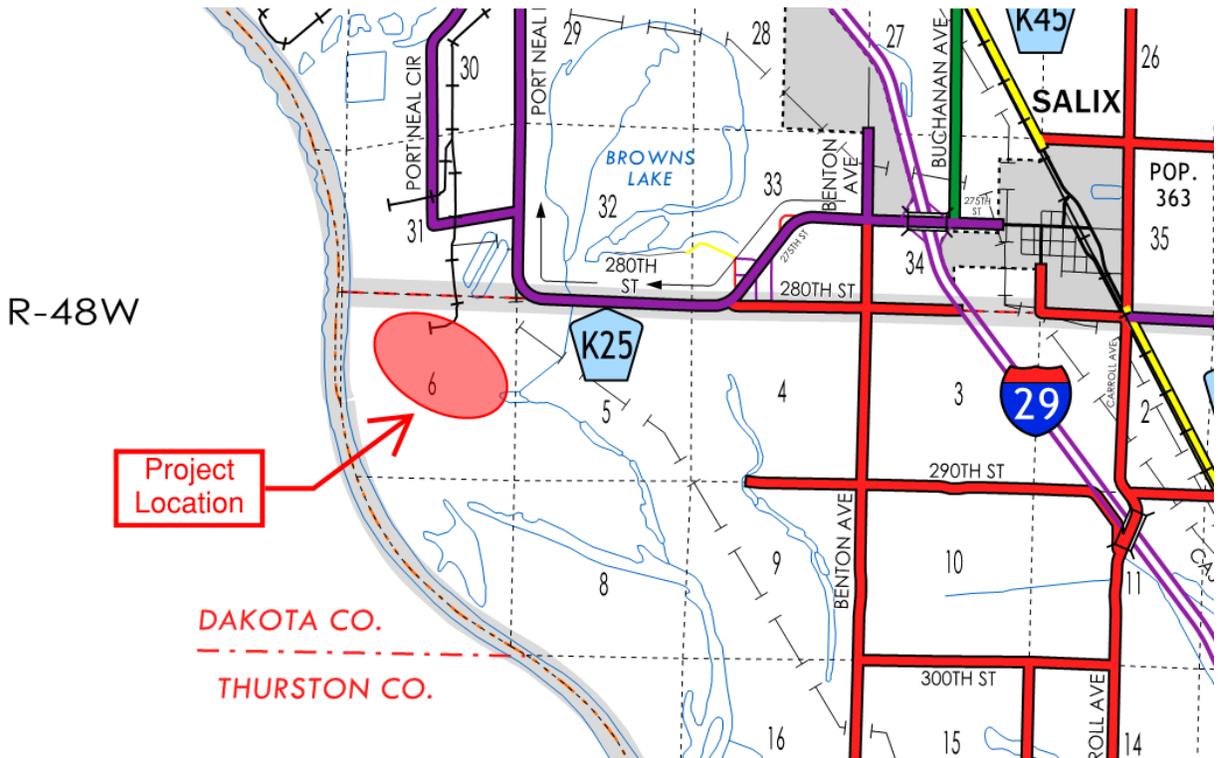
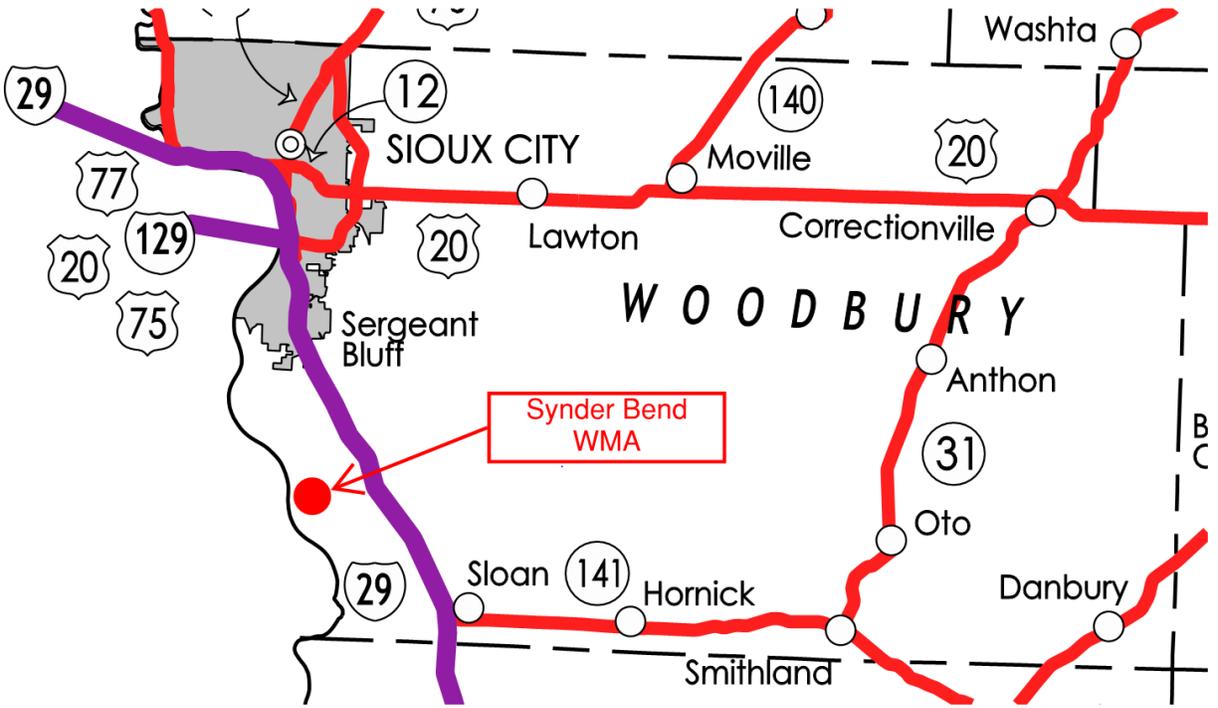
**DNR Project Manager:** Jeff Felts, PE; Engineering Bureau  
**Designer:** Jeff Felts, PE; Engineering Bureau  
**DNR Inspector:** Jeff Felts, PE; Engineering Bureau  
**Operating Bureau:** Wildlife  
**Funding Source:** 75% FEMA (Cap Link 03), 25% Snyder Bend Corp of Engineers Account; (Cap Link 63)  
**Cost Estimate:** \$69,750.00

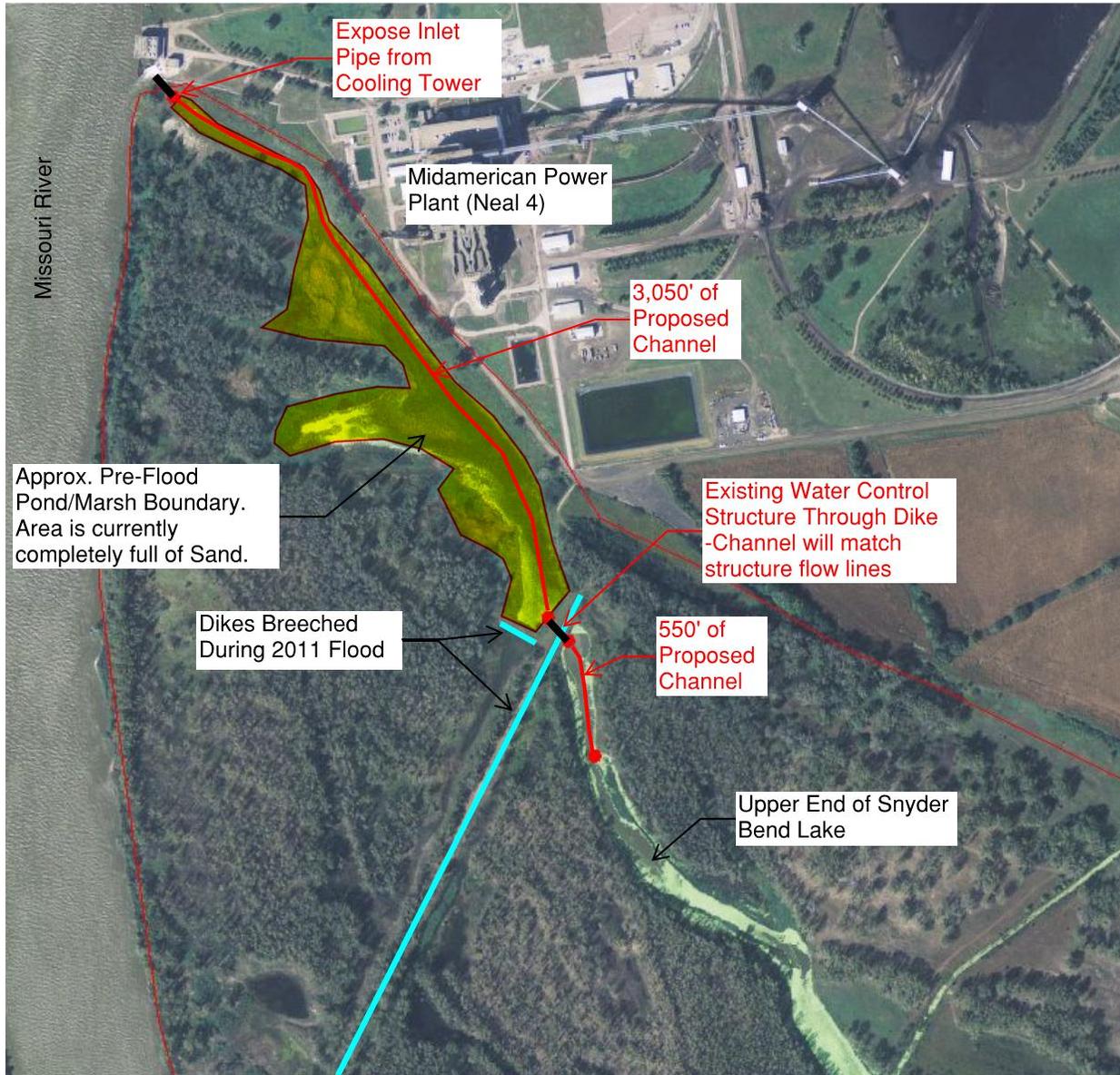
**Plans Issue Date:** 12/15/11  
**Bid Letting Date:** 01/05/12  
**Plan Holders:** Unknown  
**Number of Bids Received:** Unknown

**Bidders**

Bids to be open

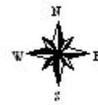
**IDNR will make bid recommendation at the NRC January 17 meeting.**





Snyder Bend Water Supply Channel  
 Excavation  
 Project # 12-01-97-01  
 Channel Excavation Plan  
 3,600 LF of Excavated Channel

- Download.shp
- Wildlife Areas
- AGREEMENT
- WMA
- WPA



8. APPANOOSE COUNTY – PROJECT #12-05-04-02  
HONEY CREEK RESORT  
KIOSK INSTALLATION

**Project Summary:** The scope of this project involves the construction of a kiosk, pavement of sidewalks and stone facing of the activity center foundation at Honey Creek Resort, Appanoose County, Iowa.

**Function of the Project:** The kiosk will house interpretive panels for educating the public about renewable energy and the examples of renewable energy in the park.

**Construction Needed:** The interpretive kiosk will consist of a concrete core structure finished with stone veneer. DNR staff is designing and building the interpretive panels.

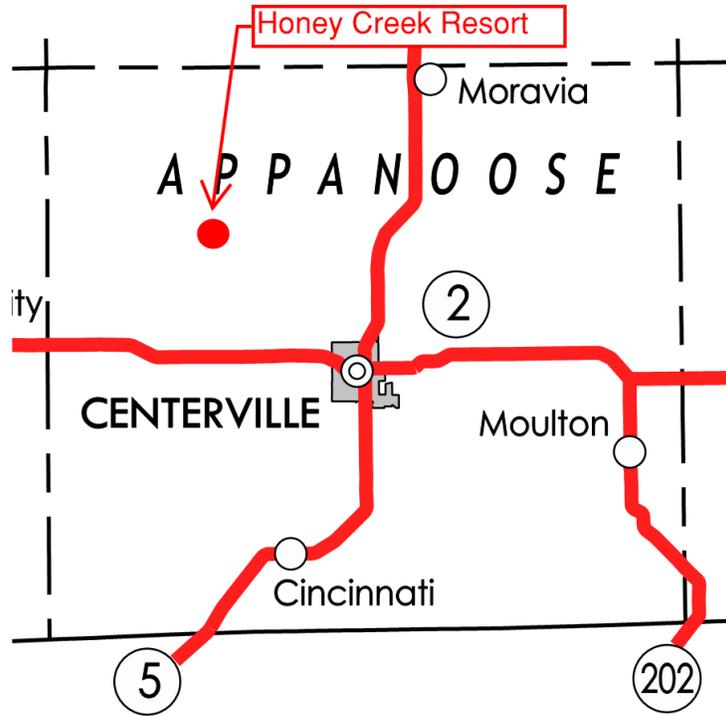
**DNR Project Manager:** Ryan Richey; Engineering Bureau  
**Designer:** Ryan Richey; Engineering Bureau  
**DNR Inspector:** Jason Kruse, PE; District Inspector  
**Operating Bureau:** Parks  
**Funding Source:** OEI Interpretive/Education Grant and FY12 Special Appropriation  
(Cap Link 194)  
**Cost Estimate:** \$45,000.00

**Plans Issue Date:** 12/16/11  
**Bid Letting Date:** 01/05/12  
**Plan Holders:** Unknown  
**Number of Bids Received:** Unknown

**Bidders**

Bids to be open

Gabe Lee, PE, Engineering Bureau Chief  
Management Services Division  
January 17, 2012



**Iowa Department of Natural Resources  
Natural Resource Commission**

**#15**

**Decision Item**

**Title:** Contract with Iowa State University for Urban Fishing Assessment and Plan Development

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The Department requests Commission approval of a thirteen-month service contract with Iowa State University of Ames, Iowa. The contract will begin on February 1, 2012, and terminate on March 31, 2014. The total amount of this contract shall not exceed \$126,060. This contract will be funded through the Aquatic Education Federal Aid to Sportfish Restoration Grant 125E

Over the past three years DNR has worked cooperatively with Iowa State University Extension and City of Des Moines staff completed review of water bodies to determine feasibility of developing urban fisheries. We developed recommendations for four promising sites and continue to work with the City to garner support and funds for improvements needed to provide quality urban fisheries. Based on this work, and initial response from other incorporated cities in central Iowa, we recognize potential for creating several smaller fisheries that are more accessible to a larger segment of our customers, especially urban and suburban populations. We plan to expand our efforts to assess water bodies and watersheds, as well as community engagement and support for developing such sites as sustainable fisheries. This effort will provide recommendations for 15 sites as well as comprehensive improvement plans for 5 sites that can be used to obtain necessary resources to develop those sites as urban fisheries.

Through this partnership, we will collect information necessary to develop improvement plans to improve 15 priority waterbodies so they provide urban fisheries in central Iowa. Comprehensive plans will be developed for five sites to secure resources needed to complete those improvements.

Iowa State University was chosen using authority provided in the Iowa Code 455B.103, which authorizes contracts with the state universities for specified purposes. Iowa State University was chosen for this project because of their experience in working with smaller urban systems as well as their familiarity with this specific initiative.

Joe Larschied, Chief, Fisheries Bureau  
Conservation and Recreation Division  
January 17, 2012

**Iowa Department of Natural Resources  
Natural Resource Commission**

**#16**

**Decision Item**

**Title:** Contract with Iowa Economic Development Authority – Chariton Research Station

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Commission approval is requested to approve a contract with the Iowa Economic Development Authority (IEDA) to implement energy efficient measures at Chariton Research Station. The Fisheries Bureau was successful in securing a state energy program grant through the IEDA. The purpose of the grant is to install an energy efficient furnace, a high efficiency air conditioning unit, insulate ducts and hot water pipes, replace existing refrigerator and freezer with Energy Star rated units, install low flow aerators, replace 21 fluorescent lights with T8 lights and ballasts, install 14 energy efficient windows and increase attic insulation to a R-30 rating.

The grant award amount is \$23,819. The contract requires the DNR to match one dollar for every grant dollar spent and to complete the energy efficient measure by March 31, 2012. The Fisheries Bureau will use Fish and Wildlife Trust Fund capital funds to meet the match requirement.

Joe Larscheid, Fisheries Bureau Chief  
Conservation and Recreation Division  
January 17, 2012

**Iowa Department of Natural Resources  
Natural Resource Commission**

**# 17**

**Decision Item**

**Title:** Contract with City of Creston Water Works - Spillway Replacement at Summit Lake

Commission approval is requested for a six month service contract with the City of Creston Water Works of Creston, Iowa. The contract will begin on February 1, 2012, and terminate on July 31, 2012. The total amount of this contract shall not exceed \$40,000. DNR shall have the option to renew this contract as long as this contract and any extensions do not exceed a six-year period. This contract will be funded through the Lakes Restoration Program established under Iowa Code Section 456A.33B.

Summit Lake, owned by the City of Creston, is a 225-acre lake located on the west edge of Creston in Union County in south central Iowa. The lake was constructed in 1893 as a water supply for the railroad and the City of Creston. The City completed a formal watershed assessment in 2008 and successfully applied to the Watershed Improvement Review Board to implement a multi-year water quality improvement project focused on streambank stabilization, livestock runoff, agricultural runoff/drainage, stormwater runoff and top address a section of inadequate sewer.

To date, some of the major projects implemented involve the following: installation of 18,500 LF of shoreline stabilization (75% complete); completion of seven water/sediment basins on private property; installation of two large grade stabilization structures; five acres of grassed waterways to reduce storm water runoff; installation of 16,000 LF of terraces to reduce runoff; and completion of one livestock crossing and three CRP buffer strips to address animal access to streams.

Another project that the City of Creston has been working on in parallel with the above described watershed activities is the replacement of the old spillway. Deteriorated conditions became more critical after high water events and the City was able to provide confirmation to FEMA that damage did occur as a result of the flooding. In the fall of 2009, the lake was drawn down to facilitate the already planned fish renovation and begin the process of removal and replacement of the old spillway.

The parties propose to enter into this Contract for the purpose of the DNR providing funding to the City of Creston for incorporating a fish barrier into the new structure. Prior to a decision to rebuild the spillway, the DNR had planned to fund installation of a fish barrier structure onto the old spillway. The current plan for the new spillway incorporates an adequate drop in elevation in the spillway to limit reintroduction of rough fish from the Platte River below the lake.

Joe Larscheid, Fisheries Bureau Chief  
Conservation and Recreation Division  
January 17, 2012

**Iowa Department of Natural Resources  
Natural Resource Commission**

# 18\* (\*indicates proposed consent item)

**Decision Item**

**Title:** 28E Agreement with Gypsum City OHV Park

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The Commission is requested to approve a 28E agreement between the Iowa Department of Natural Resources (Department) and Webster County Improvement Corporation (WCIC), Webster County Conservation Board (WCCB), Webster County Board of Supervisors (WCBS), and Webster County Wheelers (Wheelers).

WCIC owns and leases former mining ground that was designated as a State OHV Park by the Natural Resources Commission in 2003. WCIC, WCCB, Department, and the Wheelers are working together to expand this multi-use off-highway vehicle complex, offering all-terrain vehicle trails, fishing, permitted hunts, a campground, maintenance building and equipment, along with other recreational amenities. This complex will provide excellent outdoor recreation opportunities for the entire state.

The Department originally contracted with WCIC and the Wheelers on December 22, 2004. As part of the park development plan with the park expansion of 850 acres and development of a modern campground, this agreement will replace the existing contract and expand the partnership to include WCCB and provide clear guidelines for operation and maintenance of the park and define roles and responsibilities of the parties. In addition, the agreement provides a funding commitment through grants from the all-terrain vehicle cost-share fund to cover the costs of maintenance workers and enforcement personnel hired and supervised by the WCCB.

Robert Garrison, Law Enforcement Bureau Chief  
Conservation and Recreation Division  
January 17, 2012

**Iowa Department of Natural Resources  
Natural Resource Commission**

**# 19**

**Decision Item**

**Title:** Lease Agreement with U.S. Cellular

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Commission approval is requested to enter into a lease with US Cellular for the purposes of US Cellular installing wireless communication devices. The installed equipment will result in the Department's enhanced wireless communication at Springbrook State Park. The cost of the lease shall be zero dollars and shall be subject to the Department's continued relationship with US Cellular for its other work.

The authority for this lease would be Iowa Code section 461A.25. The lease would not exceed five years unless renewed in accordance with applicable law. The lease would create no other interest in real property or result in permanent fixtures being placed on state property.

Kelley Myers, Attorney  
Legal Bureau  
January 17, 2012