

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

Field Tour Date: Wednesday, May 9, 2012

FIELD TOUR AGENDA

Field Tour approximate times: depart 12:00pm; return 5:00p
Field Tour departure location: Quality Inn & Suites entrance, 6605 North Brady Street, Davenport, IA

- Lost Grove Lake
- Princeton Wildlife Area / Range

Business Meeting Date: Thursday, May 10, 2012

Meeting Location: Quality Inn & Suites Meeting Room, 6605 North Brady Street, Davenport, IA

BUSINESS MEETING AGENDA

Meeting convenes at 8:30am
Public Participation begins at approximately 10:00a

1.	Approval of Agenda Consent Agenda (<i>*within agenda indicates proposed consent agenda item</i>) *7 Cultural Resource Evaluation contract with University of Iowa – Amendment #4 *10.4 North & Middle Bear Creeks – Winneshiek Co. – Langland *10.5 Grover’s Lake – Dickinson Co. – Hunt Family Farms	Decision	Commission
2.	Approve Minutes of 04/12/12 NRC Public Meeting	Decision	Commission
3.	Election of Natural Resource Commission Officers	Decision	Commission
4.	Director Remarks	Information	Director
5.	Honey Creek Resort State Park Update	Information	Chuck Corell
6.	Land and Water Conservation Fund - City and County Grants	Decision	Kevin Szcodronski
*7.	Cultural Resource Evaluation contract with University of Iowa – Amendment #4	Decision	Dale Garner
8.	Contract for Vegetation Monitoring at Kirchner Prairie	Decision	Dale Garner
9.	Notice of Intended Action – Chapter 56, Shooting Range Grant Program	Decision	Dale Garner
10.	Land Acquisition Projects		
10.1	Brown’s Slough WMA – Lucas Co. – Forecom Properties	Decision	Travis Baker
10.2	Sage Sanctuary – Black Hawk Co. – INHF	Decision	Travis Baker
10.3	East Swan Lake WMA – Emmet Co. – Norland		
*10.4	North & Middle Bear Creeks – Winneshiek Co. – Langland		
*10.5	Grover’s Lake – Dickinson Co. – Hunt Family Farms		
11.	Land Management Project - Pioneer State Park, Mitchell County, Mitchell County Conservation Board	Decision	Travis Baker
12.	Construction Projects		
12.1	Boone Research Station, ANS/Fisheries Storage Building	Decision	Gabe Lee
12.2	Mines of Spain, Trail Repair/Riprap	Decision	Gabe Lee
12.3	Springbrook State Park, Sewer System	Decision	Gabe Lee
12.4	Kellerton Wildlife Area, New Headquarters (Rebid)	Decision	Gabe Lee
12.5	Lewis & Clark State Park, Pump Station Replacement	Decision	Gabe Lee
13.	Small Construction Projects	Information	Gabe Lee

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.

14.	Division Administrator Comments	Information	Chuck Corell
15.	General Discussion		
Upcoming NRC Meeting Dates:			
<ul style="list-style-type: none"> • June 14, 2012 - Henry Wallace State Office Building, Des Moines, 9:30am • July 12, 2012 – Monona County 			

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.

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

#6

Decision Item

Land and Water Conservation Fund - City and County Grants

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

The Department received 14 applications by the March 15, 2012, deadline, comprising a total request of \$862,097.50 for over \$5.5M in projects. The five-member Review and Selection committee, comprised of three department staff and two persons appointed by the Director with input from the Iowa Association of County Conservation Boards, the Iowa League of Cities and the Iowa Parks and Recreation Association, scored and ranked the applications based on the following criteria, as established by rule: Relationship to SCORP Priorities (Statewide Comprehensive Outdoor Recreation Plan); direct recreation benefits provided; local need; and quality of the site. In addition, the Review and Selection committee awarded bonus and penalty points, also as established by rule, based on such criteria as: level of prior assistance from the LWCF; special features for the elderly and handicapped; minority populations served; degree of public participation and support; recycled content material use; and level of planning that has preceded the application for a LWCF grant.

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

Kevin Szcodronski, State Parks Bureau Chief
Conservation and Recreation Division
May 10, 2012

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

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

Grant Applicant	Project	Grant Request	Total Cost	Score (Ave)
Dubuque, City of	EB Lyons Interpretive Area Addition	\$175,000.00	\$526,600.00	72.38
Renwick, City of	City of Renwick Park Improvements	\$34,838.50	\$69,677.00	71.5
Evansdale, City of	Deerwood Park Campground Improvement, Phase 1	\$75,000.00	\$198,001.60	69.8
West Des Moines, City of	Raccoon River Park Archery Facility	\$105,000.00	\$210,000.00	69.3
Rolfe, City of	Rolfe Bathhouse Construction	\$50,000.00	\$100,000.00	68.8
Crawford County Conservation Board	Yellow Smoke park Comfort Station and Cabin	\$64,465.00	\$138,930.00	67.2
Mount Ayr, City of	Mount Ayr Aquatic Center	\$75,000.00	\$3,312,000.00	65.6
O'Brien County Conservation Board	Mill Creek Park Playground Improvement	\$25,337.00	\$50,675.00	65
Carroll County Conservation Board	Swan Lake Park Playground	\$25,000.00	\$50,000.00	64.75
Cedar Rapids, City of	Sac & Fox Trail Section Relocation	\$52,457.00	\$104,915.00	64.2
Osceola County Conservation Board	Willow Creek Bathroom Construction	\$35,000.00	\$35,000.00	63.7
Burlington, City of	Perkins Park Shelter	\$20,000.00	\$40,000.00	61.6
Carson City of	Nishna Loop Pedestrian Trail & Heritage Center	\$50,000.00	\$472,425.00	57.2
Black Hawk County Conservation Board	McFarlane Park Shop and Well Relocation	\$75,000.00	\$200,000.00	55.6

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

**7 (*indicates proposed consent item)*

Decision Item

Cultural Resource Evaluation contract with University of Iowa – Amendment #4

The Department requests Commission approval of Amendment #4 to a contract with the University of Iowa to perform cultural resource evaluations of DNR properties. This amendment will extend our contract with the University of Iowa for one year beginning July 1, 2012 and ending June 30, 2013. The contract shall be for up to \$150,000.

DNR originally signed this contract with the University of Iowa in 2009. This contract is renewable annually for up to six years. This amendment is the third annual extension of this contract. Amendment #3, approved by the NRC at the February 2012 meeting, increased the contract amount from \$75,000 to \$150,000.

DNR is required to evaluate potential impacts to cultural resources as a condition of federal aid funding and to comply with our agreement with the State Historical Society of Iowa. This agreement ensures that DNR complies with state and federal regulations regarding cultural resources. Information derived from these evaluations is used by area managers to protect and avoid impacts to any cultural resources that may be present on DNR properties.

Dale Garner, Wildlife Bureau Chief
Conservation and Recreation Division
May 10, 2012

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

#8

Decision Item

Contract for Vegetation Monitoring at Kirchner Prairie

The Department requests Commission approval of a contract for \$50,000 with Botanical and Ecological Consulting to cover 5 years of effort to monitor vegetation changes at Kirchner Prairie, a tract within the Dan Green Slough WMA Complex in Clay County. This proposal was selected for funding through the competitive bid process. Funding is from the Wildlife Diversity Program License Plate Fund (REAP LP).

This project will evaluate the response of prairie vegetation and the Western Prairie Fringed Orchid in particular to patch-burn-grazing management. The DNR Wildlife Bureau will collect pre-, during, and post-treatment data on birds and butterflies to correspond to changes seen in the vegetation at this property.

Dr. Dale Garner, Wildlife Bureau Chief
Conservation and Recreation Division
May 10, 2012

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

9

Decision Item

Notice of Intended Action – Chapter 56, Shooting Range Grant Program

The Commission is requested to approve the Notice of Intended Action-Chapter 56, Shooting Range Grant Program.

This new grant program creates opportunity for shooting range development around the state by providing two different funding avenues: one for facility development and improvement and one for equipment purchases. This rule is the product of a week-long Kaizen between the Department, County Conservation Boards, non-profit shooting ranges, and private citizens, and has extensive support throughout the state. These ranges are excellent tools for hunter recruitment and retention, as well as a source of recreation in their own right.

The Department held a week-long Kaizen August 22-26, 2011, with County Conservation Boards, non-profit shooting ranges, and private citizens to develop the structure of the program and write the rule. Additionally, in September 2011, the Department emailed the draft rule to other key stakeholders and received edits and comments to the rule, plus several letters of support. This rule is the result of a true collaboration with the entities likely to apply for grant dollars.

This grant program is funded by a combination of federal dollars (\$40,000) and the Fish and Game Protection Fund (\$80,000). Additionally, pursuant to Iowa Code section 456A.19, the directors of both the Iowa Department of Management (DOM) and the Iowa Department of Administrative Services (DAS) are required to approve Fish and Game Protection Fund expenditures made under authority in Iowa Code chapter 456A. This rule package was approved by DAS via email dated March 6, 2012, and by DOM via letter sent February 15, 2012. Approval from the Governor's Office was received via email on April 21, 2012.

Dr. Dale Garner, Wildlife Bureau Chief
Conservation and Recreation Division
May 10, 2012

Attachment: Notice of Intended Action– Chapter 56 – Shooting Range Grant Program

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority in Iowa Code sections 455A.5(6), 456A.24 and 456A.30, the Natural Resource Commission hereby gives Notice of Intended Action to adopt Chapter 56, "Shooting Sports Program Grants," Iowa Administrative Code.

The proposed rule creates a grant program for shooting range development and enhancement around the state. These ranges are excellent tools for hunter recruitment and retention, as well as a source of recreation in their own right. The Department of Natural Resources' (Department's) shooting sports program receives federal dollars plus some state Fish and Game Protection Fund dollars to foster shooting sports and hunter safety in the state; using a portion of these funds for a shooting range grant program is in line with the Department's mission of encouraging and promoting outdoor recreation.

The grant program contains two funding avenues: one for the development of new ranges or improvement of existing ranges, and one for purchasing range equipment. The rule implements this program by defining, among other things, eligibility, application procedures, project selection criteria, the make-up and role of a scoring committee, and record keeping requirements. Significantly, this rule is the product of a week-long stakeholder meeting between the Department, county conservation boards, non-profit shooting ranges, and private citizens, all of whom have expertise and interest in shooting sports. The grant program and these implementing rules were specifically structured to ensure clarity, impact, and maximum benefit to the general public.

This grant program will have a positive economic impact on the state, and presents the following job creation opportunities: it will increase attendance at shooting ranges (both those that receive grant dollars as well as those that do not because there will be a general increase in awareness and interest in shooting sports through promotional activities); it will generally increase interest in shooting sports, providing retailers, outfitters, suppliers, and other related businesses revenue opportunities; and it will generally support the Department's hunter recruitment and retention efforts, which in turn benefits many businesses through equipment purchases, traveling needs, and license sales. The complete Jobs Impact Statement prepared by the Department is available from the Department upon request.

Any interested person may make written suggestions or comments on the proposed rule on or before June 19, 2012. Such written materials should be directed to Ben Berka, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail Ben.Berka@dnr.iowa.gov. Persons who wish to convey their views orally should contact Ben Berka at (515) 281-0140 or at Mr. Berka's office on the fourth floor of the Wallace State Office Building.

Additionally, the Department intends to hold a public hearing on this rule at the Wallace State Office Building in Des Moines on June 19, 2012 in the 4-East conference room at Noon. At the public hearing, persons may present their views either orally or in writing. Persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

This rule making is intended to implement Iowa Code sections 455A.5(6), 456A.24 and 456A.30.

The following rule adoption is proposed.

ITEM 1. Adopt the following **new** chapter:

SHOOTING SPORTS PROGRAM GRANTS

Part 1: Development Grants

571---56.1 Purpose. The purpose of the shooting sports development grant program is to provide state cost sharing to eligible applicants for the creation of new and improvement of existing shooting ranges and facilities. The department shall administer the program.

571---56.2. Definitions.

“*Committee*” means the review and selection committee established in 571—56.6(1).

“*Department*” means the department of natural resources created in Iowa Code section 455A.2

“*Director*” means the director of the department.

571---56.3. Eligibility requirements. The following entities are eligible so long as they meet all of the following requirements and submit an application with all supporting documents on time: must allow public access, must not have any unresolved close-out issues on prior grant projects, must be on property owned by the applicant or enrolled in a long-term lease of at least 25 years, must have liability insurance unless not required by law, and must make the range available for department hunter education courses, department hunter recruitment efforts, department archery programs, and the Scholastic Clay Target Program activities.

56.3(1) Eligible entities. Iowa-based shooting sports organizations, Iowa primary and secondary public and private schools, Iowa public and private colleges and universities, Iowa nonprofit corporations, public ranges not owned by the state, city park and recreation agencies, and county governments.

56.3(2) Ineligible entities. Privately-owned for-profit ranges and state-owned-and-operated public ranges are not eligible for this program.

571---56.4. Maximum grant amounts. The maximum grant award is \$50,000 per project with at least a 25% match as described in 571—56.5(3).

571---56.5. Grant application submissions.

56.5(1) Form of application. Grant applications shall be on forms provided by the department and shall follow guidelines provided by the department.

56.5(2) Application timing. Grant applications (one original and five copies) must be received by the department by September 15th for the 2012 grant cycle, and then all following years by February 1st.

56.5(3) Match and local funding. Applicants are expected to finance 25% of development grant projects, either through cash, donated materials/labor, or other pre-approved in-kind match. An applicant shall certify that it has committed its match before the 90 percent up-front grant payment will be made pursuant to 571—56.10. A “letter of intent” signed by the mayor, chairperson of the board of supervisors, chairperson of the county conservation board, or the CEO or chief financial officer of an agency, organization, or corporation and submitted with the application showing intent to include funds in finalized budgets will be accepted as proof of commitment. Applications must forward proof of budgeting by November 1st of the 2012 grant cycle and June 1st for all following years or be removed from the list of approved projects.

56.5(4) Competitive bids. Any development expense costing more than \$500 and funded by grant dollars must be purchased through a competitive bid or quotation process. Records of such process must be submitted with grant close-out documentation. Items purchased by any other means are not reimbursable under the grant.

571---56.6. Project review and selection.

56.6(1) Review and selection committee. The review and selection committee shall be comprised of six members appointed by the director and shall review and evaluate project applications and determine final project approval. Three members shall be from department staff and three members shall be from the public/private sector and shall be appointed based upon their expertise and interest in one of the three shooting sports of rifle/handgun, shotgun, and archery.

56.6(2) Conflict of interest. If a project is submitted to the committee by an entity with a member or employee on the committee, that individual shall not participate in discussion and shall not vote on that particular project.

56.6(3) Consideration withheld. The committee will not consider any application which, on the date of the selection session, is not complete or for which additional pertinent information has been requested and not received. The committee will not consider any application which, on the date of the selection session, has not demonstrated compliance or does not have a reasonable plan for achieving compliance with the requirements of Iowa Code section 657.9.

56.6(4) Application rating system. The committee will apply a numerical rating system to each grant application that is considered for funding. The criteria and maximum number of points for each includes the following:

a. Overall program strength and feasibility (30 points).

b. Education (30 points)

c. Proximity to other public ranges (25 points).

d. Range capacity (15 points)

e. Project type (10 points)

56.6(5) Rating of scores for tie breakers. If two or more projects receive the same score, the committee shall use the points awarded to “project feasibility” to determine which project has a higher rank.

56.6(6) Notification. Applicants shall be notified of their grant status in writing within 30 days after the committee meeting.

571—56.7. Applications not approved for funding: appeals. Unfunded applicants may appeal the committee’s decision to the director within 5 days of receipt of committee’s decision, by mailing a letter of appeal to the director of the department. The director shall review the application, committee score sheets, and make a final decision as to the grant awards.

571---56.8. Grant amendments. Project amendments may be made upon request by the applicant, subject to the availability of funds, and approval by the director or the director’s designee.

571---56.9. Timely commencement of projects. Grant recipients are expected to carry out their projects in an expeditious manner. Projects shall be initiated no later than two months following their approval by the committee and shall be completed no later than June 30 of the year following the grant award. Failure to initiate projects in a timely manner may be cause for termination of the agreement and cancellation of the grant.

571—56.10. Payments. Ninety percent of approved grant amounts may be paid to project sponsors when requested, but not earlier than the start-up date of the project. Ten percent of the grant total shall be withheld by the department, pending successful completion and final site inspection, or until any irregularities discovered as a result of the final site inspection have been resolved.

56.10(1) Expense documentation, balance payment or reimbursement. Documentation of expenditures eligible for repayment or reimbursement shall be submitted on forms provided by

the department and shall be accompanied by applicable receipts showing evidence that the expense is necessary and reasonably related to the creation of a new or improvement to an existing shooting range or facility. The grantee shall sign a certification stating that all expenses for which reimbursement is requested are related to the program and have been paid by the sponsor prior to requesting reimbursement. If necessary, the department may request copies of cancelled checks to verify expenditures. For purposes of this rule, expenses that are necessary and reasonably related to the creation of a new or improvement to an existing shooting range or facility include, without limitation, costs associated with the lease or acquisition of real property used for the project; personal property acquired for use in the project; and management and maintenance costs associated with the project; however in no event shall funds used under this program be used to cover costs associated with employment or personnel costs of the grant recipient, including salaries and benefits. Those costs, however, may be used to meet the match requirement described in subrule 56.5(3).

571—56.11. Record keeping and retention. Grant recipients shall keep adequate records relating to the administration of the project, particularly relating to all incurred expenses. Records include but are not necessarily limited to invoices, cancelled checks, bank statements, and bid and quote documentation. These records shall be available for audit by representatives of the department and the state auditor's office for a period of three years following the close of the grant. All records shall be retained in accordance with state laws.

56.11(1) Annual reports. Grant recipients shall submit an annual report for seven years following the close of the grant on forms provided by the department.

571---56.12. Project life and recovery of funds. Applicants shall state an expected project life of at least ten years which will become part of the project agreement. Should the funded project cease to be used for public recreation before the stated project life, the director may seek to recover the remaining value of the grant award.

571---56.13. Unlawful use of funds. Whenever any property, real or personal, acquired or developed with grant funds under this program passes from the control of the grantee or is used for purposes other than the approved project purpose, it will be considered an unlawful use of these funds.

571---56.14. Remedy. Funds used without authorization, for purposes other than the approved project, or unlawfully, must be returned to the department for deposit in the account supporting this program. In the case of diversion of personal property, the grantee shall remit to the department funds in the amount of the original purchase price of the property. The grantee shall have a period of three months after notification from the department in which to correct the unlawful use of funds. The remedy provided in this rule is in addition to others provided by law.

571---56.15. Ineligibility. Whenever the director determines that a grantee is in violation of these rules, that grantee shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the director.

This rule making is intended to implement Iowa Code sections 455A.5(6), 456A.24 and 456A.30.

Part 2: Equipment Grants

571---56.16. Purpose. The purpose of the shooting sports equipment grant program is to provide state cost sharing to eligible applicants for the purchasing or improving of shooting range equipment. The department shall administer the program.

571—56.17. Definitions.

“Committee” means the review and selection committee established in 571—56.21(1).

“Department” means the department of natural resources created in Iowa Code section 455A.2.

“Director” means the director of the department.

571---56.18. Eligibility requirements. The following entities are eligible so long as they meet all of the following requirements and submit an application with all supporting documents on time: must allow public access, must not have any unresolved close-out issues with prior grant projects, must be on property owned by the applicant or enrolled in a long-term lease of at least 25 years, must have liability insurance unless not required by law, and must make the range available for department hunter education courses, department hunter recruitment efforts, department archery programs, and the Scholastic Clay Target Program activities.

56.18(1) Eligible entities. Iowa-based shooting sports organizations, Iowa primary and secondary public and private schools, Iowa public and private colleges and universities, Iowa nonprofit corporations, public ranges not owned by the state, city park and recreation agencies, and county governments.

56.18(2) Ineligible entities. Privately-owned for-profit ranges and state-owned-and-operated public ranges are not eligible for this program.

571---56.19. Maximum grant amounts. There is no maximum request amount for equipment grants, but a 50% match is required as described in 571—56.20(3).

571---56.20. Grant application submissions.

56.20(1) Form of application. Grant applications shall be on forms provided by the department and shall follow guidelines provided by the department.

56.20(2) Application timing. Grant applications (one original and five copies) must be received by the department by September 15th for the 2012 grant cycle, and then all following years by February 1st.

56.20(3) Match and local funding. Applicants are expected to finance 50% of equipment grant projects, either through cash, donated materials/labor, or other pre-approved in-kind match. An applicant shall certify that it has committed its match before the 90 percent up-front grant payment will be made pursuant to 571—56.25. A “letter of intent” signed by the mayor, chairperson of the board of supervisors, chairperson of the county conservation board, or the CEO or chief financial officer of an agency, organization, or corporation and submitted with the application showing intent to include funds in finalized budgets will be accepted as proof of commitment. Applications must forward proof of budgeting by November 1st of the 2012 grant cycle and June 1st for following years or be removed from the list of approved projects.

56.20(4) Competitive bids. Any equipment costing more than \$500 and funded by grant dollars must be purchased through a competitive bid or quotation process. Records of such process must be submitted with close-out documentation. Items purchased by any other means are not reimbursable under the grant.

571---56.21. Project review and selection.

56.21(1) Review and selection committee. The review and selection committee shall be comprised of six members appointed by the director and shall review and evaluate project applications and determine final project approval. Three members shall be from department staff and three members shall be from the public/private sector and shall be appointed based upon their expertise and interest in one of the three shooting sports of rifle/handgun, shotgun, and archery.

56.21(2) Conflict of interest. If a project is submitted to the committee by an entity with a member or employee on the committee, that individual shall not participate in discussion and shall not vote on that particular project.

56.21(3) Consideration withheld. The committee will not consider any application which, on the date of the selection session, is not complete or for which additional pertinent information has been requested and not received. The committee will not consider any application which, on the date of the selection session, is proposing to use the equipment at a facility that has not demonstrated compliance or does not have a reasonable plan for achieving compliance with the requirements of Iowa Code section 657.9.

56.21(4) Application rating system. The committee will apply a numerical rating system to each grant application that is considered for funding. The criteria and maximum number of points for each includes the following:

- a. Overall program strength and feasibility (30 points)
- b. Education (30 points)
- c. Proximity to other public ranges (25 points)
- d. Range capacity (15 points)
- e. Project type (10 points)

56.21(5) Rating of scores for tie breakers. If two or more projects receive the same score, the committee shall use the points awarded to “project feasibility” to determine which project has a higher rank.

56.21(6) Notification. Applicants shall be notified of their grant status in writing within 30 days after the committee meeting.

571—56.22. Applications not approved for funding: appeals. Unfunded applicants may appeal the committee’s decision to the director within 5 days of receipt of committee’s decision, by mailing a letter of appeal to the director of the department. The director shall review the application, committee score sheets, and make a final decision as to the grant awards.

571---56.23. Grant amendments. Project amendments may be made upon request by the applicant, subject to the availability of funds, and approval by the director or director’s designee.

571---56.24. Timely commencement of projects. Grant recipients are expected to carry out their projects in an expeditious manner. Projects shall be initiated no later than two months following their approval by the committee and shall be completed no later than June 30 of the year following the grant award. Failure to initiate projects in a timely manner may be cause for termination of the agreement and cancellation of the grant.

571—56.25. Payments. Ninety percent of approved grant amounts may be paid to project sponsors when requested, but not earlier than the start-up date of the project. Ten percent of the grant total shall be withheld by the department, pending successful completion and final site inspection, or until any irregularities discovered as a result of the final site inspection have been resolved.

56.25(1) Expense documentation, balance payment or reimbursement. Documentation of expenditures eligible for prepayment or reimbursement shall be submitted on forms provided by the department and shall be accompanied by applicable receipts showing evidence that the expense is necessary and reasonably related to the purchase or improvement of shooting range equipment. The grantee shall sign a certification stating that all expenses for which reimbursement is requested are related to the program and have been paid by the sponsor prior to requesting reimbursement. If necessary, the department may request copies of cancelled checks

to verify expenditures. For purposes of this rule, expenses that are necessary and reasonably related to the purchase or improvement of shooting range equipment include, without limitation, the actual equipment approved as the funded project and associated delivery costs, as well as the management and maintenance costs associated with such equipment; however in no event shall funds used under this program be used to cover costs associated with employment or personnel costs of the grant recipient, including salaries and benefits. Those costs, however, may be used to meet the match requirement described in subrule 56.20(3).

571—56.26. Record keeping and retention. Grant recipients shall keep adequate records relating to the administration of the project, particularly relating to all incurred expenses. Records include but are not necessarily limited to invoices, cancelled checks, bank statements, and bid and quote documentation. These records shall be available for audit by representatives of the department and the state auditor's office for a period of three years following the close of the grant. All records shall be retained in accordance with state laws.

56.26(1) Annual reports. Grant recipients shall submit an annual report for five years following the close of the grant on forms provided by the department.

571---56.27. Project life and recovery of funds. Applicants shall state an expected project life of at least ten years which will become part of the project agreement. Should the funded project cease to be used for public recreation before the stated project life, the director may seek to recover the remaining value of the grant award.

571---56.28. Unlawful use of funds. Whenever any property, real or personal, acquired or developed with grant funds under this program passes from the control of the grantee or is used for purposes other than the approved project purpose, it will be considered an unlawful use of these funds.

571---56.29. Remedy. Funds used without authorization, for purposes other than the approved project, or unlawfully, must be returned to the department for deposit in the account supporting this program. In the case of diversion of personal property, the grantee shall remit to the department funds in the amount of the original purchase price of the property. The grantee shall have a period of three months after notification from the department in which to correct the unlawful use of funds. The remedy provided in this rule is in addition to others provided by law.

571---56.30. Ineligibility. Whenever the director determines that a grantee is in violation of these rules, that grantee shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the director.

This rule making is intended to implement Iowa Code sections 455A.5(6), 456A.24 and 456A.30.

Iowa Department of Natural Resources
Natural Resource Commission

#10 (**indicates proposed consent item*)

Decision Item

Land Acquisition Projects

1. Brown's Slough WMA – Lucas Co. – Forecom Properties

The Natural Resource Commission's approval is requested to purchase a tract of land located in Lucas County adjacent to state-owned and managed Brown's Slough Wildlife Management Area (WMA). Forecom Properties, Inc. offers this 19-acre tract for the price of \$22,800.

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

This property is located 8 miles southeast of Russell in southeastern Lucas County. The tract is entirely forested reflecting moderately sloping to steep topography. There are no building improvements. Brown's Slough WMA borders along the west side of the tract, and Rathbun WMA borders along the north side of the tract. Access is provided to the southeast corner of the tract by a permanent 66 ft. wide permanent easement held by the state extending ¼ of a mile from a county gravel road. The property will be managed for outdoor recreation, specifically for forest wildlife. The tract will be managed by the Wildlife Bureau.

Acquisition funding will be \$22,800 from Wildlife Habitat Stamp. The property will remain on the tax rolls. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

2. Sage Sanctuary – Black Hawk Co. – INHF

The Natural Resource Commission's approval is requested to purchase a tract of land located in Black Hawk County located one mile northwest of Sage Sanctuary. The Iowa Natural Heritage Foundation (INHF) offers this 80-acre tract for the appraised price of \$79,190. INHF purchased the tract in December 2009 at a price of \$78,800. Steve Badger, Licensed Appraiser of Marshalltown, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This property is located seven miles northwest of Dunkerton in northeastern Black Hawk County. The level tract contains 79 acres enrolled in a permanent Wetlands Reserve Program (WRP) easement (2009), and 1 acre of public road right of way. The tract is bisected by Crane Creek and consists of 70 acres of grasses and native prairie and 9 acres of wetlands. Access is provided by a county paved road along the north boundary.

This tract will be managed for upland birds and pheasants, enhancing outdoor recreation. A small parking lot will be constructed at the northwest corner of the property. The Department plans to transfer management of this tract to the Black Hawk County Conservation Board.

Acquisition funding will be \$59,190 from Cedar-Wapsi NAWCA II Grant, and a \$20,000 cash donation from Black Hawk County Chapter of Pheasants Forever. No surveying or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

3. East Swan Lake WMA – Emmet Co. – Norland

The Natural Resource Commission is requested to approve the acquisition of a tract of land located in Emmet County. This 108.35-acre tract is offered by Kelly and Denise Norland for the appraised price of \$121,900. The property is encumbered by a Wetland Reserve Program easement that covers approximately 103 acres. Licensed appraiser, Greg Tritle, of Vander Werff and Associates, Sanborn, Iowa submitted the appraisal. The purchase agreement was negotiated by Jerry Gibson.

The property is located 11 miles east of Estherville adjacent on the north side to 150th Street. The property consists of 103.08 acres enrolled in the Wetland Reserve Program; 3.84 acres of tillable ground; and 1.43 acres of road right of way. The restoration includes 57 acres of native prairie seeding; 32 acres of wetlands; 12 acres of restorable wetlands; and 3.84 acres of cropland. There are no buildings. The Wildlife Bureau will manage the property for waterfowl and upland game.

Acquisition funding will be 100% North American Wetland Conservation Act—Southeastern Prairie Potholes. No surveying costs are anticipated. Incidental closing costs are the responsibility of the Department.

Staff recommends approval of the land acquisition.

***4. North & Middle Bear Creeks – Winneshiek Co. – Langland**

The Natural Resource Commission's approval is requested to purchase a permanent easement for angler access on two segments of trout stream on North Bear Creek and Middle Bear Creek located in northeastern Winneshiek County. Walter and Adeline Langland offer this permanent easement encumbering 22.3 acres for \$60,000. (Basis for payment reflects \$2,500 per acre, plus \$4,250 which represents the net present value of CRP payments to be adjusted by the Farm Service Agency for easement overlap of CRP acreage.)

This primarily grassland region of the stream bank is located 5 miles northeast of the Highlandville. The North Bear Creek segment consists of 13.8 acres, while the Middle Bear Creek segment reflects 8.5 acres. In addition to public fishing, the easement allows DNR to stock and sample fish, install fish habitat, and conduct water quality/stream bank improvements. The total easement area is 150 foot wide by 6,475 foot in length (75 foot on each side of the centerline of North Bear & Middle Bear Creeks).

North Bear Creek at this location contains a population of wild brown trout, and is stocked by the Department with catchable rainbow trout. The North/Middle/South Bear Creek complex is one of the top angler use stream systems in the state. This easement will be monitored by the Fisheries Bureau.

I-JOBS funding in the amount of \$58,000 and a \$2,000 cash donation from Chapter 710 Nebraska Trout Unlimited (Omaha, Nebraska) will be used to acquire the easement. No survey or fencing costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the easement acquisition.

***5. Grover's Lake – Dickinson Co. – Hunt Family Farms**

The Natural Resource Commission's approval is requested to accept the donation of a 0.72-acre permanent flowage and construction easement. The easement will allow for the construction, maintenance, and permanent placement of an open drainage ditch for the drawdown of Grover's Lake. The Hunt Family Farms, LLC has agreed to donate the right to construct and maintain the open ditch under a permanent easement. Jerry Gibson negotiated the option for easement.

Grover's Lake is located approximately 4 miles north of Spirit Lake. The majority of the open ditch will be constructed on state-owned land, and will include a fish barrier in a box culvert. This is a significant water quality project for the Iowa great lakes watershed, and the first phase of the proposed Shallow Lakes Restoration for West Hottes/Marble Lake. This easement will be monitored by the Wildlife Bureau in accord with the area management plan.

Incidental closing costs will be the responsibility of the Department. No surveying costs are anticipated. Fencing costs are estimated at \$800.00.

Staff recommends approval of the easement acquisition.

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
May 10, 2012

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

#11

Decision Item

Land Management Project - Pioneer State Park, Mitchell County, Mitchell County Conservation Board

The Mitchell County Conservation Board has requested that the State transfer title of the 14 acre state owned Pioneer State Park to the County for no monetary consideration. The Commission is requested to recommend a title transfer to the Executive Council. Upon approval by the Executive Council, title will be transferred to Mitchell County by state patent.

The State of Iowa acquired the park in 4 parcels from the 1930's to the 1950's. In 1974 the Department entered into an agreement with the Mitchell County Conservation Board transferring management of the park for a period of 25 years. In 1999 the agreement was renewed for another 25 years. Since that time the County has made several capital improvements to the area. These improvements include constructing campsites, drilling a new well, installing electrical service, and making repairs to the shelter house. Receiving funding and additional support for improvements would be more achievable if the park was owned, managed, and maintained under the same agency.

Iowa Code Section 461 A.32 allows for the proposed conveyance without consideration, and requires that the conveyance contain a reversion provision that provides when such lands cease to be used as a public park, title will revert to the state.

In exchange for the patent of the State owned land, Mitchell County has agreed to enter into a management and title transfer agreement with the DNR. Under the agreement, the County agrees to the following:

- The CCB will submit, to the DNR Sovereign Land Construction Permit and Environmental Review Program, any future development and construction proposals for review and approval
- The CCB shall utilize dark sky compliant fully shielded fixtures that do not project light above the horizontal plane for all park and pedestrian lighting within the park.
- The CCB shall minimize the impact of paved road surfaces on the park's existing and proposed natural environment (if applicable).
- The CCB shall minimize the impact of paved parking surfaces on the park's current and future environment (if applicable).

- The CCB shall utilize construction techniques that mitigate the environmental impact of storm water associated with paved surfaces within the park (if applicable).
- Cabin construction must be built in a sustainable fashion. That is to say that the structures are designed, built, renovated, operated, or reused in an ecological and resource-efficient manner.
- The DNR shall have the right to prevent and correct violations of the terms of this agreement. If the DNR, upon inspection of the property, finds what appears to be a violation, it may exercise its discretion to seek injunctive relief in a court having jurisdiction. The failure of the DNR to discover a violation or to take immediate action to correct a violation shall not bar it from doing so later.

A representative from Mitchell County Conservation Board is in attendance to answer any questions the Commission may have.

Staff recommends approving the transfer.

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
May 10, 2012

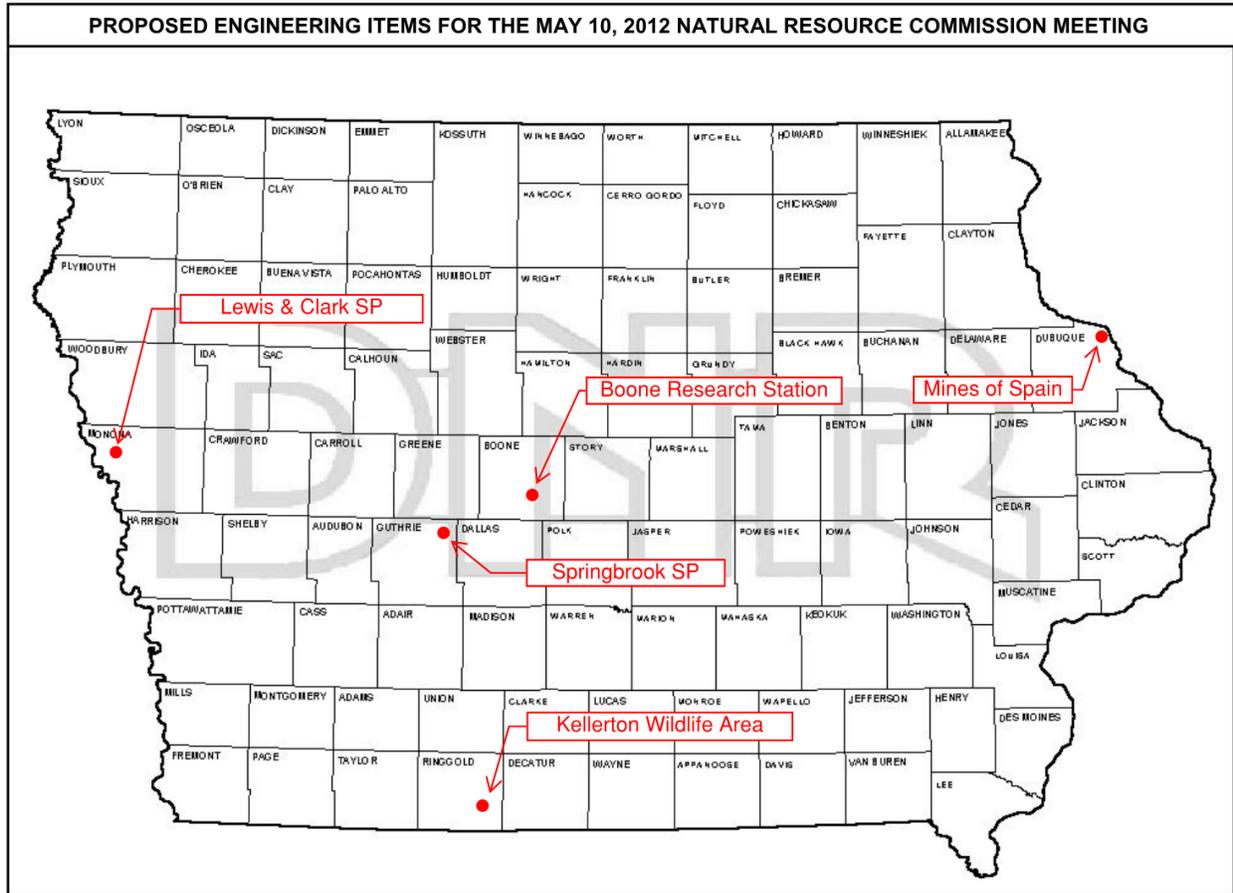
Iowa Department of Natural Resources
Natural Resource Commission

#12

Decision Item

Engineering Construction Items

The Department requests Commission approval of the following construction projects:



1. BOONE -- PROJECT # 12-02-08-04
 Boone Research Station, ANS/Fisheries Storage Building

Project Summary: Boone Fisheries Building is located at the Boone Research Station, near Ledges State Park in Boone County, IA. This project will consist of five cold garage/storage bays, two heated garage/storage bays. It will also have an equipment yard to the west of the building. **Function of the Project:** Provide Fisheries Bureau with new warm/cold storage space for equipment and supplies. **Construction Needed:** Cutting and filling of current location, utility runs to location, concrete foundation work, building erection and finish work.

Green Features:

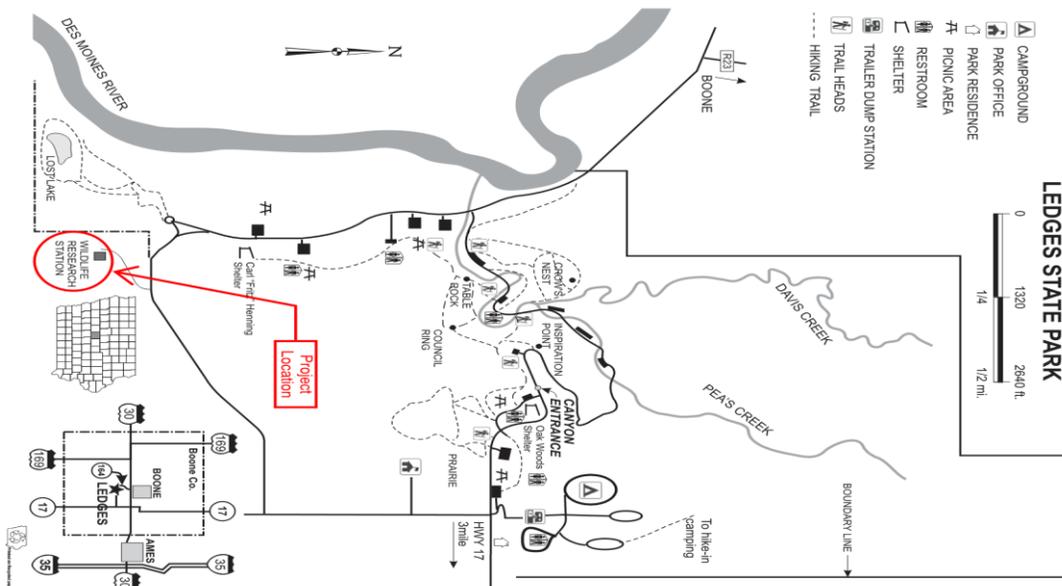
- Metal Roof – fully recyclable
- Structural Insulated Panels – Insulated resistance R-42
- Pervious paving throughout equipment yard
- Energy efficient windows / local fabrication – Fiberglass

DNR Project Manager: Ryan Richey, NCARB; Engineering Bureau
Designer: Ryan Richey, NCARB; Engineering Bureau
DNR Inspector: Mark Johnson, Engineering Bureau
Operating Bureau: Fisheries
Funding Source: 60% F&W Trust/Fisheries Non-habitat Stamp, 40% Marine Fuel Tax (Cap Links #45 and #126)
Cost Estimate: \$300,000.00
Plans Issue Date: 03/28/12
Plan Holders: 26
Number of Bids Received: 3

Bidders

R H Grabau Construction Inc	Boone, IA	\$240,230.00
Bolt Construction Inc.	West Des Moines, IA	\$269,649.62
Larson Contracting	Lake Mills, IA	\$292,215.00

The Department recommends awarding the bid to RH Grabau Construction.



2. DUBUQUE -- PROJECT # 12-03-31-02
 Mines of Spain, Trail Repair/Riprap

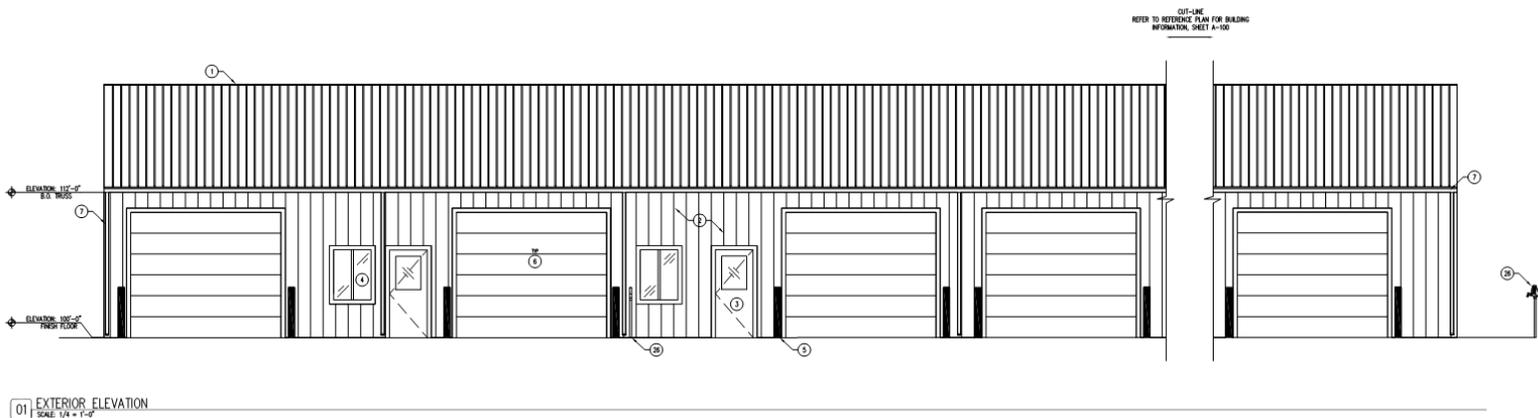
Project Summary: This project is needed to repair flood damage of 2011 at the Calcite Trail, stream bank along trail and Catfish Creek roadway bridge in the Mines of Spain Recreational Area. **Function of the Project:** Repair the recreational trail, repair stream bank along the trail and protect the bridge abutments. **Construction Needed:** Construction is needed to repair and resurface flood-damaged portions of Calcite Trail, rebuilding and armoring stream bank along trail, and stream bank armoring adjacent and under bridge over Catfish Creek.

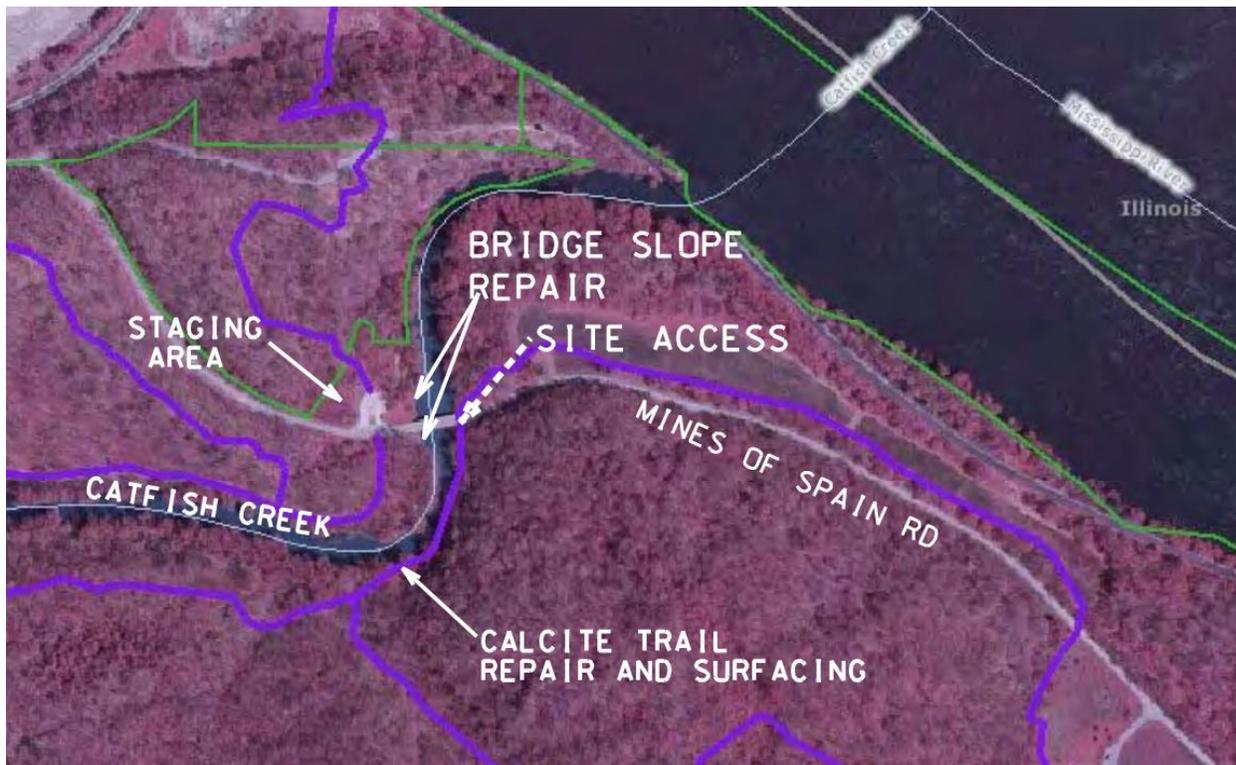
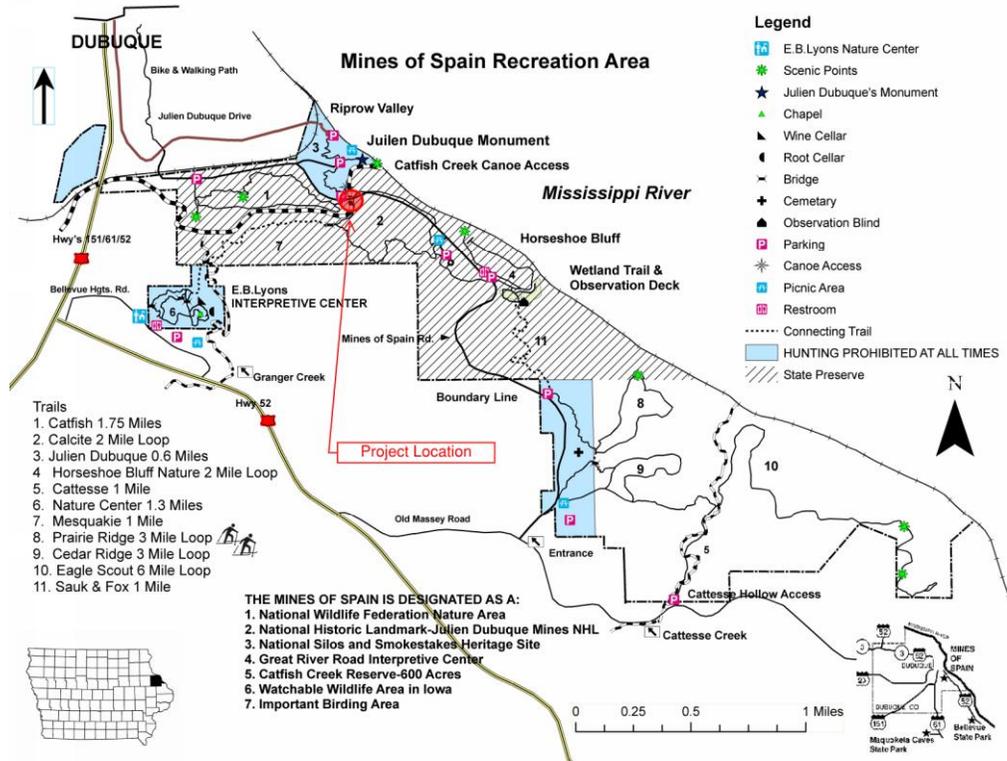
DNR Project Manager: Mel Pacovsky, Engineering Bureau
Designer: Mel Pacovsky, Engineering Bureau
DNR Inspector: Mel Pacovsky, Engineering Bureau
Operating Bureau: Parks
Funding Source: FEMA 75%, Exec. Council 25%
Cost Estimate: \$150,000.00
Plans Issue Date: 03/30/12
Plan Holders: 9
Number of Bids Received: 8

Bidders

M-Z Construction Inc.	Linden, WI	\$84,079.21
Connolly Construction Inc	Peosta, IA	\$103,212.45
Top Grade Excavating	Farley, IA	\$107,176.20
Lansing Brothers Construction Co. Inc.	Luxemburg, IA	\$107,267.00
McClain Excavating	Peosta, IA	\$108,710.80
Tschigffrie Excavating Co	Dubuque, IA	\$109,853.00
Mainline Excavating Co. Inc.	Dubuque, IA	\$134,894.54
Arendsdorf Excavating & Trucking Inc.	Anamosa, IA	\$164,296.00

The Department recommends awarding the bid to M-Z Construction.







Pictures to show damage at the bridge abutments

3. GUTHRIE -- PROJECT # 11-04-39-02
Springbrook State Park, Sewer System

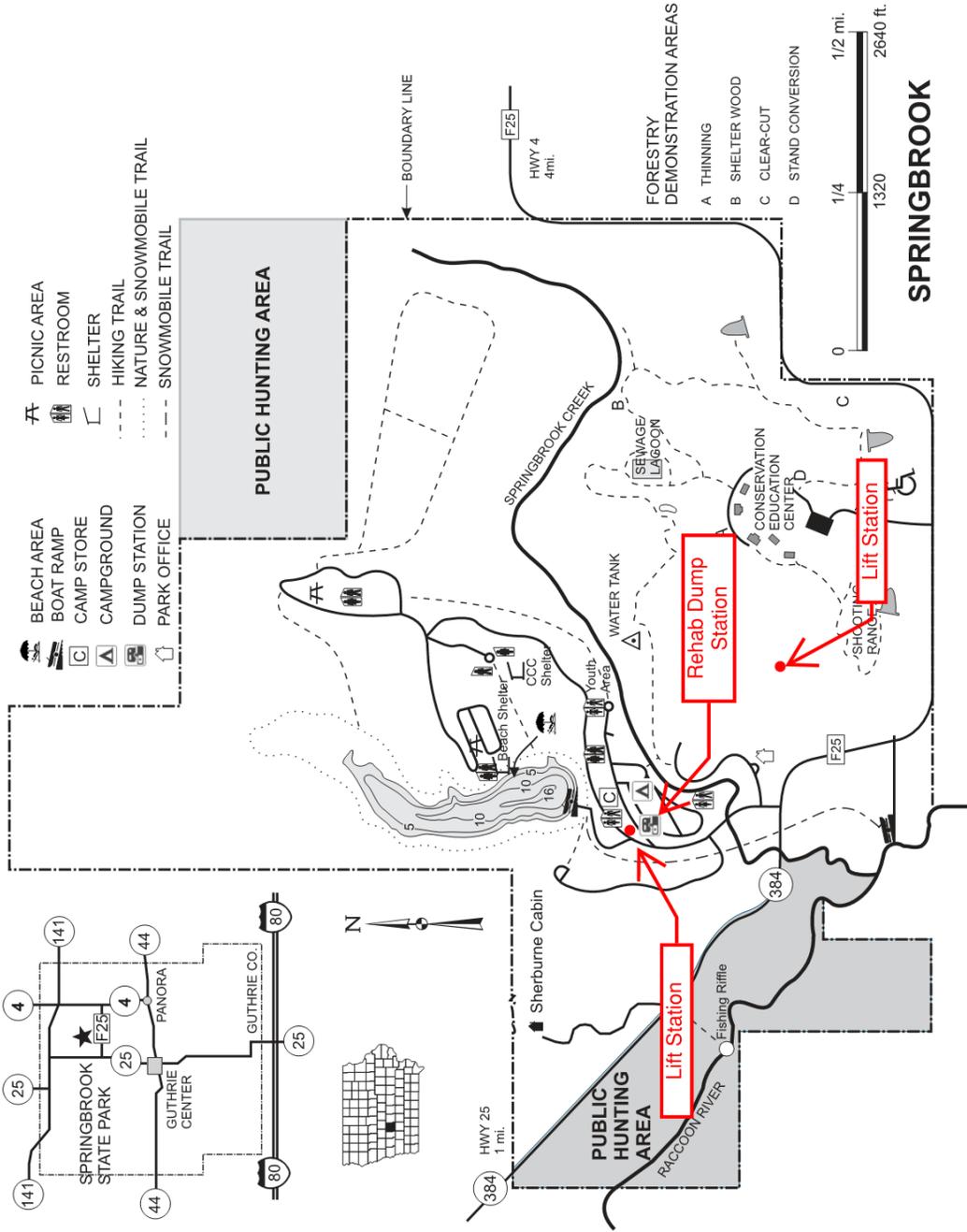
Project Summary: This project consists of improvements to the existing sanitary sewer system, which serves the beach and the campground facilities at Springbrook State Park. Springbrook State Park currently has two wastewater treatment systems. An aerated lagoon system that serves the education center and a sandfilter system that serves the beach and the campground area. The sandfilter system has problems primarily with its dousing system and the ultraviolet (UV) disinfection system. The receiving stream has on occasion backed up into the discharge piping, up to the UV disinfection unit. Environmental Services Division has indicated concern about the sandfilter operation and has issued violation notices. This project will re-route the wastewater from the beach and the campground to the existing lagoons, which are under-loaded and have ample capacity to accommodate the additional load. This project includes rehabilitating a section of leaking sewer by re-lining and if necessary replace with a new sewer line. A RV dump station will also be upgraded; and the redundant sewer lines associated the sandfilter will be plugged. **Function of the Project:** To provide an improved wastewater treatment for the park and mitigate raw sewage that may be entering into the groundwater or lake by fixing leaking sewers. **Construction Needed:** The wastewater from the beach and campground area will be conveyed to the wastewater treatment lagoons with the help of two new lift stations and approximately 3700 ft. long forcemain. The existing RV dump station manhole will be demolished and replaced with a new manhole. An existing septic tank and couple of other manholes serving the beach area and the campground will be demolished and filled. Due to re-routing of the sewer lines, any unused sewer lines will be plugged. 225 ft. of 8-inch dia. leaking sewer line will be lined or replaced.

DNR Project Manager: Mike Hameed, PE; Engineering Bureau
Designer: Mike Hameed, PE; Engineering Bureau
DNR Inspector: Mark Johnson; Engineering Bureau
Operating Bureau: Parks
Funding Source: IJOBS2
Cost Estimate: \$196,000.00
Plans Issue Date: 03/30/12
Plan Holders: 12
Number of Bids Received: 7

Bidders

Schoon Construction Inc	Cherokee, IA 51012	\$151,333.31
Drake Construction LLC	Menlo, IA 50164	\$160,044.00
Ellingson Drainage Companies	West Concord, MN 55985	\$179,860.36
J & K Contracting LLC	Ames, IA	\$197,593.00
Dickerson Mechanical Inc.	Colfax, IA	\$223,748.00
Keller Excavating	Boone, IA	\$232,217.20
King Construction	Wall Lake, IA 51466	\$268,941.90

The Department recommends awarding the bid to Schoon Construction.



SPRINGBROOK

4. RINGGOLD -- PROJECT # 12-04-80-03
Kellerton Wildlife Area, New Headquarters (Rebid)

Project Summary: Kellerton Wildlife Headquarters is located west of Kellerton, IA. This project will consist of three heated garage/storage bays, one open office, four offices, one conference room, two restrooms, and one mechanical and storage room. It will also have an equipment yard to the south of the building, which will be leveled and will have a new septic system. **Function of the Project:** Provide Kellerton's staff with new office/storage space. **Construction Needed:** Cutting and filling of current location, utility runs to location, concrete foundation work, building erection and finish work.

Green Features:

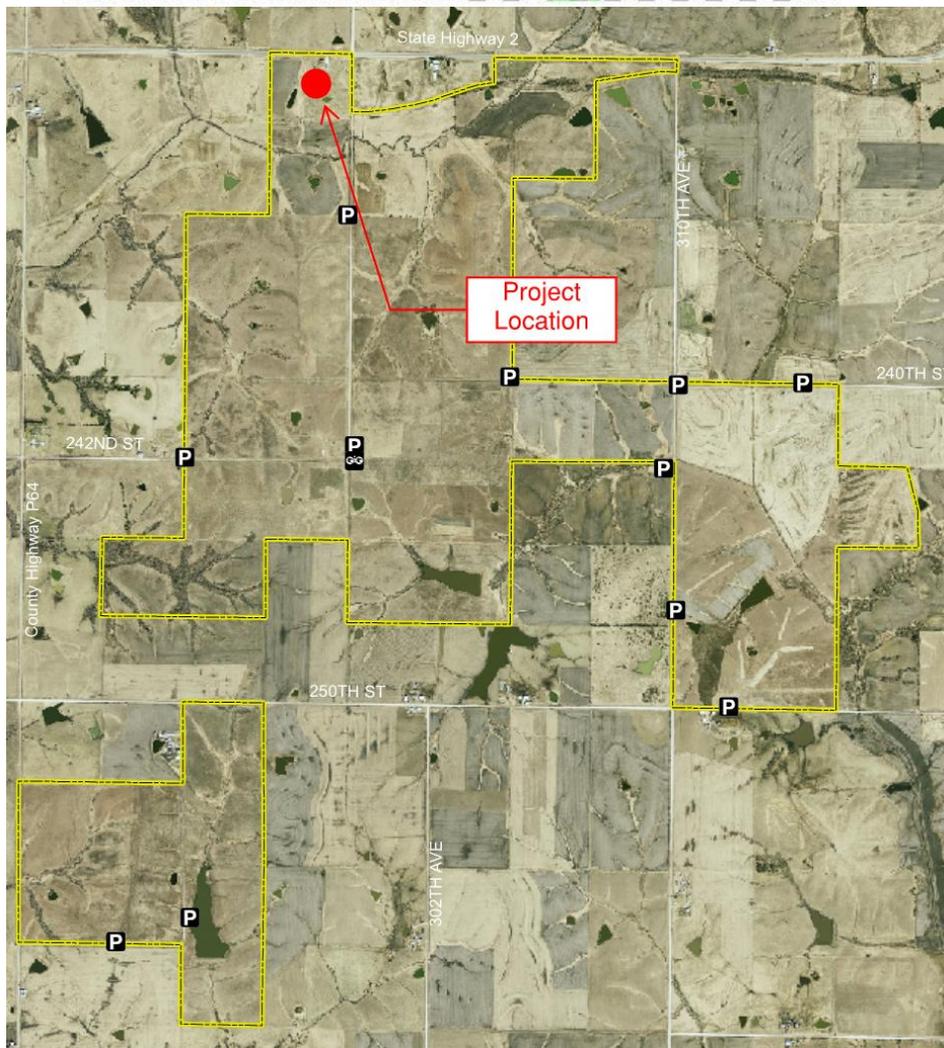
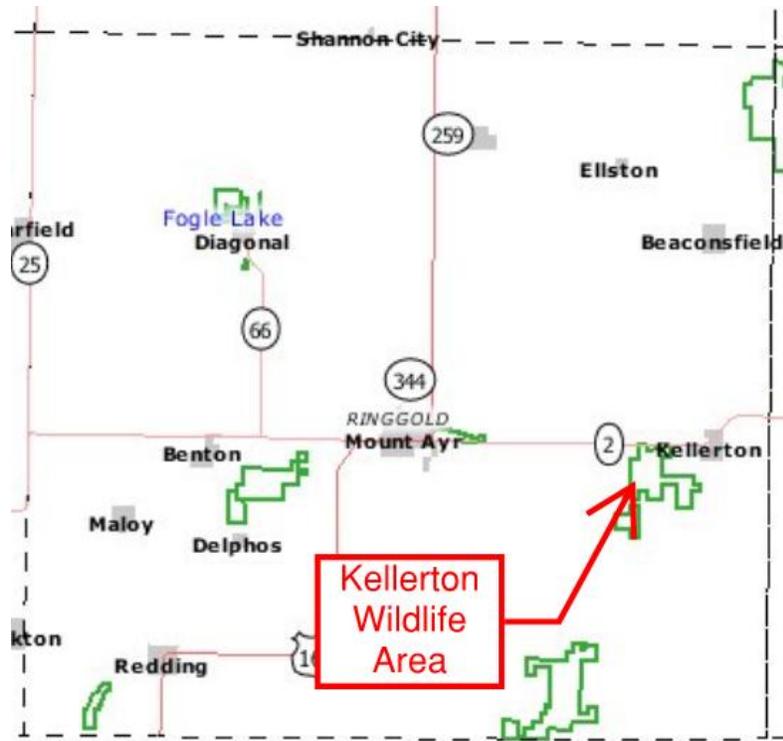
- Standing Seam Metal Roof – Life expectancy 50+ years – fully recyclable
- Structural Insulated Panels – Insulated resistance R-42
- Pervious paving throughout site
- Oil catchment basin – manual ball-valve to contain oil spills within premises
- Photo sensors on garage bay lights – monitors and dims lights to appropriate levels

DNR Project Manager: Ryan Richey, NCARB; Engineering Bureau
Designer: Ryan Richey, NCARB; Engineering Bureau
DNR Inspector: Mark Johnson, Engineering Bureau
Operating Bureau: Wildlife
Funding Source: Federal PR 75% / 25% REAP LM
Cost Estimate: \$500,000.00
Plans Issue Date: 03/28/12
Prime Plan Holders: 15
Number of Bids Received: 3

Bidders

Hanson Construction LLC	Clear Lake, IA	\$505,000.00
Septagon Construction Co	Grimes, IA	\$579,500.00
Hooyer Construction Inc	Pella, IA	\$586,000.00

The Department recommends awarding the bid to Hanson Construction.

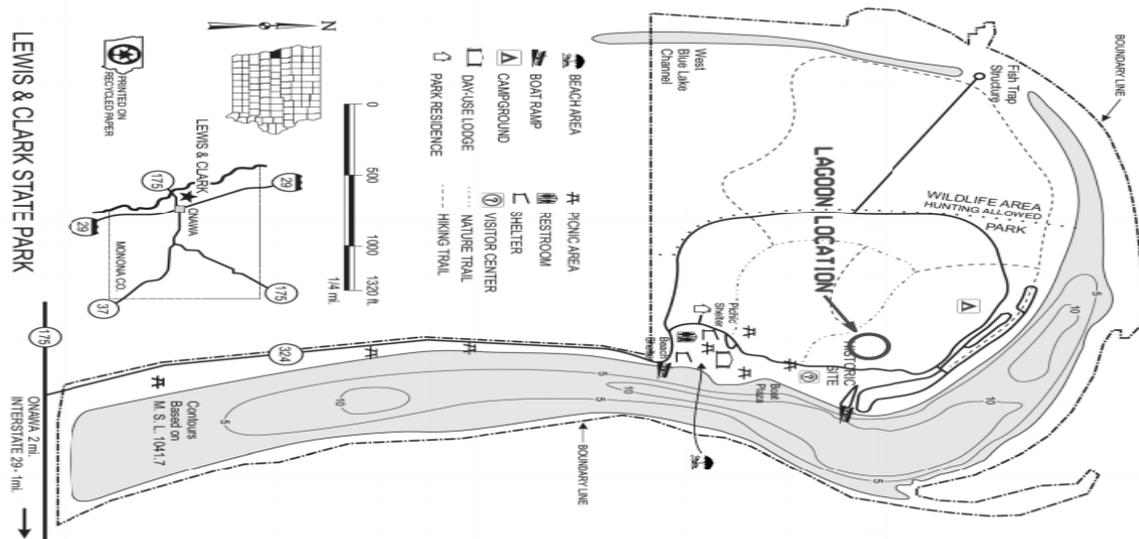


5. MONONA -- PROJECT # 10-01-67-02
 Lewis & Clark State Park, Pump Station Replacement

Project Summary: This project was designed to rehabilitate the existing sanitary sewer lift station in Lewis & Clark State Park. The existing pumps and associated components have reached their useful life and are becoming an ongoing maintenance problem. Installation of new components within the existing pump well is the most cost effective way to update the system at this point. This project was designed and bid by the engineering bureau. **Function of the Project:** This sewer pump station transfers all of the sanitary waste from the park into the existing lagoons. When it malfunctions, the park and campground sanitary facilities have to be closed until repairs can be made. **Construction Needed:** Work under this project includes replacement of all pumps and accessories in the existing wet well, all new electrical service components, and new pump controls. The existing concrete well will remain with any necessary repairs made after a full inspection during construction. The contractor will also be required to bypass pump the sanitary flows during construction so that the park and campground can remain open while the project is completed.

- DNR Project Manager:** Butch Doorenbos, PE; Engineering Bureau
- Designer:** Butch Doorenbos, PE; Engineering Bureau
- DNR Inspector:** Jeff Felts, PE; Engineering Bureau
- Operating Bureau:** Parks
- Funding Source:** FY 12 Appropriations (Cap Link 205)
- Cost Estimate:** \$62,000.00
- Plans Issue Date:** 04/16/12
- Bid Letting Date:** 04/26/12
- Plan Holders:** 6 at the time of agenda setting
- Number of Bids Received:** Bid opening to be held

The Department will make the bid recommendation at the NRC meeting on May 10, 2012



Gabe Lee, PE, Engineering Bureau Chief
 Management Services Division
 May 10, 2012

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

13

Information Item

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
03/01/12	11-05-59-04	Lucas	Colyn WMA	Repair of emergency spillway	\$45,000	\$41,211.78
						\$41,974.66
						\$43,935.30
						\$44,291.80
						\$54,555.00
						\$58,342.50
03/29/12	12-05-04-01	Appanoose	Honey Creek State Park	Sewage lagoon repairs	\$25,500	\$23,128.00
						\$23,500.00
						\$24,670.00
						\$24,946.00
						\$28,890.00
						\$42,920.00
04/05/12	12-03-17-01	Cerro Gordo	McIntosh Woods State Park	Repair prop washouts on ramps	\$30,000	\$36,522.00
						\$56,994.40
04/05/12	12-03-17-03	Cerro Gordo	Bayside Lake Patrol Station	Removal of underground storage tanks	\$15,000	\$14,575.00
						\$16,902.00
						\$19,428.00
						\$19,755.00
						\$23,244.24
04/05/12	12-03-28-04	Delaware	Backbone State Park	Backbone barn roof recovering	\$15,000	\$9,700.00
						\$10,245.00
						\$13,200.00
						\$23,265.00
						\$23,940.00
04/05/12	12-04-78-10	Pottawattamie	Lake Manawa State Park	Beach sand & wall replacement	\$10,000	\$14,125.00
						\$15,000.00
						\$16,000.00
						\$32,500.00
04/05/12	12-04-78-12	Pottawattamie	Lake Manawa State Park	Shoreline rip rap	\$19,000	\$21,150.00
						\$22,725.00
						\$47,500.00
04/05/12	12-03-96-02	Winneshiek	Decorah Fish Hatchery	Removal of underground storage tanks	\$15,000	\$8,700.00
						\$9,690.00
						\$14,030.00
						\$15,300.00
						\$16,080.00
						\$17,725.56
						\$24,683.00

Gabe Lee, PE, Engineering Bureau Chief
Management Services Division
May 10, 2012