

MINUTES
OF THE
NATURAL RESOURCE COMMISSION
MEETING

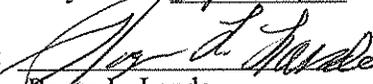
FEBRUARY 9, 2012

HELD AT:

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

For Office Use Only

Date Minutes Approved By NRC: 3/8/12

Director's Signature: 

Roger L. Lande
Director

RECORD COPY

File Name: ADM 1-1-1

NRC MINUTES

Sender's initials: KR

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by the NRC Chair, Greg Drees, on 02/09/12 at 9:30 a.m.

COMMISSIONER ATTENDANCE

Present

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

Absent

None

PUBLIC PARTICIPATION

None

1. APPROVAL OF AGENDA

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

CARRIED AS PRESENTED

2. APPROVE MINUTES OF 01/17/12 NRC PUBLIC MEETING

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

CARRIED AS PRESENTED

3. DIRECTOR’S REMARKS

- The Department is going through the legislative process regarding the budget and it is too early in session to determine what the outcome will be.
- NRC Chair and the I have been discussing the waterfowl seasons and will meet with staff to discuss further and encouraged Commissioner comments on this issue.
- The Director responded that the lead shot issue has passed the House and is expected to pass the Senate.

4. HONEY CREEK RESORT STATE PARK UPDATE

Geoff Baekey, CHM Central Group Companies Vice President, and Andy Woodrick, Honey Creek Resort General Manager, presented information on budget, marketing, public relations,

Discussion: Geoff Baekey responded they will present a strategic plan update quarterly.

INFORMATION ONLY

***5. HARDWOOD TIMBER SALE – CARDINAL MARSH WILDLIFE MANAGEMENT AREA**

The Department requests Commission approval of the sale of an estimated 92,691 board feet of mixed hardwood trees at the Cardinal Marsh Wildlife Management Area in Winneshiek County. The sale consists of 825 trees. There are an additional 217 cull trees marked for harvest. These trees may be harvested, but are not included in the board foot volume of the sale. The harvest is in accordance with the Forest Wildlife Stewardship Plan written and approved July, 2005. 5 acres will be clearcut to create early successional habitat. The clearcut will also allow sunlight to stimulate the growth of seedlings already present on the site. 27 acres will be selectively harvested to make room for new oak regeneration and 29 acres will be thinned to make room for existing pole sized trees. Prescribed fire may be used periodically as a management tool to stimulate oak regeneration and control competing vegetation after the harvest. A natural areas inventory was conducted and there are no known threatened and endangered species in the harvest area. This harvest is being done specifically to improve wildlife habitat and diversity on the area. Wildlife den trees will not be marked and will be left standing. Best management practices (BMP's) will apply to the site. No tops or harvesting residue will be left in adjacent waterways. Harvesting is to occur only when ground is firm or frozen to minimize soil disturbance. Skid trails and landing areas will be repaired following the harvest. No skid trails will be allowed in the SMA (within 50 feet of the adjacent waterway) except at designated stream crossings. The following bids were received for the sale:

| Company | Location | Amount of Bid |
|--------------------------------|----------------|---------------|
| Grau Logs and Lumber | Elkader, IA | \$32,450.00 |
| Jones Wood Heating and Logging | McGregor, IA | \$26,042.00 |
| Dan Jones Logging | Waterville, IA | \$21,965.00 |

The Department requests Commission approval of a contract with the high bidder, Grau Logs and Lumber for \$32,450.00.

CARRIED UNDER CONSENT AGENDA

6. CONTRACT WITH EA ENGINEERING, SCIENCE, AND TECHNOLOGY, INC.: EASTER LAKE

Commission approval is requested for an eighteen-month service contract with EA Engineering, Science, and Technology, Inc. (EA Engineering) of Lincoln, Nebraska. The contract will begin on February 13, 2012 and terminate on July 13, 2013. The total amount of the contract shall not exceed \$59,500. Commission approval was requested and approved at the December 8, 2011 NRC meeting for a three year Cooperative Agreement with the Polk County (Iowa) Conservation Board (Polk CCB) of the City of Des Moines, Iowa (the City) to provide funding for this project. DNR's contribution for work performed according to the terms of the Cooperative Agreement shall not exceed \$39,500. Payment by Polk CCB to DNR for work performed according to the terms of the Cooperative Agreement shall not exceed \$10,000. Payment by the City to DNR for work performed according to the terms of the Cooperative Agreement shall not exceed \$10,000. 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 a program established under Iowa Code §456A.33B, Lake Restoration Plan and Report, known as the State Lake Restoration Program. Water quality in Easter Lake (Polk County, Iowa) is poor. The lake has shrunk from its original size in both surface area and volume; it is almost 48 acres smaller than when it was built and the lake volume is 24% less. Dirt and other sediment washing in from the watershed have filled the lake. Excess nutrients, specifically phosphorous have washed in, too. The sediment and nutrients have resulted in frequent algae blooms and low water clarity. Elevated bacteria levels in the lake have resulted in swimming advisories for Easter Lake. The lake also has some undesirable fish species (carp and shad) and has a stunted panfish population. Easter Lake is considered impaired by the Iowa DNR and United States Environmental Protection Agency (EPA). The purpose of contracting with EA Engineering is for them to develop a Water Quality Management Plan; coordinate project activities with participating agencies and the local steering committee; and, prepare preliminary designs, statement of probable costs and schedule of implementation for selected management practices. A community-based planning approach will be used to help local residents and stakeholders develop a restoration plan for Easter Lake. This approach helps develop a common vision, identify and prioritize concerns and come up with appropriate

steps to address problems. The Party Members' ultimate goal is to use the WQ Plan as a guidance document for future cooperative lake and watershed restoration and protection efforts at Easter Lake in Polk County, Iowa.

Motion – Commissioner Francisco
 Seconded – Commissioner Underwood
 Discussion – Staff responded that the bids were close but the recommended company brings uniqueness with their staff and non point source process.
 Decision – Commissioners Clement, Drees, Francisco, Prickett, Schemmel, and Underwood – aye;
 Commissioner Rettig – nay
 Approved

CARRIED AS PRESENTED

7. CONTRACT WITH IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP: BLACK HAWK LAKE

Commission approval is requested for a Contract with the Iowa Department of Agriculture and Land Stewardship. The contract will begin on the date of commencement and terminate on December 31, 2015. The total amount of this contract shall not exceed \$59,829. 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. Details to the proposed financial commitment for this project are outlined in the attached letter dated March 28, 2011. The Black Hawk Lake Watershed Management Plan (WMP), prepared by the Sac County Soil & Water Conservation District, was approved by EPA on October 26, 2011. A final version of the document is available for download at:

ftp://ftp.igsb.uiowa.edu/319/Watershed%20Management%20Plans/Black_Hawk_Lake_Sac/. The work funded as part of this agreement is consistent with the goals of the approved WMP. The Iowa Department of Natural Resources (IDNR) has identified Black Hawk Lake as impaired and has placed it on the Clean Water Act Section 303(d) list of impaired waters in the state. Poor water quality, caused by algae and turbidity, which violates the narrative water quality criterion for surface water to be free of aesthetically objectionable conditions, is preventing the primary contact recreation from being fully supported. The Lake Restoration Program of the DNR is committed to assisting with this project by providing funding resources where appropriate to improve the lakes watershed. Black Hawk Lake is listed as one of our significant priority lakes for restoration. State restoration criteria require that in-lake restoration efforts can only take place after watershed nutrient/sediment issues have been addressed. Pursuant to this Contract, IDALS will have a watershed coordinator in place that will help implement the watershed management practices identified in the Black Hawk Lake Watershed Management Plan. This Project is critical to improving the lake's water quality and in removing the system from the "Impaired Waters" list.

Motion – Commissioner Underwood
 Seconded – Commissioner Rettig
 Discussion – Staff responded there had been dredging in the 1930s and 1980s. The dredging in the 1980's, with the dollars available, set the stage for this plan. These acres are key areas that will affect the watershed.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

8. APPEAL OF CONTESTED CASE DECISION IN THE MATTER OF: BRUSH & WEED CONTROL SPECIALISTS, INC. (BWCS), AND NEW FARMERS DRAINAGE DISTRICT (NFDD)

The matter comes before the Natural Resource Commission on appeal of a Proposed Order Following Remand 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 I.A.C. 7.1, a party may appeal the decision of the ALJ to the NRC. In this case, the ALJ determined that the presentation of additional evidence

(specifically, Prof. Hartzler's letter dated Sept. 7, 2010) does not change the previous May 2009 administrative finding that the misapplication of glyphosate to the drainage ditch by BWCS caused the fish kill or the conclusion that BWCS is liable for fish restitution and that both BWCS and NFDD are liable for civil penalties. The NRC is being presented with the Proposed Order Following Remand issued by the ALJ, Appellant's Appeal, Appeal Briefs of both parties, and the sole exhibit from this second hearing, Professor Hartzler's letter. However, because the briefs and the Order reference exhibits and experts of testimony from the first hearing, the NRC is also being provided a link to the transcripts and exhibits from the first hearing available online through the Record Department. These documents shall be the record relied upon by the NRC in reaching its Decision, which constitutes final agency action. The parties shall be allowed oral arguments pursuant to rule 561 IAC 7.17(5)(e).

Motion – Commissioner Underwood motioned that the Commission go into closed session to discuss the decision to be rendered in a contested case conducted according to the provisions of chapter 17A (Iowa Code 21.5(1)(f)).

Seconded – Commissioner Rettig

Roll call vote:

Commissioner Clement, aye

Commissioner Drees, aye

Commissioner Francisco, aye

Commissioner Prickett, aye

Commissioner Rettig, aye

Commissioner Schemmel, aye

Commissioner Underwood, aye

Decision – Approved by Unanimous Vote

Motion – Commissioner Francisco motioned that the Commission return to open session

Seconded – Commissioner Prickett

Roll call vote:

Commissioner Clement, aye

Commissioner Drees, aye

Commissioner Francisco, aye

Commissioner Prickett, aye

Commissioner Rettig, aye

Commissioner Schemmel, aye

Commissioner Underwood, aye

Decision – Approved by Unanimous Vote

Motion – Commissioner Francisco move that we uphold the ALJ's decision

Seconded – Commissioner Rettig

Roll call vote:

Commissioner Clement, nay

Commissioner Drees, aye

Commissioner Francisco, aye

Commissioner Prickett, aye

Commissioner Rettig, aye

Commissioner Schemmel, aye

Commissioner Underwood, aye

Decision – Approved

CARRIED AS PRESENTED

9. 2011 CONSTRUCTION PROJECTS

Engineering will present a brief review of various construction projects the NRC approved last year. The presentation will showcase projects in different stages of construction.

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| INFORMATION ONLY |
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10. CONSTRUCTION PROJECTS**10.1 LEDGES STATE PARK, CANYON DEBRIS REMOVAL & STRUCTURAL REPAIRS-FEMA**

Project Summary: This project consists of repairs to several areas and structures along the roadway through Ledges State Park in Boone County. **Function of the Project:** Project will repair areas damaged by flooding to pre-flood conditions, allowing access by the public to one of the most scenic and popular parks in central Iowa. **Construction Needed:** Repairs will be performed to remove vegetative debris and silt accumulations, repair of two roadway areas, two existing roadway bridges and one existing trail bridge.

DNR Project Manager: Ken Jackson; Engineering Bureau
 Designer: Ken Jackson; Engineering Bureau
 DNR Inspector: Don Labate, P.E.; Engineering Bureau
 Operating Bureau: Parks
 Funding Source: 75% FEMA / 25% Executive Council (No Cap Link)
 Cost Estimate: \$180,000.00
 Plans Issue Date: 12/23/11
 Bid Letting Date: 01/19/12
 Plan Holders: 21
 Number of Bids Received: 10

Bidders:

| | | |
|-------------------------|---------------------|-----------------------|
| Richardson Construction | Glidden, IA | Base Bid \$69,807.00 |
| Midwest Construction | Fort Dodge, IA | Base Bid \$72,607.84 |
| Stony Creek Landscapes | Webster City, IA | Base Bid \$93,241.22 |
| Con-Struct, Inc. | Ames, IA | Base Bid \$103,791.41 |
| Jensen Construction | Des Moines, IA | Base Bid \$113,527.80 |
| Dixon Construction | Correctionville, IA | Base Bid \$138,011.50 |
| Weidner Construction | Marshalltown, IA | Base Bid \$145,251.00 |
| Elder Corp. | Des Moines, IA | Base Bid \$172,111.50 |
| MPS Engineers | Des Moines, IA | Base Bid \$188,947.00 |
| J & K Contracting | Ames, IA | Base Bid \$195,809.20 |

IDNR recommends awarding the Bid to Richardson Construction.

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| Motion – Commissioner Underwood |
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| Seconded – Commissioner Schemmel |
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| Discussion – Staff responded that this work is clean up from the flood. In the lower canyon in Ledges, the only infrastructure is the road. |
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| Decision – Approved by Unanimous Vote |
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| CARRIED AS PRESENTED |
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10.2 LITTLE RIVER LAKE, ROCK CHUTE

Project Summary: An existing rock chute will be raised two feet and a stop log structure added to allow for occasional draw downs and water level control. **Function of the Project:** By raising the existing chute by two feet, more sediment storage is created in the main drainage arm of the lake. See attached Fact Sheet #1 for more information. **Construction Needed:** This project will add 4900 tons of riprap coated with 165 cubic yards of grout to the existing rock chute. The purpose of the grout is to lock the riprap in place so that individual stones are not rolled or lost during periods of high water flow over the chute.

DNR Project Manager: Butch Doorenbos, PE; Engineering Bureau
 Designer: NRCS
 DNR Inspector: Jason Kruse, PE; Engineering Bureau

Operating Bureau: Fisheries
 Funding Source: 80% Lake Restoration, 20% F&W Trust-Fish Habitat Stamp (Cap Link #92)
 Cost Estimate: \$291,000.00
 Plans Issue Date: 12/22/11
 Bid Letting Date: 01/19/12
 Plan Holders: 10
 Number of Bids Received: 6

Bidders

| | | |
|---------------------------|----------------------|--------------|
| TK Concrete | Pella, IA | \$259,921.50 |
| Cole Construction Company | Keosauqua, IA | \$273,447.50 |
| Peterson Contractors Inc. | Reinbeck, IA | \$287,071.25 |
| Ho Chunk Builders | South Sioux City, IA | \$290,638.50 |
| Joiner Construction | Plano, IA | \$303,801.00 |
| Reilly Construction | Ossian, IA | \$312,156.50 |

IDNR recommends awarding the Bid to TK Concrete.

Motion – Commissioner Rettig
 Seconded – Commissioner Francisco
 Discussion – Staff responded that the Department began using grout a few years ago. The grout for this project has been raised to a higher class to last longer in the structure.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

10.3 HAWTHORN LAKE, WATER CONTROL STRUCTURES

Project Summary: This project consists of the construction of five sediment ponds at Hawthorn Lake. Function of the Project: Each sediment pond will control storm water runoff. 90% of the sediments carried by surface flow will settle out in the pond, rather than into the lake. Further, the principal spillway will temporarily impound surface flow, which will be released at a controlled rate. Reducing the velocity of surface flow will reduce erosion downstream of the dam. Further, the ponds will increase the diversity of available habitat in the area. See attached Fact Sheet #2 for more information. Construction Needed: Work includes the construction of five earthen dams with either smooth metal pipe or corrugated metal pipe principal spillways, and a vegetated auxiliary spillway. Principal spillways that require smooth metal pipes are generally constructed with used natural gas pipes.

DNR Project Manager: Heath Delzell; Engineering Bureau
 Designer: Dave Rohlf, PE, Engineering Bureau
 DNR Inspector: Jason Kruse, PE; Engineering Bureau
 Operating Bureau: Parks
 Funding Source: 50% Lake Restoration (Capital Link #98) 50% Mahaska Soil and Water Conservation District
 Cost Estimate: \$195,750
 Plans Issue Date: 12/22/2011
 Bid Letting Date: 1/19/2012
 Plan Holders: 31
 Number of Bids Received: 12

Bidders

| | | |
|-------------------------------|----------------|--------------|
| Huyser Dozing & Tiling | New Sharon, IA | \$132,225.67 |
| Seaton Construction | Deep River, IA | \$143,945.90 |
| James Waterhouse Construction | Keota, IA | \$154,477.00 |
| Kinman Company, Inc. | Oskaloosa, IA | \$156,894.81 |
| Sterk Excavating, Inc. | Otley, IA | \$164,087.00 |
| Cornerstone Excavating | Washington, IA | \$166,910.50 |
| Hammes Bulldozing, Inc. | Sigourney, IA | \$169,556.68 |
| Hol Drainage, Inc. | Oskaloosa, IA | \$180,347.00 |

| | | |
|---|----------------|--------------|
| Kevin Kent Construction | Lucas, IA | \$181,863.00 |
| David E. Brown Construction, LLC | Chilicothe, MO | \$197,342.50 |
| Empire Construction and Trenching, Inc. | Red Oak, IA | \$238,133.46 |
| Brackin Land Improvement, Inc. | Pella, IA | \$315,000.00 |

IDNR recommends awarding the Bid to Huyser Dozing & Tiling.

Motion – Commissioner Underwood
 Seconded – Commissioner Francisco
 Discussion – Staff responded this sediment pond and the other four that will come before the Commission for this project will be recreational and will be part of the watershed work for Hawthorn Lake.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

10.4 CLEAR LAKE NORTH SHORE DRIVE, SHORELINE STABILIZATION

Project Summary: Stabilize shoreline along north side of Clear Lake Function of the Project: Stabilization of the shoreline will control bank erosion thus improving the clarity of Clear Lake Construction Needed: Field stone revetment is being placed along eroding high bank in order to prevent siltation into Clear Lake and stabilize the bank from further erosion.

- DNR Project Manager: Melvin Pacovsky; Engineering Bureau
- Designer: Melvin Pacovsky, Engineering Bureau
- DNR Inspector: Melvin Pacovsky, Engineering Bureau
- Operating Bureau: Fisheries
- Funding Source: Lake Restoration 81% (Capital Link #85) CLEAR project (9%)
319 Funds (9%)
- Cost Estimate: \$50,000
- Plans Issue Date: 01/03/2012
- Bid Letting Date: 01/19/2012
- Plan Holders: 6
- Number of Bids Received: 2

Bidders:

| | | |
|--------------------|---------------------------------|-------------|
| Cole Excavating | 10471 Packard Ave., Greene, IA | \$53,750.00 |
| Larson Contracting | 508 W. Main St., Lake Mills, IA | \$96,500.00 |

IDNR recommends awarding the Bid to Cole Excavating

Motion – Commissioner Clement
 Seconded – Commissioner Francisco
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

10.5 STONE STATE PARK, SEPTIC SYSTEM REPLACEMENT

Project Summary: The scope of this project involves the construction of repairs and improvements to the wastewater collection and treatment at the existing lodge and residence in Stone State Park, Woodbury County, Iowa. Function of the Project: Stone State Park has an existing sanitary sewer collection and treatment system that is in need of repair. Over time, pipes and manholes have deteriorated and as a result, appreciable ground water is entering the system. The ultimate disposal is also inadequate and must be updated. Construction Needed: Construction will include replacement of failing sanitary sewer lines, new sewer lines to reroute flows to a treatment site, construction of a new septic tank, splitter box and a new leach field disposal system.

- DNR Project Manager: Butch Doorenbos, PE; Engineering Bureau
- Designer: Butch Doorenbos, PE; Engineering Bureau
- DNR Inspector: Jeff Felts, PE; District Inspector

Operating Bureau: Parks
 Funding Source: 100% REAP Land Management (Capital Link #162)
 Cost Estimate: \$35,000.00
 Plans Issue Date: 01/13/2012
 Bid Letting Date: 01/26/2012
 Plan Holders: Unknown

Number of Bids Received: Bid letting to be held

IDNR will make the bid recommendation during the NRC meeting on February 9, 2012

Recommendation: IDNR requests this project to be removed from NRC February 9, 2012 meeting as an item needing NRC's decision. The low bid came in at \$45,940.00, not needing NRC action. The estimate for this project is \$44,500. This item will be presented as an information item in the NRC's March meeting. Bids were opened on January 25, 2012.

ITEM REMOVED AS DECISION ITEM DUE TO AMOUNT

10.6 BIXBY STATE PARK, FLOOD REPAIRS

Project Summary: This project consists of repairs to several portions of an existing concrete wall along the roadway through Bixby State Preserve in Clayton County. **Function of the Project:** Repairs will provide needed erosion control along the roadway, which will not allow the roadway to deteriorate, thus lowering future maintenance expense. **Construction Needed:** Removal of collapsed portions of the concrete wall, placement of new rock filled gabion baskets to withstand high flows through the drainage way adjacent to the roadway. These gabion basket will be surfaced with Shotcrete to match with the existing wall. Shotcrete is concrete (or sometimes mortar) conveyed through a hose and pneumatically projected at high velocity onto a surface. It can be impacted onto any type or shape of surface, including vertical or overhead areas.

DNR Project Manager: Ken Jackson; Engineering Bureau
 Designer: Ken Jackson; Engineering Bureau
 DNR Inspector: Mel Pacovsky; Engineering Bureau
 Operating Bureau: Parks & Preserves
 Funding Source: 90% FEMA / 10% Executive Council (No Cap Link)
 Cost Estimate: \$55,130.00
 Plans Issue Date: 01/18/12
 Bid Letting Date: 02/02/12
 Plan Holders: Unknown

Number of Bids Received: Bid letting to be held

IDNR will make the bid recommendation during the NRC meeting on February 9, 2012

Recommendation: IDNR requests this project to be removed from NRC February 9, 2012 meeting as an item needing NRC's decision. The low bid came in at \$29,351.50, not needing NRC action. The estimate for this project is \$55,000. This item will be presented as an information item in the NRC's March meeting. Bids were opened on February 2, 2012.

ITEM REMOVED AS DECISION ITEM DUE TO AMOUNT

10.7 LOST ISLAND LAKE, LOST ISLAND LAKE RESTORATION PHASE 2

Project Summary: Approximately \$835,000 worth of construction work at five different marshes and inlets around Lost Island Lake was completed last winter/spring. This work was designed to provide new water control structures and proper carp management barriers on the marshes that are transporting sediment and providing habitat for carp reproduction. This project has show great success and currently 99% of the projects goals have been reached. However, after evaluating the system over this past summer and making attempts to drawdown all the critical marsh areas to kill carp, some deficiencies have been discovered. This project is designed to address those deficiencies and make the whole system more functional. See attached Fact Sheet #3 for more information. **Function of the Project:** Deficiencies being addressed include making some of the water control structures more vandal resistant, adding additional fish screens to allow staff to better control fish during water level manipulation, expanding upon channel work from last year that could not be completed due to wet conditions, and

improvement of the access roads now that the structures offer more management capabilities. This work will ultimately complete the goal of proper marsh management around Lost Island Lake to better control sediment and the rough fish population. Construction Needed: Work under this project involves fabrication of a variety of steel and aluminum components on the structures that were installed last year. Items include stop log locking mechanisms, additional fish screens and stoplogs, gravel surfacing, expansion of some marsh channel work, and other misc items.

DNR Project Manager: Jeff Felts, PE; Engineering Bureau
 Designer: Roger Smith, PE; Duck Unlimited
 DNR Inspector: Jeff Felts, PE; Engineering Bureau
 Operating Bureau: Lake Restoration
 Funding Source: 100% Lake Restoration
 Cost Estimate: \$70,000.00

Plans Issue Date: 01/22/11
 Bid Letting Date: 02/02/12
 Plan Holders: 4
 Number of Bids Received: 3

Bidders

| | | |
|------------------------------|-----------------|--------------|
| Valley Contracting, Inc | Estherville, IA | \$100,426.20 |
| Richards Construction Co Inc | Sac City, IA | \$113,481.85 |
| Landwehr Construction Inc. | Saint Cloud, MN | \$163,410.95 |

IDNR recommends awarding the Bid to Valley Contracting, Inc.

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

CARRIED AS PRESENTED

11. ENGINEERING PROFESSIONAL SERVICES

11.1 BOONE FISHERIES BUILDING

Fisheries Bureau needs a new cold/warm storage building at the Boone Research Station. This project needs to have a survey and civil site plans completed for initial architectural design to begin. WHKS (consultant) will provide the Iowa DNR with all necessary documentation to complete the project with surveys and Site/Grading plans. Compensation for the services provided under this Delivery Order is currently under negotiation. The funding source is Fish & Wildlife Trust – Fisheries Non-Habitat Stamp 60% & Marine Fuel Tax 40% (FY12 Capital Link #126 & #42).

Recommendation: IDNR requests this item (delivery order) to be removed from NRC February 9, 2012 meeting. No NRC action is needed. The total dollar amount awarded since the last NRC action on WHKS' (consultant) master contract including this delivery order is #C-4, under the \$25,000 threshold. Compensation for the services provided under this delivery order is not to exceed \$9,190. Fisheries Bureau needs a new cold/warm storage building at the Boone Research Station. This project needs to have a survey and civil site plans completed for the architectural design to begin. WHKS will provide the Iowa DNR with all necessary documentation to complete the project with surveys and Site/Grading plans. Previous WHKS Delivery Orders: Backbone CCC survey contract - \$7,950.00, Backbone CCC Civil Plans contract - \$7,850.00

ITEM REMOVED AS DECISION ITEM DUE TO AMOUNT

11.2 BIG CREEK STATE PARK WASTEWATER LAGOON DESIGN SERVICES

The Department has negotiated a delivery order under a master contract with Stanley Consultants, Inc to provide design consultation services for the upgraded east wastewater treatment lagoon in the Big Creek State Park in Polk County, Iowa. The existing lagoon volume is insufficient to adequately treat the wastewater generated at the beach and picnic areas on the east side of the lake. Additional lagoon volume and an new wastewater outfall pipe will be designed to provide adequate treatment capacity. Services for this project consist of final design of the wastewater lagoon system at the Park. Stanley Consultants will meet with DNR during design phase, conduct topographic surveys, obtain soils information, prepare final bidding documents, final opinion of probable costs, prepare and submit a DNR Construction Permit Application and to be available to response to bidders questions. Funding for the design and construction will be 100% I-JOBS. The cost for engineering services of this delivery order is a not to exceed amount of \$69,014.00. The preliminary estimated construction cost is \$750,000.00. IDNR recommends awarding the Delivery Order to Stanley Consultants, Inc.

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

CARRIED AS PRESENTED

12. SMALL CONSTRUCTION PROJECT CONTRACTS

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

| BID DATE | PROJECT | COUNTY | AREA | DESCRIPTION | ESTIMATE | BIDS |
|----------|-------------|-----------|---------------------|--------------------------|----------|-------------|
| 01/19/12 | 11-03-22-03 | Clayton | Guttenberg Hatchery | Building repairs | \$25,000 | \$18,600.00 |
| | | | | | | \$30,250.00 |
| 01/05/12 | 11-05-04-16 | Appanoose | Honey Creek Resort | Wedge dock | \$16,000 | \$12,500.00 |
| | | | | | | \$13,806.58 |
| | | | | | | \$19,000.00 |
| 01/15/12 | 12-01-97-01 | Woodbury | Snyder Bend WMA | Water supply channel | \$69,750 | \$24,977.00 |
| | | | | | | \$45,430.00 |
| | | | | | | \$51,260.00 |
| | | | | | | \$64,444.00 |
| | | | | | | \$77,615.00 |
| 01/05/12 | 12-05-04-02 | Appanoose | Honey Creek Resort | Kiosk installation | \$45,000 | \$78,416.00 |
| | | | | | | \$38,100.00 |
| 01/05/12 | 11-05-04-24 | Appanoose | Honey Creek Resort | Millwork kiosk | \$2,000 | \$50,950.00 |
| | | | | | | \$1,880.00 |
| 01/12/12 | 12-01-30-01 | Dickinson | Big Spirit Lake | Hales Slough fish trap | \$26,000 | \$6,500.00 |
| | | | | | | \$39,560.00 |
| | | | | | | \$39,972.00 |
| 01/12/12 | 12-04-43-01 | Harrison | Loess Hills Forest | Complete moving building | \$15,000 | \$59,670.00 |
| | | | | | | \$23,355.50 |

INFORMATION ONLY

13. LAND ACQUISITION PROJECTS

***13.1 LAKE WAPELLO STATE PARK – DAVIS CO. – EAKINS**

The Natural Resource Commission's approval is requested to accept the donation of a permanent easement for two silt basins with associated earthen water retention dams adjacent south of Lake Wapello State Park in western Davis County. The donor is Eakins Acres, Inc., Lois Eakins. The easement shall serve as temporary and permanent storage of water and retention of silt on an area totaling approximately 0.5 acres lying below top of the earthen dams. The donor also grants access to the State and its authorized agents across their property as needed for construction of the silt basin. This easement grant was negotiated by Rick Hansen of the department. This property is located adjacent south of Lake Wapello State Park in Section 4 of Fox River Township. The easement segments are forested ravine. A portion of the earthen dams are anticipated/ designed to be located on the Eakins property, with the balance of the earthen embankment on DNR land. The dams and associated basins will be designed to trap sediment and to impound water to reduce runoff of soil and nutrients into Lake Wapello. The project will cause water impoundment and sediment retention within the basins and located on a portion of the subject property. During extreme precipitation runoff, floodwater could result in occasional flooding to the top of the silt retention dams. This easement will become part of the Lake Wapello State Park, and will be managed by the Parks Division in accord with the area management plan. Incidental closing costs will be the responsibility of the Department. Staff recommends approval of the easement acquisition.

CARRIED UNDER CONSENT AGENDA

***13.2 LAKE WAPELLO STATE PARK – DAVIS CO. – OLIVIER**

The Natural Resource Commission's approval is requested to accept the donation of a permanent easement for two silt basins with associated earthen water retention dams adjacent west of Lake Wapello State Park in western Davis County. The donor is the Russell Olivier Revocable Trust. The easement shall serve as temporary and permanent storage of water and retention of silt on an area totaling approximately 0.5 acres lying below top of the earthen dams. The donor also grants access to the State and its authorized agents across their property as needed for construction of the silt basin. This easement grant was negotiated by Rick Hansen of the department. This property is located adjacent west of Lake Wapello State Park in Section 4 of Fox River Township. The easement segments are forested ravine. A portion of the earthen dams are anticipated/ designed to be located on the Olivier property, with the balance of the earthen embankment on DNR land. The dams and associated basins will be designed to trap sediment and to impound water to reduce runoff of soil and nutrients into Lake Wapello. The project will cause water impoundment and sediment retention within the basins and located on a portion of the subject property. During extreme precipitation runoff, floodwater could result in occasional flooding to the top of the silt retention dams. This easement will become part of the Lake Wapello State Park, and will be managed by the Parks Division in accord with the area management plan. Incidental closing costs will be the responsibility of the Department. Staff recommends approval of the easement acquisition.

CARRIED UNDER CONSENT AGENDA

13.3 RIVERTON WMA – FREMONT CO. – SIEDSCHLAG

The Natural Resource Commission is requested to approve the acquisition of a tract of land located on the south side of Riverton, Iowa in Fremont County. The 80-acre tract is offered by Michael and Stephanie Siedschlag for the appraised price of \$203,500.00. The west 46 acres is encumbered by a Wetland Reserve Program easement. Licensed appraiser, Gary Thien of Thien Farm Management, Inc., Council Bluffs, Iowa submitted the appraisal. The purchase agreement was negotiated by Jerry Gibson. The subject tract is adjacent to the Riverton WMA. It has 46 acres of recreational land encumbered by a WRP easement; 31.5 acres of cropland; 1 acre abandoned building site; and 1.5 acres of road right-of-way. The tract has excellent public access from the local roads on the north and west sides. Upland management will provide a dove food plot; corn food plot; and approximately 22 acres of native grass seeding. The average CSR is 60.7. Acquisition funding will be \$20,000 from the Fremont/Mills Pheasants Forever Chapter, and the Pottawattamie PF Chapter. The remaining funding (\$183,500) will be from the Wildlife Habitat Stamp fund. The subject tract will remain on property tax rolls. Incidental closing costs will be the responsibility of the Department. Staff recommends approval of the land acquisition.

Motion – Commissioner Rettig

Seconded – Commissioner Underwood

Discussion – Staff responded that buildings on a property are usually removed if warranted by its usefulness.

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

13.4 STONE STATE PARK – PLYMOUTH CO. – INHF

The Natural Resource Commission is requested to approve the acquisition of a tract of land located two miles north of Sioux City adjacent to Iowa Hwy. 12. The 167.67-acre parcel (excluding Hwy. 12 right-of-way) is offered by the Iowa Natural Heritage Foundation for the appraised value of \$587,000.00. Licensed appraiser, Robert A. Rosno of Associated Appraisers of Siouxland, Inc., Sioux City, Iowa appraised the tract. The purchase agreement was negotiated by Jerry Gibson. The land was platted into 10 rural residential acreages lots in 2006 with a private gravel road off Highway 12. The plat included 3 common areas: A (24.10 acres), B (a 2-acre ancient burial site), and C (53.63 acres). Improvements include private access roads that lead to 9 residential lots (Lot #9 was sold in 2007). There is an earthen dam and pond on the north end of the tract with a leveled spoil area on common area A. The previous owner (Lieber Land Holdings, LLC) has the right to use this area until October 2012. The property was used for agricultural production prior to being platted as a rural residential subdivision. The appraiser found that the highest and best use as if vacant is for recreation. Since acquisition funding includes federal funds from the Loess Hills Scenic Byway, there will be a deed restriction placed on the property that prevents development of any vertical infrastructure or additional roads. The area is to be managed by State Parks Bureau staff as a recreation area open to public hunting with the potential to maintain existing roads as walking trails. At a future NRC meeting, a notice of intended action for administrative rule changes would propose to designate public access hours as 4am – 10:30p and to prohibit target shooting. Due to the area's archaeological significance, the DNR will recommend to the State Preserves Advisory Board that it be evaluated as a state preserve. Acquisition funding will be \$150,000 from REAP—Open Spaces, and \$437,000.00 from Department of Transportation Enhancement Grant (Scenic Byway). The tract will remain on the tax rolls. Incidentals will be the responsibility of the Department. Staff recommends approval of the land acquisition.

Motion – Commissioner Francisco

Seconded – Commissioner Underwood

Discussion - Staff responded that the entire parcel will be recommended to the Preserves Board for inclusion in their program. On some preserves, hunting is allowed. Staff corrected this should be Plymouth County versus Woodbury.

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

13.5 POOL SLOUGH – ALLAMAKEE CO. – MAJESTIC PROPERTIES

The Natural Resource Commission's approval is requested to purchase a permanent conservation easement from the Iowa Natural Heritage Foundation (the conservation easement holder) for \$315,500.00. Majestic Properties, LLC (landowner) granted the permanent conservation easement to the Iowa Natural Heritage Foundation on November 4, 2011. The permanent conservation easement has been appraised for \$326,000.00. Licensed Appraiser, Brian K. Linnemeyer, Peoples Company of Iowa, Indianola, Iowa submitted the estimate of market value using the "Before and After" appraisal method. The appraiser estimated the value of the property before being encumbered by a conservation easement to be \$733,500. The value of the property with the encumbrance of a conservation easement was estimated to be \$407,500. The difference of \$326,000 was established as damage to the remainder. Jerry Gibson negotiated the easement conveyance. The property is located just south of the Minnesota state line, along and viewable from Iowa Hwy. 26. The property consists of 10 acres of native hill prairie, and 142 acres of woodland. The easement is located within a half mile (and viewable) from the Pool Slough Wildlife Management Area; 1¼ miles from the U.S. Fish & Wildlife Service's 240,000-acre Upper

Mississippi River National Wildlife Refuge; and 1½ miles from the Black Hawk Point WMA. The grantor intends that the conservation values of the property be preserved and maintained by the continuation of land use patterns relating to scenic, open space, wildlife habitat, forest and prairie preservation, and recreational uses that do not interfere with those conservation values. The permanent conservation easement is a 49-page document that lists the rights of the grantee, permitted uses, prohibited uses, environmental compliance, baseline data, and 22 ground level photos for cover type documentation. Acquisition funding consists of 100% (\$315,500.00) from the Department of Transportation Enhancement Grant (Scenic Byway). No survey or fencing costs are anticipated. Incidental closing costs will be the responsibility of the Department. Staff recommends approval of the easement acquisition.

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

CARRIED AS PRESENTED

14. LAND MANAGEMENT PROJECTS

***14.1 MISSISSIPPI RIVER – LOUISA COUNTY – CH. 17 BARGE FLEETING LEASE**

The Natural Resources Commission is requested to approve the renewal of Chapter 17 Lease 102-R with Matteson Marine Service, Inc. of Burlington, Iowa. The area is 175 feet in depth with 1600 feet of frontage at Mississippi River Mile 430.3 in Louisa County Iowa, Section 9 and 16, Township 73 North, Range 1 West of the 5th P.M. near the town of Wapello, Iowa. The barges will be anchored with four ten thousand pound anchors. The anchors will not be permanently affixed and will be located approximately 35 feet riverward from the riverbank. This area has been under a barge fleeting lease since 1988. A Public Notice was printed in local newspapers. No comments were received. The annual fee is \$9,384.00 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.

CARRIED UNDER CONSENT AGENDA

***14.2 WASHTA ACCESS – IDA COUNTY – MANAGEMENT AGREEMENT**

The Natural Resource Commission’s approval is requested for the renewal of an expiring management agreement with the Ida County Conservation Board and the DNR. This agreement authorizes the Ida County Conservation Board to manage the Washta Access through 2036. The Washta Access Area is primarily used as a water access site for the Little Sioux River in the northwestern corner of Ida County. Hunting, fishing, and primitive camping are some of the major recreational activities provided at the site. The state has constructed a rockered access road, parking area and concrete boat ramp which are receiving a medium to high degree of public use. The county desires to continue the agreement to manage the site as a public access area. Staff recommends approval of the management agreement.

CARRIED UNDER CONSENT AGENDA

15. CULTURAL RESOURCE EVALUATION CONTRACT WITH UNIVERSITY OF IOWA AMENDMENT

The Department requests Commission approval of Amendment number 3 to a Contract with the University of Iowa to perform cultural resource evaluations of DNR properties. This amendment will increase the contract amount from \$75,000 to \$150,000. This amendment is needed to ensure funding is available for additional surveys that will be performed during this fiscal year. The Parks Bureau has recently secured federal EPA grants to fund improvements to state parks and recreation areas for kiosks, public use facilities, watershed improvements, and other assets that will require cultural resource surveys. Additional surveys are also needed to complete unanticipated Fisheries Bureau projects and FEMA funded projects. Cultural resource surveys are a condition of federal funding and will insure that DNR remains in compliance with these funding sources. This amendment will provide the additional funding needed to complete these surveys.

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

CARRIED AS PRESENTED

GENERAL DISCUSSION

Commissioner Clement inquired on any indication from the Governor's office to allow the Department regulate the amount of deer tags and if the Department has a report on the amount of deer harvested and licenses sold. Director Lande responded he had not discussed the tags with the Governor's office and Dr. Garner informed the report will be provided and staff will be meeting with the Farmer's Advisory Committee about the regulation.

Commissioner Drees reported he has been a regular attendee at Great Lakes aquatic invasive species meetings regarding a fish barrier. The community's goal is to raise \$200,000 locally and contributions coming in already.

Commissioner Prickett summarized Chronic Wasting Disease in western states information she read and that it is being found in spleen and lymphatic tissue versus just brain and stem. She also commented she would be interested in being involved in the Aquatic Invasive Species committee.

Commissioner Rettig reported she attended an Iowa Bicycle Summit which unveiled a study on the economic development of bicycling. The information is available on the Iowa Bicycle Coalition website done by Iowa State staff. She also noted that in Iowa Code, it states the DNR is responsible for creating all bike routes. Attorney Tamara Mullen responded that it is in Chapter 465B, composed in the late 1980s, and that it is a partnership with other agencies to complete a specific amount of trails by the year 2000. Commissioner Rettig stated she just returned from Washington, DC, and there are negative things going on with the highway bill that could affect the DNR and projects that involve funding. She, also, inquired on the timeline for setting the waterfowl zones. Chuck Corell responded he will send the commissioners information. Commissioner Drees added that he had discussed with Guy Zenner the opportunity for the NRC to review the information in time for the NRC to make a decision regarding a third zone.

Commissioner Schemmel shared he had received information that there is an issue between Boyt Harness Company and National Pheasants Forever and there were implications IA DNR was involved. After a little research, it appears it is regarding a hatching study on pheasants. He wanted the Department to be aware. Chuck Corell reported that he is not aware of what has caused the issue between Boyt Harness and PF, but he and Dale Garner met with Representative Arnold, who has requested bill language be drafted to have the DNR complete three studies (economic impact of pheasants/upland hunting in Iowa, review computer models for predictions, and stocking pheasants).

Commissioner Underwood commented on the 02/03/12 aquatic invasives species committee meeting she attended. The goal was to assess the needs of the state regarding aquatic invasive species and provide recommendations. There was good participation among members. Staff responded a report from the meeting is being drafted for the AIS committee's review. She inquired if there was NRC representation on the Deer Advisory Committee, which is in its beginning stages and had a recent meeting. Director Lande provided information on the recommended members, of which NRC was not identified. Commissioner Underwood recommended an NRC Commissioner be appointed to the committee or be allowed to attend. Commissioner Underwood inquired about getting the EPC annual report and recommended informing the EPC of the NRC annual report. Staff shared that the reports are posted on the DNR website and the location will be emailed to commissioners. She, also, inquired on the status of the legislative meetings being coordinated between NRC members and legislators. Commissioner Drees reported contact is being made and scheduling is being discussed.

Chuck Corell, CRD Division Administrator, provided a legislative update.

ADJOURNMENT

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

With no further business to come before the Natural Resource Commission, Chair Drees adjourned the meeting on 02/09/12 at 2:40p.m.

CARRIED – MEETING ADJOURNED

UPCOMING NRC MEETING DATES

March 8, 2012 – Henry Wallace State Office Building, Des Moines, 9:30am

April 12, 2012 - Henry Wallace State Office Building, Des Moines, 9:30am