

MINUTES
OF THE
NATURAL RESOURCE COMMISSION
MEETING

SEPTEMBER 13, 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: 10/11/12

Director's Signature: Chuck Gipp
Chuck Gipp
Director

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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, Margo Underwood, on 09/13/12 at 9:30am.

COMMISSIONER ATTENDANCE

Present

Gregory Drees
Richard (Kim) Francisco, Secretary
Dr. Sally Prickett, Vice-Chair
Dennis Schemmel
Margo Underwood, Chair

Absent

Conrad Clement
Janelle Rettig

PUBLIC PARTICIPATION

None

1. APPROVAL OF AGENDA

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

CARRIED AS PRESENTED

2. APPROVE MINUTES OF 08/09/12 NRC PUBLIC MEETING

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

CARRIED AS PRESENTED

3. DIRECTOR’S REMARKS

Director, Chuck Gipp, discussed the DNR’s Leadership team meetings in the field to meet with staff and learn more in depth about what is happening in the Department and between bureaus. We will let the NRC know when we will be in the area. The Department continues to work with landowners and IDALS regarding the CWD (Chronic Wasting Disease) and testing.

4. HONEY CREEK RESORT STATE PARK UPDATE

Andy Woodrick, Honey Creek Resort General Manager, presented information on budget, marketing, public relations.

Discussion: Andy provided information on food, maintenance, and golf course costs. He also reported he is reviewing information on the Resort’s carbon footprint for the International Green Hospitality Association. He stated they will be changing the focus of their promotion at next year’s State Fair to grab the attention of more visitors.

INFORMATIONAL

5. FY 14/15 BUDGET REQUEST

The Natural Resource Commission’s approval is requested for the Department’s appropriation request for Fiscal Year 2014/2015 (FY 14 and 15). The State Budget Director has directed all departments to submit a status quo budget. The budget is required by statute to be submitted to the Department of Management by October 1, 2012.

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

CARRIED AS PRESENTED

6. ENGINEERING CONSTRUCTION PROJECTS

6.1 LAKE ANITA STATE PARK, TWO NEW SHOWER BUILDINGS, CASS COUNTY-- PROJECT # 12-04-15-04

Project Summary: This project consists of the demolition of a latrine and existing shower building, the construction of two pre-cast concrete shower buildings, necessary utilities, concrete flatwork, and site restoration.

Function of the Project: The existing shower building and latrine have outlived their design life and are in need of replacement. The purpose of this project is to replace the old shower building at the west side of the campground and the latrine in the primitive campground with pre-cast concrete shower buildings.

Construction Needed: Work includes demolition of existing buildings and constructing new foundations at each location, installation of underground utilities, setting of pre-cast concrete buildings and providing concrete access.

Green Features: Dark sky compliant and minimum site disturbance.

DNR Project Manager:	Troy Duff, Engineering Bureau
Designer:	Troy Duff, Engineering Bureau
DNR Inspector:	Mark Johnson; Engineering Bureau
Operating Bureau:	Parks
Funding Source:	100% Health and Safety FY12 Special Appropriation, Capital Link #208
Cost Estimate:	\$500,000
Plans Issue Date:	7/30/2012
Bid Letting Date:	8/16/2012
Plan Holders:	3
Number of Bids Received:	2

Bidders

AAA Concrete – DBA Caliber Concrete, LLC Adair, IA	\$498,000.60
Murphy Heavy Contracting, Inc. Anita, IA	\$534,925.66

IDNR recommends awarding the Bid to AAA Concrete – DBA Caliber Concrete, LLC.

Motion – Commissioner Francisco
Seconded – Commissioner Schemmel
Discussion – Gabe Lee provided information that the cost is normal for the precast, though a little higher than historically due to DAS installation requirements. The new model engineering is working under will help with planning the installation and delivery of the building and is working well in terms of scheduling. Gabe stated the the contractor specifications note the contractor has ownership of the materials once buildings are down and salvage value is up to the contractor. Commissioner Underwood suggested looking into the derelict building program. Gabe agreed.
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

6.2 LOST GROVE WMA, PARKING AND TRAIL CONSTRUCTION, SCOTT COUNTY-PROJECT # 08-06-82-04

Project Summary: This project consists of constructing four granular surfaced parking lots, one canoe access, and four granular surfaced walking/fishing trails. Three of the parking lots will be located at dead ends caused by the impoundment of Lost Grove Lake. **Function of the Project:** The purpose of this project is to provide parking and access to existing fishing structures and shorelines. The dead end parking lots will serve newly constructed fishing jetties and parallel fishing structures. The fourth parking lot will be on the west side of the lake and will serve the canoe access point. All parking lots will be surrounded by a cable and post fencing system to deter vehicles from leaving the paved surfaces. The granular surfaced walking/fishing trails will connect the parking lots to the fishing structures. The majority of the trail system will be located in close proximity to the shoreline to provide fishing access. **Construction Needed:** Construction required for this project will consist of grading and surfacing new parking areas and trails, installation of ditch culverts and the installation of a rock canoe access. Upon completion, the Contractor will be required to seed all disturbed areas. **Green Features:** None

DNR Project Manager: Heath Delzell, PE; Engineering Bureau
Designer: Heath Delzell, PE; Engineering Bureau
DNR Inspector: Bruce Flippin, PE; Engineering Bureau
Operating Bureau: Fisheries
Funding Source: FY13 Capital Link #128 & #45
Cost Estimate: \$135,000.00
Plans Issue Date: 07/25/2012
Bid Letting Date: 08/16/2012
Plan Holders: 7
Number of Bids Received: 7

Bidders

Connolly Construction Inc.	Peosta, IA	\$78,563.00
JB Holland Construction	Decorah, IA	\$88,846.25
BWC Excavating L.C.	Solon, IA	\$93,577.43
Eastern Iowa Excavating & Concrete, LLC	Cascade, IA	\$135,544.75
Triple B Construction	Wilton, IA	\$143,314.00
Langman Construction, Inc.	Rock Island, IL	\$147,838.00
Valley Construction Company	Rock Island, IL	\$177,461.00

IDNR recommends awarding the Bid to Connolly Construction Inc.

Motion – Commissioner Prickett
 Seconded – Commissioner Drees
 Discussion – Commissioner Drees suggested, due to the topography, to implement low impact development techniques regarding green features such as a rain garden and signage. Gabe Lee will discuss these options with Fisheries for this project and he will also work with his staff to discuss green features on future projects.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

6.3 ELK ROCK STATE PARK, SEWER & LIFT STATION REHABILITATION, MARION COUNTY -- PROJECT # 11-05-63-11

Project Summary: The existing sanitary sewer system is made of clay tile, which is prone to infiltration; the lift stations and treatment facilities were overloaded during periods of heavy rain and high water tables. The existing lift station experiences frequent disruptions due to obsolete equipment. The existing fence at the treatment lagoon is in need of replacement and inadequate. **Function of the Project:** Eliminate unnecessary treatment storm and groundwater by sealing the pipes to prevent infiltration. Replace existing pumps and controls to eliminate service interruptions. A new fence will be constructed to provide adequate safety measures. **Construction Needed:** The existing pipes will be lined with a cured-in-place pipe, making them watertight. The lift station will be retrofitted with a new pump and new controls. Install 1195 LF of 5x5 wire mesh fencing. **Green Features:** New pumps are

more efficient (old pumps are worn out with unknown efficiency); less energy use by eliminating or minimizing sewer infiltration.

DNR Project Manager: Mike Hameed, PE; Engineering Bureau
Designer: Mike Hameed, PE; Engineering Bureau
DNR Inspector: Jason Kruse, PE; Engineering Bureau
Operating Bureau: Parks
Funding Source: State Parks Appropriation FY13, Capital Link #230
Cost Estimate: \$75,195.00
Plans Issue Date: 7/24/12
Bid Letting Date: 8/16/12
Plan Holders: 6
Number of Bids Received: 4

Bidders

Municipal Pipe Tool Co., LLC	Hudson, IA	\$79,679.80
Visu-Sewer, Inc.	Pewaukee, WI	\$82,732.75
WRH, Inc. – DBA Wendler Construction	Amana, IA	\$84,684.50
Hagerty Earthworks LLC	Muscatine, IA	\$99,895.00

IDNR recommends awarding the Bid to Municipal Pipe Tool Co., LLC.

Motion – Commissioner Schemmel
 Seconded – Commissioner Drees
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

6.4 WILSON ISLAND SRA, RESTORE RIVERFRONT, POTTAWATTAMIE COUNTY -- PROJECT # 12-04-78-05
Project Summary: Remove and dispose of the sediment in the river boat ramp parking area and surrounding areas. Place new gravel in the parking area and seed disturbed areas. **Function of the Project:** The silt deposited by the 2011 flooding of the river is being removed to return the area to pre-flood condition. **Construction Needed:** Sediment removal and placement of new gravel in the boat ramp parking area.

DNR Project Manager: Mark Johnson, PE; Facilities Engineer
Designer: Mark Johnson, PE; Facilities Engineer
DNR Inspector: Mark Johnson, PE; Facilities Engineer
Operating Bureau: Parks
Funding Source: FEMA
Cost Estimate: \$94,250
Plans Issue Date: 8/20/12
Bid Letting Date: 9/6/12
Plan Holders: 4
Number of Bids Received: 3

Bidders

K and L Landscape and Construction	Sergeant Bluff, IA	\$59,531.25
TEK Builders, Inc.	Mount Ayr, IA	\$78,170.45
Anderson Excavating Co.	Council Bluffs, IA	\$205,794.30

IDNR recommends awarding the bid to K and L Landscape and Construction.

Motion – Commissioner Francisco
 Seconded – Commissioner Prickett
 Discussion – Commissioner Francisco inquired about the cost of maintenance at Wilson Island compared

to what the return to the public is. Diane Ford will work with Parks' Bureau Chief, Kevin Szcodronski, to provide the Commission this information.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

**6.5 LAKE MANAWA STATE PARK, SEDIMENT REMOVAL & DISPOSAL, POTTAWATTAMIE COUNTY--
 PROJECT # 12-04-78-11**

Project Summary: Remove and dispose of the sediment in the river boat ramp parking area and surrounding areas. Place new gravel in the parking area and seed disturbed areas. **Function of the Project:** The silt deposited by the 2011 flooding of the river is being removed to return the area to pre-flood condition. **Construction Needed:** Sediment removal and placement of new gravel in the boat ramp parking area.

DNR Project Manager: Mark Johnson, PE; Facilities Engineer
Designer: Mark Johnson, PE; Facilities Engineer
DNR Inspector: Mark Johnson, PE; Facilities Engineer
Operating Bureau: Parks
Funding Source: FEMA
Cost Estimate: \$55,400
Plans Issue Date: 8/20/12
Bid Letting Date: 9/6/12
Plan Holders: 4
Number of Bids Received: 4

Bidders

K & L Landscape and Construction	Sergeant Bluff, IA	\$48,360.75
TEK Builders, Inc.	Mount Ayr, IA	\$51,219.00
R & R Excavation	Adair, IA	\$55,424.55
Anderson Excavating Co.	Council Bluffs, IA	\$122,150.55

IDNR recommends awarding the bid to K & L Construction.

Motion – Commissioner Francisco
 Seconded – Commissioner Underwood
 Discussion – Diane Ford provided information that the Corps of Engineers are authorizing, up and down the Missouri River, flood material to be deposited into the river. Angi Bruce stated the Department has been working with the COE to put spoil in the river. Part of the reason is that the river is silt deprived. When the dams and structures are in the river, there is no longer the silt and natural sand bars to help wildlife and fish spawning areas.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

7. SMALL CONSTRUCTION PROJECTS

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

Bid Date	Project No.	Location	County	Summary	Cost Estimate	Bids
7/26/2012	12-01-75-01	Deer Creek WMA	Plymouth	Repair non-functioning, undermined, and washed out sections of CMP Culvert outlets on 3 separate pond dikes.	\$20,000	\$26,725.00 \$33,120.00 \$36,400.00 \$39,920.00 \$42,310.00
8/2/2012	13-05-50-01	Rock Creek State Park	Jasper	Install a CXT Pit Toilet and associated site work.	\$25,000	\$27,344.00 \$30,950.00 \$42,225.00 \$49,916.00
8/2/2012	11-03-41-01	Crystal Lake	Hancock	Removal and replacement of an in-lake aeration system.	\$18,000	\$23,500.00 \$46,997.90 \$49,626.00
8/2/2012	12-02-76-01	Sunken Grove Lake	Pocahontas	Reconstruction of one bay of the water control structure at Sunken Grove Lake, Shimon Marsh. Demolition of concrete, excavation for a new floor one foot lower than existing stop log structure.	\$8,000	\$7,500.00 \$8,700.00 15,000.00 \$27,421.00
8/2/2012	12-06-52-02	Lake Macbride State Park	Johnson	Routing, cleaning and filling of asphalt cracks for the roads and parking lots at Lake Macbride State Park.	\$38,200	\$29,643.45 \$38,003.35
8/9/2012	12-05-86-03	Union Grove State Park	Tama	Replacement of a restroom roof, flagpole, privacy fence, and gutters at various locations within Union Grove State Park.	\$13,500	\$22,950.00

INFORMATIONAL

***8. LAND MANAGEMENT PROJECTS**

***8.1 MISSISSIPPI RIVER – CLAYTON CO. – BUNGE NORTH AMERICA, INC.**

The Natural Resource Commission is requested to approve, for submission to the Iowa Executive Council for final approval, a Chapter 18 lease with Bunge North America, Inc. In November, 2010, Bunge North America, Inc. was assigned the rights, responsibilities and obligations of Agri McGregor Terminal when AGRI was dissolved. The lease area consists of 1500 feet of river frontage located at River Mile 633.3 in Section 27, Township 95 North, Range 3 West, Clayton County. The site is used as a loading and unloading area for whole grains (corn and beans). The leased area is occupied by a barge conveyor to a loading cell on the river. The area has been under lease with AGRI since 1976. Bunge North America, Inc will make no changes to the operation of the terminal. The proposed lease will be for a five year period. The annual fee is \$9,000.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees. The administrative fee is \$1,620.00. Staff recommends approval of the lease agreement.

CARRIED UNDER CONSENT AGENDA

***8.2 MISSISSIPPI RIVER – SCOTT CO. – CONTINENTAL CEMENT CO., LLC**

The Natural Resource Commission is requested to approve, for submission to the Iowa Executive Council for final approval, the renewal of Chapter 18 lease with Continental Cement Co. LLC. The lease area consists of a portion of the Mississippi River bed with a frontage of 300 feet and a depth of 250 feet at Mississippi River Mile 486.8, Scott County, Iowa. Three barge mooring cells are located at the site. The site is used for unloading of Portland cement. The site has been under lease since 1987. The proposed lease will be for a five year period. The annual fee is \$5,850.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees. The administrative fee is \$1,053. Staff recommends approval of the lease agreement.

CARRIED UNDER CONSENT AGENDA

***8.3 EAST LAKE OKOBOJI – DICKINSON CO. – FIDELITY PROPERTIES, LTD**

The Natural Resource Commission is requested to approve, for submission to the Iowa Executive Council for final approval, renewal of Chapter 18 Lease 101-R with Fidelity Properties, Ltd of Arnolds Park. The lease area consists of an irregular strip of the bed of East Okoboji Lake lying below the ordinary high water line of 1397.8 feet and above elevation of 1395.8, Dickinson County, Iowa. The leased area is occupied by a platform (deck), extending from the existing deck in front of "The Ritz" over sovereign land, measuring approximately 64 feet by 20 feet. The site has been under lease since 1993. The proposed lease will be for a five year period. The annual fee is \$1036.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees. Staff recommends approval of the lease agreement.

CARRIED UNDER CONSENT AGENDA

***8.4 GULL POINT STATE PARK/WAHPETON RECREATION TRAIL – DICKINSON CO. BOARD OF SUPERVISORS**

The Natural Resource Commission's approval is requested for a management agreement with Dickinson County Board of Supervisors and the DNR to allow the Dickinson County Trail Board to manage and maintain a recreational trail through Gull Point State Park through December 31, 2037. The Dickinson County Trail Board proposes to construct a paved 10 foot wide by 2800 foot multi-use recreational trail starting at the northeast intersection of Edgewood Drive and State Highway 86, north 1/2 miles to West Street. The Trail Board has applied for and will receive a construction permit from the DNR to construct 2800 feet of the trail that will run through Gull Point State Park. Under the proposed management agreement, the Trail Board will be responsible for management of the trail corridors and all expenses for site development construction and future maintenance for grading, culverts, bridges, and concrete replacement; to correct any change in hydrology that adversely effects the park or it's neighbors; for all mowing and cleaning of the trail; for all signage and barriers to separate motor vehicle traffic from trail users; be subject to all state park rules (i.e. no motorized vehicles and hours of state park operation, etc.). The agreement will be according to the terms and conditions of the standard DNR management agreement. Staff recommends approval of the management agreement.

CARRIED UNDER CONSENT AGENDA

***8.5 EGEBO WMA – LYON CO. – LYON & SIOUX RURAL WATER SYSTEM, INC.**

The Natural Resource Commission is requested to approve the conveyance of a chemical & manure application easement to Lyon & Sioux Rural Water System, Inc. Lyon & Sioux Rural Water System, Inc plans to install a new well on their land adjacent to Egebo WMA along the Big Sioux River. DNR Water Supply regulations require proof of legal control for at least 200' from the center of the well casing. The easement is needed to establish legal control of the portion of the 200' radius that overlaps with State owned land, approximately 1.5 acres. The easement states that there shall be no livestock on the property, no animal waste shall be applied, nor shall there be any chemical application to the ground surface or any above-ground or under-ground chemical or mineral storage. The Wildlife Bureau has reviewed the proposed easement language and indicated that the easement will not affect current or future management plans for the area. Staff recommends approval of the easement conveyance.

CARRIED UNDER CONSENT AGENDA

9. LAND ACQUISITION PROJECTS**9.1 BROWN'S SLOUGH WMA – WAYNE CO. – WOODLEY**

The Natural Resource Commission's approval is requested to purchase a tract of land located in Wayne County adjacent to state-owned and managed Brown's Slough Wildlife Management Area (WMA). Richard and Nancy Woodley offer this 19-acre tract for the appraised price of \$50,600. Darrell Limkeman, Licensed Appraiser of Ottumwa, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement. This property is located 8 miles southeast of Russell in northeastern Wayne County. The tract is a mix of forest and grassland reflecting moderately sloping to steep topography. There are no building improvements. Brown's Slough WMA borders along the north side of the tract. A county, gravel-base road borders the entire south side of the parcel. The property will be managed for outdoor recreation, specifically for upland game, and also providing for much

improved access to several hundred acres of state and federal land. The tract will be managed by the Wildlife Bureau. Acquisition funding will be \$33,100 from Wildlife Habitat Stamp, \$7,500 from National Wild Turkey Federation, and \$5,000 each from the local Pheasants Forever Chapters of Wayne and Lucas Counties. 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.

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

CARRIED AS PRESENTED

9.2 FEN VALLEY WMA – CLAY CO. – INHF (1)

The Natural Resource Commission's approval is requested to purchase a tract of land located in Clay County northwest of Fen Valley Wildlife Management Area (WMA). The Iowa Natural Heritage Foundation (INHF) offers this 84.9-acre tract for the appraised price of \$299,700. INHF purchased this tract as part of a 235-acre acquisition at public auction in May 2011 from the Orwig Trust at a price of \$963,500. Greg Tritle, Licensed Appraiser of Sanborn, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement. This property is located 1/2 mile east of Gillett Grove in southeastern Clay County. The gently sloping to steep tract consists of 38 acres of grassland, 32 acres of cropland, 11 acres of oak savanna, and 4 acres of road right-of-way. The property has no building improvements. County Road B53 provides access along the north boundary of the property. This tract will be managed for grassland bird and plant community by the Wildlife Bureau. Acquisition funding will be \$224,775 from Pittman-Robertson (federal), and \$74,925 from Wildlife Habitat Stamp (state). The property will remain on the tax rolls. No surveying or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department. Staff recommends approval of the land acquisition.

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

CARRIED AS PRESENTED

9.3 FEN VALLEY WMA – CLAY CO. – INHF (2)

The Natural Resource Commission is requested to approve the acquisition of a tract of land located 2 miles northeast of Gillett Grove and 12 miles southeast of Spencer adjacent to the east side of DNR-owned land. This 60-acre parcel is offered by the Iowa Natural Heritage Foundation for the appraised price of \$221,100.00. A larger parcel (160 acres) was acquired from the King family on April 30, 2012 for \$456,000. Licensed appraiser, Greg Tritle of Vander Werff and Associates, Inc., Sanborn, Iowa submitted the appraisal. The purchase agreement was negotiated by Jerry Gibson. The subject tract has 26.8 acres of tillable land; 31.7 acres of pasture; and 1.5 acres of road right-of-way. An inventory of the adjacent tract to the West has identified the prairie violet which is the food plant used by larvae of the Regal Fritillary. The Regal Fritillary is listed as a species of concern in the Iowa Wildlife Action Plan, and is recognized as a vulnerable species nationally due to its restricted range. There are no buildings improvements on the property. Acquisition funding will be Phase 1 of The Nature Conservancy-North American Wetland Conservation Act (TNC-NAWCA) 100%. Staff recommends approval of the land acquisition.

Motion – Commissioner Drees
 Seconded – Commissioner Prickett
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

9.4 FEN VALLEY WMA – CLAY CO. – INHF (3)

The Natural Resource Commission is requested to approve the acquisition of a tract of land located 2 miles northeast of Gillett Grove and 12 miles southeast of Spencer adjacent to the east side of DNR-owned land. This 100-acre parcel is offered by the Iowa Natural Heritage Foundation for the appraised price of \$218,900.00. A larger parcel (160 acres) was acquired from the King family on April 30, 2012 for \$456,000. Licensed appraiser, Greg Tritle of Vander Werff and Associates, Inc., Sanborn, Iowa submitted the appraisal. The purchase agreement was negotiated by Jerry Gibson. The subject tract consists of 99.5 acres of pasture; and 0.5 acres of road right-of-way. An inventory of the adjacent tract to the West has identified the prairie violet with is the food plant used by larvae of the Regal Fritillary. The Regal Fritillary is listed as a species of concern in the Iowa Wildlife Action Plan, and is recognized as a vulnerable species nationally due to its restricted range. It should also be noted that other tracts have been acquired in the Little Sioux River valley which contain Prairie Bushclover, a federally threatened species. There are no buildings. Acquisition funding will be Phase 2 of The Nature Conservancy-North American Wetland Conservation Act (TNC-NAWCA) 100%. Staff recommends approval of the land acquisition.

Motion – Commissioner Schemmel
 Seconded – Commissioner Drees
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

9.5 TWELVE MILE LAKE WMA – EMMET CO. – HENRY/HUTCHINSON

The Natural Resource Commission is requested to approve the acquisition of a tract of land located in Emmet County. This 80-acre tract is offered by Kirk Henry and Beth Hutchinson for the appraised price of \$90,000. 72.17 acres of the property is encumbered by a Wetland Reserve Program easement. Licensed appraiser, Greg Tritle, of Vander Werff and Associates, Sanborn, Iowa prepared the appraisal. The purchase agreement was negotiated by Jerry Gibson. The property is located nine miles south of Estherville adjacent to the east side of 390th Avenue. The property consists of 72 acres encumbered by a Wetland Reserve Program that has been restored to 44 acres of native prairie seeding; 4 acres of pasture; and 24 acres of wetlands. There are approximately 3 acres of road right of way, and a 4.83-acre unencumbered building site. 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. Incidental closing costs are the responsibility of the Department. Staff recommends approval of the land acquisition.

Motion – Commissioner Drees
 Seconded – Commissioner Prickett
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

9.6 IOWA LAKE MARSH WMA – KOSSUTH CO. – MORRALL

The Natural Resource Commission is requested to approve the acquisition of a tract of land located 8 miles North of Armstrong and 0.5 mile south of the Minnesota border. This 3.0-acre parcel is offered by Alan Morrall for \$22,575.00. Jerry Gibson negotiated the option 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 landowner waiving an appraisal. The adjacent 65 acres sold in April 2012 for approximately \$7,525 per acre. The subject tract contains 3 acres of cropland adjacent to a proposed Fish & Wildlife Service acquisition that will be managed by the Iowa DNR. The 3-acre tract is needed to enable the restoration of a ten-acre wetland on the adjacent tract. The Wildlife Bureau will manage the land as part of the larger wetland complex. Acquisition funding will be 100% Wildlife Habitat Stamp. Surveying is estimated to cost \$1,500.00. Incidental closing costs will be the responsibility of the Department. Staff recommends approval of the land acquisition.

Motion – Commissioner Francisco
 Seconded – Commissioner Drees
 Discussion – Travis Baker provided information that the per acre cost is market value to the adjacent property versus the premium to isolate or cut out from a parcel. The land is part of a larger complex for wetland restoration. The FWS does not normally financially partner on small purchases such as this but are an option to consider for future larger parcels.
 Decision – Approved. (1 nay-Commissioner Underwood)

CARRIED AS PRESENTED

9.7 HALE'S SLOUGH WMA – DICKINSON CO. – MASER

The Natural Resource Commission is requested to approve the acquisition of a tract of land located in Dickinson County. This 121-acre tract is offered by the Delores J. Maser Revocable Trust for the appraised price of \$139,200. The property is encumbered by a Wetland Reserve Program easement. Licensed appraiser, Greg Tritle, of Vander Werff and Associates, Sanborn, Iowa prepared the appraisal. The purchase agreement was negotiated by Jerry Gibson. The property is located approximately 3 miles East and 3 miles North of Spirit Lake, Iowa, and one mile East of Big Spirit Lake. The property is adjacent to 280th Avenue on the West side. The property consists of 117.41 acres of former farmland enrolled in the Wetland Reserve Program that will be restored to 38.41 acres of native prairie seeding; 39 acres of tame pasture; and 40 acres of wetlands/marsh; and 3.62 acres of road right-of-way. When fully restored the WRP acres will add significant wetland acres to compliment the water quality work on the adjacent DNR tract with an outlet from a large 28-inch drainage district tile. The tract will provide nesting habitat for upland species as well as wetlands for migratory species. No fencing or surveying costs are anticipated. There are no buildings. Acquisition funding will be 100% North American Wetland Conservation Act. Incidental closing costs are the responsibility of the Department. Staff recommends approval of the land acquisition.

Motion – Commissioner Prickett
 Seconded – Commissioner Drees
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

9.8 BUFFALO CREEK WMA – DELAWARE CO. – INHF

The Natural Resource Commission is requested to approve the acquisition of a tract of land located in Delaware County. This 39.73-acre tract is offered by the Iowa Natural Heritage Foundation for the appraised price of \$275,000.00. The Iowa Natural Heritage Foundation acquired the property in February 2012 for \$260,000.00. Licensed appraiser, Brett Blanchfield, Blanchfield Appraisal Services, Des Moines, Iowa submitted the appraisal. The purchase agreement was negotiated by Jerry Gibson. The property is located approximately 5 miles west of Ryan adjacent to the Buchanan County line with limited access on the Southwest corner from 320th Street. The subject property consists of 21.5 acres of cropland; 17 acres of fen, pasture and creek; and 1.23 acres of fence line timber and right-of-way. Average CSR for just the cropland is 69.5. The property will provide cover for deer, wild turkey, pheasant, non-game wildlife; and migratory birds. Watershed protection for Buffalo Creek will be enhanced by the acquisition. No fencing or surveying costs are anticipated. Acquisition funding will be Wildlife Habitat Stamp (\$275,000.00), and thus the tract will remain on the property tax rolls. Incidental closing costs are the responsibility of the Department. Staff recommends approval of the land acquisition.

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

CARRIED AS PRESENTED

10. DONATIONS

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

Donation to:	Amount	Description	Donation Provided by:
Law Enforcement Bureau	\$40.00	Two target standards for Princeton Gun Range	Denny Benes, K&K Hardware
Big Creek State Park	\$44.00	Funds toward the purchase of an AED for Big Creek State Park	Polk County Chamber of Commerce
Big Creek State Park	\$580.00	Reduced cost of an AED from \$1,255 to \$675	Dave Ims, AED Professionals.com
Big Creek State Park	\$631.00	Funds toward the purchase of AEDs for Big Creek State Park, in addition to coordinating a recycling project to acquire the funds and lining up additional donations for the purchase of the AEDs.	August (Gus) Stangle
Fisheries	\$1,465.00	18 field acres of wildflower mix for the dredge spoil site at Prairie Rose State Park	Roger Schwery, Shelby County Pheasants Forever Chapter
Big Creek State Park	\$1,595.00	AED	Blaire Czarnieki, AED.com
Aquatic Education	\$1,797.00	300 kids' dip nets for use in fishing clinics	Roxanne Coleman, Pure Fishing
Mini-Wakan State Park	\$1,800.00	Framed painting	Irving Jensen
Mini-Wakan State Park	\$3,100.00	Dock, and labor to install	Mini-Wakan Committee, Spirit Lake Protective Association
Mini-Wakan State Park	\$5,184.15	Decorative fireplace screen and irons and labor	Alger Customs

Motion – Commissioner Prickett
 Seconded – Commissioner Drees
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

11. 2013 NRC MEETING RECOMMENDATIONS

The Natural Resource Commission is requested to approve the following 2013 meeting recommendations:

Month	Meeting Date / Time (2 nd Thursday of the Month – unless noted*)	Meeting Location (County)
January	01/16/12* 8:30a-10a DNR Legislative Open House 12p-4p NRC/EPC Joint Meeting	Polk - Capitol, Room 116 Polk
	01/17/13* 8:30a Business Meeting	Polk
February	02/14/13 9:30a Business Meeting	Polk
March	03/14/13 9:30a Business Meeting	Polk
April	04/11/13 9:30a Business Meeting	Polk
May	05/08/13* tbd Field Tour	Dubuque
	05/09/13 8:30a Business Meeting	Dubuque
June	06/13/13 9:30a Business Meeting	Polk
July	07/11/13 9:30a Business Meeting	Polk

August	08/08/13	9:30a Business Meeting	Polk
September	09/12/13	9:30a Business Meeting	Polk
October	10/09/13*	tbd Field Tour	To be determined
	10/10/13	8:30a Business Meeting	To be determined
November	11/14/13	9:30a Business Meeting	Polk
December	12/12/13	9:30a Business Meeting	Polk
January	01/16/14*	8:30a Business Meeting	Polk

Commissioner Underwood asked Director Gipp the opportunity to add a summer field tour. Director Gipp said it could be coordinated and decisions can be made closer to the time.

Motion – Commissioner Drees

Seconded – Commissioner Francisco

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

12. CONTRACT WITH IOWA SOYBEAN ASSOCIATION

Approval is requested for the Department of Natural Resources to enter into a cooperative agreement with the Iowa Soybean Association (ISA) committing an amount not to exceed \$27,143 for the purpose of restoring oxbow habitats. Available funding for this contract is \$12,143 National Fish Habitat Grant and \$15,000 Fish and Wildlife Trust Fund money. The term of the agreement is from September 13, 2012, through June 30, 2013. This agreement is a continued Fishers and Farmers Partnership effort between the DNR and ISA to restore oxbows for habitat biodiversity and nutrient reduction in the Boone River watershed. The funding amount is to restore a maximum of two oxbows. The DNR is responsible for approving project sites and design, for obtaining required project permits, and State Historical Preservation Officer concurrence. The ISA is responsible for oxbow site selection, securing landowner agreements, design, contracting services and construction oversight. The landowner whose property the oxbow is located on or his successors shall be responsible for future maintenance and repairs of the restore oxbows and their components. The Fishers and Farmers Partnership of the Upper Mississippi River Basin (FFP) is one of the 17 National Fish Habitat Partnerships. It is supported by 25 partner organizations in Iowa, Missouri, Minnesota, Wisconsin and Illinois. The Nature Conservancy (TNC), Iowa Soybean Association (ISA), U.S. Fish & Wildlife Service (FWS) and the Iowa DNR are active Iowa partners. The goal of FFP is to work with landowners to add value to farms while restoring aquatic habitat. The Boone River watershed was selected for the following reasons.

- The ISA and TNC have work extensively with landowners to implement best management practices on the land to retain soil, nutrients and protect natural resources.
- The Natural Resources Conservation Service named the Boone River to its Upper Mississippi River Basin Initiative program. This program provides financial assistance to farmers who implement conservation practices.
- The FFP has in-stream management expertise which completes a holistic approach of implementing watershed and stream practices that benefit both farmers and fish.
- The Iowa state wildlife action plan identifies developing new habitat for Species of Greatest Conservation Need where habitats do not exist. Historically tributaries in the Boone River watershed supported the Federal endangered Topeka Shiner. Remnant populations still exist in the watershed. Oxbow habitat is a critical habitat for sustaining Topeka Shiner populations.

We recommend that the Department enter into a contract agreement with the ISA.

Motion – Commissioner Francisco

Seconded – Commissioner Prickett

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

13. REAP PRIVATE PUBLIC COST-SHARE GRANTS – SEPTEMBER 2012 (FY13)

The Department requests Commission approval of the recommendations of the Project Review and Selection Committee for the REAP Public/Private Cost-sharing grants. The committee requests full funding for the top scoring projects. Committee members include three from the DNR: Paul Tauke, Kevin Szcodronski, Jeff Joens; and three outside the agency: Jon Kruse, Storm Lake; Glenn Vondra, Adel and Andrea Evelsizer, Clear Lake. A total of \$338,000 is available from the DNR’s REAP Open Spaces Account to cost share with private entities for the purchase of high-quality natural areas that become state-owned property. Applicants must provide at least 25% of the project cost. There were two applications for grants that totaled \$340,000 in requests. Both applications were from the Iowa Natural Heritage Foundation.

2012 (FY13) REAP Public-Private Cost Share - \$338,000 available

PROJECT NAME - COUNTY	AMOUNT REQUESTED	AMOUNT RECOMMENDED	ACRES	APPLICANT
Barkley State Forest Frazier Woodland Addition III - Boone County	\$118,500	\$118,500	76	Iowa Natural Heritage Foundation
<p>The proposed addition of 76 acre property adjacent to Barkley State Forest in Boone County. This third Frazier Woodland Addition is one of several parcels acquired by the Iowa National Heritage Foundation to assist the Iowa Department of Natural Resources with the expansion and protection of the previously land locked, rugged and remote Barkley State Forest. The proposed addition provides oak-hickory woodland and a tributary creek to Elkhorn Creek.</p>				
Feekes Prairie Addition to the Waterman Prairie Complex - O'Brien County	\$221,500	\$219,500	80	Iowa Natural Heritage Foundation
<p>The proposed addition of the 80 acre Feekes Prairie Addition contains 22 acres of virgin prairie remnant located within the Waterman Prairie Complex, which is part of the Little Sioux Watershed in O'Brien County. Iowa Natural Heritage Foundation, the Iowa Chapter of The Nature Conservancy, the O'Brien County Sportsman's Club and the O'Brien Chapter of Pheasants Forever are working together with IDNR staff to protect and restore this site for public enjoyment, as well as for the preservation of prairie resources in northwest Iowa.</p>				
TOTAL	\$340,000	\$338,000	156	

Motion – Commissioner Schemmel
 Seconded – Commissioner Drees
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

14. CONTRACT WITH TREES FOREVER, INC.

Commission approval is requested for a two year-service contract with Trees Forever, Inc., to Facilitate the Communication of Emerald Ash Borer (EAB) Readiness and Response Plans in 22 Communities. The contract will begin on September 17, 2012 and terminate on July 1, 2014. The total amount of this contract shall not exceed \$60,000.00. DNR shall have the sole option to extend this Contract for subsequent periods, adding up to no more than 6 years total, by executing a signed amendment prior to the expiration of this Contract. This contract will be funded through the United States Department of Agriculture Forest Service grant: *Assistance in Underserved Iowa Communities, Emerald Ash Borer (EAB) Monitoring, Evaluation, and Outreach* received

pursuant to the authority provided in Iowa Code section 455A.24(13). The federal grant dollars that fund this contract can be used only as specified in the Forest Service/IDNR grant agreements. The Iowa Forestry Bureau within the DNR has worked with the United States Forest Service (USFS) to deliver financial, technical and related assistance to Iowa's Urban and Community Forests. By receiving grant funds through the USFS State and Private Forestry Competitive Resource Allocation this partnership has expanded. The *Community Forest Assessment and Assistance in Underserved Iowa Communities, Emerald Ash Borer (EAB) Monitoring, Evaluation, and Outreach* grant will provide in-depth assistance through urban forest inventories and management plans, and EAB education and outreach to communities that have no more than 5,000 residents. With the 2010 Iowa EAB find in Allamakee County, inventory and monitoring information has become a priority to Iowa communities. Data is essential if communities are to set goals, actively manage public trees and make long-term plans. Good planning and proper maintenance are crucial for preventing the spread of EAB and preparing for outbreaks, reducing future tree problems, improving the resource and saving communities money. In partnership with the Iowa DNR, Trees Forever will facilitate the communication of EAB readiness and response plans in 22 of these underserved communities by coordinating pre and post-survey meetings and education and outreach materials in each community to discuss tree inventory and urban forest management plan details. It is the mutual desire of the DNR and the Trees Forever, Inc. to assist Iowa communities with planning and managing their urban tree resources, development of response to the presence of EAB, and development of grass roots community tree groups. It is the belief of the cooperating parties that this agreement will be to their mutual benefit, the benefit of Iowa's urban trees and forests, and to the benefit of the people of Iowa.

Paul Tauke noted the contract will terminate on July 1, 2015 versus July 1, 2014.

Motion – Commissioner Francisco

Seconded – Commissioner Drees

Discussion – Paul provided information that the communities in the east have already been completed and consideration for this area was based on workload of the foresters due to completing the inventories and work plans. Also, this is a traveled corridor especially with EAB (Emeral Ash Borer) moving through the country and how it travels.

Decision – Approved; Commissioner Underwood abstained due to being on the Trees Forever board

CARRIED AS PRESENTED

15. CHAPTER 61, STATE PARKS AND RECREATION AREAS, AND CHAPTER 62, STATE FOREST CAMPING – FINAL

The Department requests Commission approval for amendments to Chapter 61 “State Parks and Recreation Areas”. Chapter 62 will be merged into Chapter 61 and include additional edits. Chapter 62 is being entirely rescinded as many of the rules in Chapter 62 are similar or identical to the rules found in Chapter 61; thus combining these two chapters avoids redundancy. Chapter 61 will be reorganized with the creation of two divisions: Division I titled “State Parks and Recreation Areas,” and Division II titled “State Forest Camping.” In addition, the proposed amendments to Chapter 61:

1. Update the applicability rule to include state forest camping areas.
2. Remove the reference to Pioneer Recreation Area from the list in the definition of “recreation areas.” This area is under a management agreement with Mitchell County and is already included in the definition of “state park managed by another governmental entity.”
3. Update the definition of “rental facilities” to include warming houses.
4. Remove the reference to Wanata from the list in the definition of “state park” as Clay County now has fee title to the park.
5. Remove Oakland Mills and Mill Creek State Parks from the list in the definition of “state park managed by another governmental entity” as Henry County now has fee title of Oakland Mills Park and O’Brien County has fee title of Mill Creek Park.
6. Update the listing in the definition of “state preserves” to include the three state preserves that have been dedicated most recently.
7. Omit from new rule 571—61.3(461A) the subrule that adopted the business rules manual by reference.

After a thorough review of the business rules manual, eight policies in the business rules manual were identified as necessary, and those policies are incorporated as administrative rules in this Notice of Intended Action. The remaining policies in the business rules manual establish protocol between the vendor and the Department regarding operation and management of the centralized reservation system and are not necessary to include in administrative rules. The eight existing policies are incorporated as administrative rules as follows:

- a. Reservations will not be accepted for camping stays that occur between November 1 through March 31;
 - b. The last day a person may make or change a reservation for campsites and rental facilities if payment is made by paper check or money order is 21 days prior to the arrival date;
 - c. All reservations shall be for a specific campsite or rental facility;
 - d. The reservation window to change a camping reservation for campsites is 4 days prior to arrival if payment is made by credit card or debit card and 15 days prior to arrival for rental facilities if payment is made by credit card or debit card;
 - e. Equestrian campers shall be allowed to change a camping reservation less than 4 days prior to the arrival date if the equestrian trails are closed on the same day as or the day before the campers' scheduled arrival date;
 - f. The cancellation policy including forfeiture of fees depending upon how close to the arrival date the cancellation occurs;
 - g. Minimum-stay requirements for camping reservations; and
 - h. Campers reserving "buddy" or group campsites must reserve both or all four of the individual sites that make up the buddy or group campsite.
8. Change the reference from "group camp" to "conservation education center rental" at Springbrook State Park.
 9. Clarify that a walk-in camper must have the beginning date of the camping stay on the camper registration form dated the same day the camper pays the camping fee and posts the registration in the campsite marker.
 10. Establish day-use lodge fees for new or renovated lodges at Lewis and Clark State Park visitor center banquet room, Mini-Wakan State Park, and Waubonsie State Park.
 11. Establish a rental fee of \$30 for the warming house at Pilot Knob State Park.
 12. Eliminate the Friday and Saturday night stay requirement for the multifamily cabin at Springbrook State Park.
 13. Clarify that a damage deposit is required for cabins, lodges, and open shelters with kitchenettes.
 14. Change the damage deposit amount to be equal to the daily rental fee for the facility or \$50, whichever is greater.
 15. For rental facility gatherings with keg beer, waive the damage deposit in lieu of the keg damage deposit if the keg damage deposit is greater than the facility damage deposit.
 16. Establish the provision that pets are not to be left unattended in campgrounds or outside of cabins and yurts. A dog left unattended in a cabin or yurt must be in a kennel or pet crate.
 17. Establish the provision that animals are prohibited in all park buildings, except for service dogs and assistance animals, dogs in designated cabins or yurts (limit of two dogs of any size per designated cabin or yurt), and animals being used in education and interpretation programs.
 18. Strike the requirement that a person with a physical disability must submit a certificate from a doctor stating that the applicant meets the criteria describing a person with a physical disability in order to meet federal regulations.
 19. Update the language regarding deer population control hunts by removing the listing of state parks as it is no longer necessary to list those areas in the administrative rules.
 20. Identify and cite the rules found in Division I that apply to state forest camping areas listed in Division II.
 21. Establish in Division II of Chapter 61 those rules currently found in Chapter 62 that are unique to state forest camping.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0190C** on July 11, 2012. A public hearing was held July 31, 2012. Ten comments were received during the comment period. Two comments were in general support of the proposed rule changes. Two comments were opposed to rules requiring pets to be

attended to or crated/kenneled when left unattended in cabins/yrurts. One comments requested campers be required to place their camping unit on the site for the entire duration of the camping stay. Three comments did not pertain to the proposed rule changes but requested to review rules regarding use of generators and a request to establish a pet waste pick-up policy/rule. Lastly, one comment asked for clarification on which cabins at Lake Wapello would be pet-free.

No changes were made to the proposed rules as a result of these comments. These amendments shall be effective November 7, 2012.

Kevin Szcodronski, State Parks Bureau Chief
Conservation and Recreation Division
September 13, 2012

Attachment(s): NOIA Chapter 61 “State Parks and Recreation Areas” and Chapter 62 “State Forest Camping”
NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455A.5(6) and 461A.42, the Natural Resource Commission hereby amends Chapter 61, “State Parks and Recreation Areas,” and rescinds Chapter 62 “State Forest Camping,” Iowa Administrative Code.

The Commission is merging Chapter 62 into Chapter 61 and making additional edits. Chapter 62 is being entirely rescinded as many of the rules in Chapter 62 are similar or identical to the rules found in Chapter 61; thus combining these two chapters avoids redundancy. Chapter 61 will be reorganized with the creation of two divisions: Division I titled “State Parks and Recreation Areas,” and Division II titled “State Forest Camping.” In addition, the proposed amendments to Chapter 61:

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3. Update the definition of “rental facilities” to include warming houses.
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6. Update the listing in the definition of “state preserves” to include the three state preserves that have been dedicated most recently.
7. Omit from new rule 571—61.3(461A) the subrule that adopted the business rules manual by reference. After a thorough review of the business rules manual, eight policies in the business rules manual were identified as necessary, and those policies are incorporated as administrative rules in this Notice of Intended Action. The remaining policies in the business rules manual establish protocol between the vendor and the Department regarding operation and management of the centralized reservation system and are not necessary to include in administrative rules. The eight existing policies are incorporated as administrative rules as follows:
 - a. Reservations will not be accepted for camping stays that occur between November 1 through March 31;
 - b. The last day a person may make or change a reservation for campsites and rental facilities if payment is made by paper check or money order is 21 days prior to the arrival date;
 - c. All reservations shall be for a specific campsite or rental facility;
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 - e. Equestrian campers shall be allowed to change a camping reservation less than 4 days prior to the arrival date if the equestrian trails are closed on the same day as or the day before the campers’ scheduled arrival date;
 - f. The cancellation policy including forfeiture of fees depending upon how close to the arrival date the cancellation occurs;
 - g. Minimum-stay requirements for camping reservations; and

h. Campers reserving “buddy” or group campsites must reserve both or all four of the individual sites that make up the buddy or group campsite.

8. Change the reference from “group camp” to “conservation education center rental” at Springbrook State Park.

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12. Eliminate the Friday and Saturday night stay requirement for the multifamily cabin at Springbrook State Park.

13. Clarify that a damage deposit is required for cabins, lodges, and open shelters with kitchenettes.

14. Change the damage deposit amount to be equal to the daily rental fee for the facility or \$50, whichever is greater.

15. For rental facility gatherings with keg beer, waive the damage deposit in lieu of the keg damage deposit if the keg damage deposit is greater than the facility damage deposit.

16. Establish the provision that pets are not to be left unattended in campgrounds or outside of cabins and yurts. A dog left unattended in a cabin or yurt must be in a kennel or pet crate.

17. Establish the provision that animals are prohibited in all park buildings, except for service dogs and assistance animals, dogs in designated cabins or yurts (limit of two dogs of any size per designated cabin or yurt), and animals being used in education and interpretation programs.

18. Strike the requirement that a person with a physical disability must submit a certificate from a doctor stating that the applicant meets the criteria describing a person with a physical disability in order to meet federal regulations.

19. Update the language regarding deer population control hunts by removing the listing of state parks as it is no longer necessary to list those areas in the administrative rules.

20. Identify and cite the rules found in Division I that apply to state forest camping areas listed in Division II.

21. Establish in Division II of Chapter 61 those rules currently found in Chapter 62 that are unique to state forest camping.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0190C** on July 11, 2012. A public hearing was held July 31, 2012. Ten comments were received during the comment period. Two comments were in general support of the proposed rule changes. Two comments were opposed to rules requiring pets to be attended to or crated/kenneled when left unattended in cabins/yurts. One comment requested campers be required to place their camping unit on the site for the entire duration of the camping stay. Three comments did not pertain to the proposed rule changes but requested to review rules regarding use of generators and a request to establish a pet waste pick-up policy/rule. Lastly, one comment asked for clarification on which cabins at Lake Wapello would be pet-free.

No changes have been made to these amendments from the Notice. No changes were made because these amendments were drafted based upon extensive input received during the pre-Notice stakeholder review process, which included similar sentiments as the comments summarized above. The amendments adopted in this action were the consensus of the majority of stakeholders.

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

These amendments are intended to implement Iowa Code sections 455A.5(6), 461A.3, 461A.3A, 461A.35, 461A.39, 461A.42, 461A.43, 461A.45 through 461A.51, and 423.2.

These amendments will become effective November 7, 2012.

The following amendments are adopted.

ITEM 1. Amend **571—Chapter 61**, title, as follows:

STATE PARKS, AND RECREATION AREAS, AND STATE FOREST CAMPING

ITEM 2. Amend rule **571—61.1(461A)** as follows:

571—61.1(461A) Applicability. This chapter is applicable to all state-owned parks and recreation areas managed by the department of natural resources and by political subdivisions unless otherwise noted. This chapter also governs camping activity in the following state forests:

1. Shimek State Forest in Lee and Van Buren Counties.
2. Stephens State Forest in Appanoose, Clarke, Davis, Lucas and Monroe Counties.
3. Yellow River State Forest in Allamakee County.

ITEM 3. Adopt the following **new** definitions of “Commission” and “Department” in rule 571—61.2(461A):
 “*Commission*” means the natural resource commission.
 “*Department*” means the department of natural resources.

ITEM 4. Amend rule 571—61.2(461A), definitions of “Fishing,” “Group camp,” “Person with physical disability,” “Recreation areas,” “Rental facilities,” “State park,” “State park managed by another governmental entity” and “State preserve,” as follows:

“*Fishing*” means taking or attempting to take fish by utilizing hook, line and bait as ~~defined~~ described in Iowa Code section 481A.72, or use of permitted devices for taking rough fish as determined by Iowa Code sections 461A.42 and 481A.76.

“*Group camp*” means those camping areas at Dolliver Memorial State Park, ~~Springbrook State Park~~ and Lake Keomah State Park where organized groups (i.e., family groups or youth groups) may camp. Dining hall facilities are available.

“*Person with physical disability*” means any of the following: an individual, commonly termed a paraplegic or quadriplegic, with paralysis or a physical condition of the lower half of the body with the involvement of both legs, usually due to disease or injury to the spinal cord; a person who is a single or double amputee of the legs; or a person with any other physical affliction which makes it impossible to ambulate successfully in park or recreation area natural surroundings without the use of a wheeled conveyance.

“*Recreation areas*” means the following areas that have been designated by action of the ~~natural resource~~ commission:

<u>Area</u>	<u>County</u>
Badger Creek Recreation Area	Madison
Brushy Creek Recreation Area	Webster
Claire Wilson Park	Dickinson
Emerson Bay and Lighthouse	Dickinson
Fairport Recreation Area	Muscatine
Lower Gar Access	Dickinson
Marble Beach	Dickinson
Mines of Spain Recreation Area	Dubuque
Pioneer Recreation Area	Mitchell
Pleasant Creek Recreation Area	Linn
Templar Park	Dickinson
Volga River Recreation Area	Fayette
Wilson Island Recreation Area	Pottawattamie

These areas are managed for multiple uses, including public hunting, and are governed by rules established in this chapter as well as in 571—Chapters 52 and 105.

“*Rental facilities*” means those facilities that may be rented on a daily or nightly basis and includes open shelters, open shelters with kitchenettes, beach house open shelters, warming lodges, lodges, cabins, yurts and group camps.

“*State park*” means the following areas managed by the state and designated by action of the natural resource commission:

<u>Area</u>	<u>County</u>
A. A. Call	Kossuth
Backbone	Delaware
Banner Lakes at Summerset	Warren
Beed’s Lake	Franklin
Bellevue	Jackson
Big Creek	Polk
Black Hawk	Sac
Cedar Rock	Buchanan
Clear Lake	Cerro Gordo
Dolliver Memorial	Webster
Elinor Bedell	Dickinson
Elk Rock	Marion
Fort Atkinson	Winneshiek
Fort Defiance	Emmet
Geode	Henry and Des Moines
George Wyth	Black Hawk
Green Valley	Union
Gull Point	Dickinson
Honey Creek	Appanoose
Lacey-Keosauqua	Van Buren
Lake Ahquabi	Warren
Lake Anita	Cass
Lake Darling	Washington
Lake Keomah	Mahaska
Lake Macbride	Johnson
Lake Manawa	Pottawattamie
Lake of Three Fires	Taylor
Lake Wapello	Davis
Ledges	Boone

<u>Area</u>	<u>County</u>
Lewis and Clark	Monona
Maquoketa Caves	Jackson
McIntosh Woods	Cerro Gordo
Mini-Wakan	Dickinson
Nine Eagles	Decatur
Okamanpedan	Emmet
Palisades-Kepler	Linn
Pikes Peak	Clayton
Pikes Point	Dickinson
Pilot Knob	Winnebago
Pine Lake	Hardin
Prairie Rose	Shelby
Preparation Canyon	Monona
Red Haw	Lucas
Rice Lake	Winnebago
Rock Creek	Jasper
Shimek Forest Campground	Lee
Springbrook	Guthrie
Stephens Forest Campground	Lucas
Stone	Plymouth and Woodbury
Trapper's Bay	Dickinson
Twin Lakes	Calhoun
Union Grove	Tama
Viking Lake	Montgomery
Walnut Woods	Polk
Wanata	Clay
Wapsipinicon	Jones
Waubonsie	Fremont
Wildcat Den	Muscatine
Yellow River Forest Campground	Allamakee

Use and management of these areas are governed by Iowa Code chapter 461A and by other restrictions prescribed on area signs pursuant to Iowa Code section 461A.44.

“State park managed by another governmental entity” means the following areas designated by action of the natural resource commission:

<u>Area</u>	<u>County</u>
Bobwhite	Wayne
Browns Lake-Bigelow Park	Woodbury
Cold Springs	Cass
Crystal Lake	Hancock
Eagle Lake	Hancock
Echo Valley	Fayette
Frank A. Gotch	Humboldt
Galland School	Lee
Heery Woods	Butler
Kearny	Palo Alto
Lake Cornelia	Wright
Lake Odessa Campground	Louisa
Margo Frankel Woods	Polk
Mill Creek	O'Brien
Oak Grove	Sioux
Oakland Mills	Henry
Pammel	Madison
Pioneer	Mitchell
Sharon Bluffs	Appanoose
Silver Lake	Delaware
Spring Lake	Greene
Swan Lake	Carroll

Use and management of these areas are governed by Iowa Code chapter 461A, by this chapter, and by rules adopted by the managing entity.

“State preserve” means the following areas or portion of the areas dedicated by actions pursuant to Iowa Code section 465C.10:

<u>Area</u>	<u>County</u>
A. F. Miller	Bremer
Ames High Prairie	Story
Anderson Prairie	Emmet

<u>Area</u>	<u>County</u>
Behrens Ponds and Woodland	Linn
Berry Woods	Warren
Bird Hill	Cerro Gordo
Bixby	Clayton
Bluffton Fir Stand	Winneshiek
Brush Creek Canyon	Fayette
Brushy Creek	Webster
Cameron Woods	Scott
Casey's Paha	Tama
Catfish Creek	Dubuque
Cayler Prairie	Dickinson
Cedar Bluffs Natural Area	Mahaska
Cedar Hills Sand Prairie	Black Hawk
Cheever Lake	Emmet
Clay Prairie	Butler
Claybanks Forest	Cerro Gordo
Coldwater Cave	Winneshiek
Crossman Prairie	Howard
Decorah Ice Cave	Winneshiek
Derald Dinesen Prairie	Shelby
Doolittle Prairie	Story
Eureka Woods	Greene
Fallen Rock	Hardin
Fish Farm Mounds	Allamakee
Five Ridge Prairie	Plymouth
Fleming Woods	Poweshiek
Fort Atkinson	Winneshiek
Fossil and Prairie Park	Floyd
Freda Haffner Kettlehole	Dickinson
Gitchie Manitou	Lyon
<u>Glenwood</u>	<u>Mills</u>

<u>Area</u>	<u>County</u>
Hanging Bog	Linn
Hardin City Woodland	Hardin
Hartley Fort	Allamakee
Hartman Bluff	Black Hawk
Hayden Prairie	Howard
Hoffman Prairie	Cerro Gordo
Indian Bluffs Primitive Area	Jones
Indian Fish Trap	Iowa
Kalsow Prairie	Pocahontas
Kish-Ke-Kosh Prairie	Jasper
Lamson Woods	Jefferson
Liska-Stanek Prairie	Webster
Little Maquoketa River Mounds	Dubuque
Malanaphy Springs	Winneshiek
Malchow Mounds	Des Moines
Manikowski Prairie	Clinton
Mann Wilderness Area	Hardin
Marietta Sand Prairie	Marshall
Mericle Woods	Tama
Merrill A. Stainbrook	Johnson
Merritt Forest	Clayton
Montauk	Fayette
Mossy Glen	Clayton
Mount Pisgah Cemetery	Union
Mount Talbot	Woodbury and Plymouth
Nestor Stiles Prairie	Cherokee
Ocheyedan Mound	Osceola
Old State Quarry	Johnson
Palisades-Dows	Linn
Pecan Grove	Muscatine
Pellett Memorial Woods	Cass

<u>Area</u>	<u>County</u>
<u>Perkins Prairie</u>	<u>Greene</u>
Pilot Grove	Iowa
Pilot Knob	Hancock
Retz Memorial Woods	Clayton
Roberts Creek	Clayton
Rock Creek Island	Cedar
Rock Island Botanical	Linn
Roggman Boreal Slopes	Clayton
Rolling Thunder Prairie	Warren
Savage Woods	Henry
Searryl's Cave	Jones
Sheeder Prairie	Guthrie
Silver Lake Fen	Dickinson
Silvers-Smith Woods	Dallas
Slinde Mounds	Allamakee
St. James Lutheran Church	Winneshiek
Starr's Cave	Des Moines
Steele Prairie	Cherokee
Stinson Prairie	Kossuth
Strasser Woods	Polk
Sylvan Runkel	Monona
Toolesboro Mounds	Louisa
Turin Loess Hills	Monona
Turkey River Mounds	Clayton
<u>Vincent Bluff</u>	<u>Pottawattamie</u>
White Pine Hollow	Dubuque
Williams Prairie	Johnson
Wittrock Indian Village	O'Brien
Woodland Mounds	Warren
Woodman Hollow	Webster
Woodthrush Woods	Jefferson

Use and management of these areas are governed by rules established in this chapter as well as by management plans adopted by the preserves advisory board.

ITEM 5. Adopt the following new division title preceding rule 571—61.3(461A):

DIVISION I
STATE PARKS AND RECREATION AREAS

ITEM 6. Rescind rule 571—61.3(461A) and adopt the following new rule in lieu thereof:

571—61.3(461A) Centralized reservation system—operating procedures and policies. The centralized reservation system of the department accepts and processes reservations for camping and rental facilities in state parks, recreation areas and state forest campgrounds.

61.3(1) Recreation facilities available on centralized reservation system.

a. Rental facilities. All rental facilities are available on the centralized reservation system with the exception of the conservation education center rental at Springbrook State Park.

b. Campgrounds.

(1) All campgrounds are available on the centralized reservation system except for the campgrounds at A. A. Call State Park, Fort Defiance State Park and Preparation Canyon State Park and the backpack campsites located in state forests.

(2) No less than 50 percent and up to no more than 75 percent of the total number of campsites in each individual campground shall be designated as reservable sites on the reservation system. The determination of which campsites shall be included in the reservable designation shall be the responsibility of the park staff in each park. Park staff shall include a combination of electric, nonelectric and sewer/water sites while taking into consideration campsite characteristics such as location, shade and size. The department will review the percentage of reservable sites and usage on a biennial basis and determine whether the percentage of reservable campsites should be changed. A reservable campsite will be identified with a reservable-site marker on the campsite post.

(3) All designated organized youth group campsites and campsites marked with the international symbol of accessibility are included in the reservation system.

(4) Reservations will not be accepted for camping stays that occur November 1 through March 31.

61.3(2) Methods available to make reservations. Persons may make reservations by telephone through the call center or through the Internet by using the reservation system Web site.

61.3(3) Reservation transaction fees.

a. Reservation fee. A nonrefundable reservation fee shall be charged for each reservation made per campsite or rental facility regardless of the length of stay. The one-time fee is per reservation and is not charged per day or per night. This fee is in addition to the camping fees or rental fees established in subrules 61.4(1) and 61.5(1). The reservation fees, which differ based upon the method used when the reservation is made, are as follows:

(1) Internet reservation — \$4.

(2) Telephone reservation — \$6.

b. Change fee. The following fees shall be charged to change an existing reservation:

(1) Reservation change made through the Internet — \$5.

(2) Reservation change made over the telephone — \$7.

c. Cancellation fee. The following fees shall be charged to cancel a reservation:

(1) Reservation cancellation made through the Internet — \$5.

(2) Reservation cancellation made over the telephone — \$7.

61.3(4) Reservation window.

a. Camping. Camping reservations may be made up to 3 months before arrival but no later than 21 days before arrival if payment is made by paper check or money order and no later than 2 days before arrival if payment is made by credit card or debit card.

b. Rental facilities.

(1) Rentals for May 1 to September 30. Rental facility reservations may be made up to 12 months before arrival but not later than 21 days before arrival if payment is made by paper check or money order and no later than 4 days before arrival if payment is made by credit card or debit card.

(2) Rentals for October 1 to April 30. Rental facility reservations may be made up to 12 months before arrival but not later than 21 days before arrival if payment is made by paper check or money order and no later than 7

days before arrival if payment is made by credit card or debit card.

61.3(5) *Site-specific reservations.* All reservations shall be for a specific campsite, cabin, lodge or open shelter.

61.3(6) *Changing a reservation.* Changes to reservations shall not be made until the initial reservation has been paid in full.

a. Camping.

(1) The last day a person may make a change to a camping reservation is 4 days prior to the scheduled arrival date if payment is made by credit card or debit card or 21 days prior to the scheduled arrival date if payment is made by paper check or money order.

(2) Equestrian campers may make changes to a camping reservation less than 4 days prior to the arrival date if the equestrian trails are closed on the same day as the equestrian campers' scheduled arrival date or on the day before their scheduled arrival date.

b. Rental facilities. The last day a person may make a change to a rental facility reservation is 15 days prior to the scheduled arrival date if payment is made by credit card or debit card or 21 days prior to the scheduled arrival date if payment is made by paper check or money order.

61.3(7) *Canceling a reservation.* Persons who cancel their reservations prior to or on the scheduled arrival date shall receive a refund as follows:

a. Camping.

(1) Persons who cancel their reservations two or more days prior to the scheduled arrival date will receive a refund of all camping fees paid less the cancellation fee.

(2) Persons who cancel their reservations one day prior to the scheduled arrival date will receive a refund of all camping fees paid less the cancellation fee and forfeiture of one night's camping fee.

(3) Persons who cancel their reservations on the scheduled day of arrival will receive a refund of all camping fees paid less the cancellation fee and forfeiture of two nights' camping fees.

b. Cabins.

(1) Persons who cancel their reservations 30 or more days prior to the scheduled arrival date will receive a refund of all rental fees and tax paid less the cancellation fee.

(2) Persons who cancel their reservations 15 to 29 days prior to the scheduled arrival date will receive a refund of all rental fees and tax paid less the cancellation fee and forfeiture of one night's rental fee and tax.

(3) Persons who cancel their reservations less than 15 days prior to the scheduled arrival date or on the scheduled arrival date will receive a refund of all rental fees and tax paid less the cancellation fee and forfeiture of two nights' rental fees and tax.

c. Lodges, open shelters, open shelters with kitchenettes, and beach house open shelters.

(1) Persons who cancel their reservations 30 or more days prior to the scheduled arrival date will receive a refund of all rental fees and tax paid less the cancellation fee.

(2) Persons who cancel their reservations 15 to 29 days prior to the scheduled arrival date will receive a refund of all rental fees and tax paid less the cancellation fee and forfeiture of one day's rental fee and tax.

(3) Persons who cancel their reservations less than 15 days prior to the scheduled arrival date or on the scheduled arrival date will receive a refund of all rental fees and tax paid less the cancellation fee and forfeiture of two days' rental fees and tax, if applicable.

d. Cancellation after scheduled arrival date. Persons who cancel any reservation after the scheduled arrival date will receive no refund unless extenuating circumstances have been documented, reviewed, and approved in writing by the department.

e. Cancellation fees exceeding camping or rental fees. When the cancellation fee and forfeiture of camping fees or rental fees and tax exceed the total amount of camping fees or rental fees and tax paid, no refund will be issued.

ITEM 7. Strike "department of natural resources" wherever it appears in subrules **61.4(1)** and **61.4(5)**, rule **571—61.5(461A)**, subrules **61.7(4)** and **61.9(1)**, and rule **571—61.14(461A)** and insert "department" in lieu thereof.

ITEM 8. Amend subparagraph **61.4(3)"a"(1)** as follows:

(1) Registration of walk-in campers occupying nonreservable campsites or unrented, reservable campsites

will be on a first-come, first-served basis and will be handled by a self-registration process. Registration forms will be provided by the department of ~~natural resources~~. Campers shall, within one-half hour of arrival at the campground, complete the registration form, place the appropriate fee or number of camping tickets in the envelope and place the envelope in the depository provided by the department of ~~natural resources~~. One copy of the registration form must then be placed in the campsite holder provided at the campsite. The camping length of stay identified on the camping registration form must begin with the actual date the camper registers, pays and posts the registration at the campsite.

ITEM 9. Reletter paragraphs 61.4(5)“k” and “l” as 61.4(5)“m” and “n.”

ITEM 10. Adopt the following new paragraphs 61.4(5)“k” and “l”:

k. Minimum stay requirements for camping reservations. From May 1 to September 30, a two-night minimum stay is required for weekends. The two nights shall be designated as Friday and Saturday nights. However, if September 30 is a Friday, the Friday and Saturday night stay shall not apply. If September 30 is a Saturday, the Friday and Saturday night stay shall apply. The following additional exceptions apply:

(1) A Friday, Saturday, and Sunday night stay is required for the national Memorial Day holiday and national Labor Day holiday weekends.

(2) A Thursday, Friday, and Saturday night stay is required for the Fourth of July holiday if the Fourth of July occurs on a Thursday, Friday or Saturday.

(3) A Friday, Saturday, and Sunday night stay is required for the Fourth of July holiday if the Fourth of July occurs on a Monday.

l. Buddy campsite reservations. Buddy campsites are between two to four individual sites that are grouped together and can only be reserved and used collectively. Campers reserving buddy campsites through the centralized reservation system must reserve both or all four of the individual sites that make up the group buddy campsite or buddy campsite.

ITEM 11. Amend paragraph 61.5(1)“c” as follows:

c. Lodge rental per reservation. This fee does not include tax. Tax will be calculated at time of payment.

	<u>Per Weekday</u> <u>M-Th***</u>	<u>Per Weekend</u> <u>Day</u> <u>Fr-Su</u>
A. A. Call State Park, Kossuth County	\$ 40	\$ 80
Backbone State Park Auditorium, Delaware County**	25	50
Backbone State Park, Delaware County	62.50	125
Beed’s Lake State Park, Franklin County	40	80
Bellevue State Park-Nelson Unit, Jackson County	50	100
Clear Lake State Park, Cerro Gordo County	50	100
Dolliver Memorial State Park-Central Lodge, Webster County**	30	60
<u>Central Lodge**</u>	<u>30</u>	<u>60</u>
<u>South Lodge</u>	<u>37.50</u>	<u>75</u>
Dolliver Memorial State Park South Lodge, Webster County	37.50	75
Ft. Defiance State Park, Emmet County	35	70
George Wyth State Park, Black Hawk County**	35	70

	<u>Per Weekday</u> <u>M-Th***</u>	<u>Per Weekend</u> <u>Day</u> <u>Fr-Su</u>
Gull Point State Park, Dickinson County	100	200
Lacey-Keosauqua State Park, Van Buren County	35	70
<u>Beach Lodge</u>	<u>35</u>	<u>70</u>
<u>Lodge</u>	<u>35</u>	<u>70</u>
Lake Ahquabi State Park, Warren County	45	90
Lake Darling State Park, Washington County	100	200
Lake Keomah State Park, Mahaska County	45	90
Lake Macbride State Park, Johnson County		
Beach Lodge	35	70
Lodge	35	70
Lake of Three Fires State Park, Taylor County	35	70
Lake Wapello State Park, Davis County	30	60
Lewis and Clark State Park, Monona County	35	70
<u>Lodge</u>	<u>35</u>	<u>70</u>
<u>Visitor Center Banquet Room</u>	<u>75</u>	<u>150</u>
<u>Mini-Wakan State Park, Dickinson County</u>	<u>75</u>	<u>150</u>
Palisades-Kepler State Park, Linn County	87.50	175
Pine Lake State Park, Hardin County	40	80
Pleasant Creek Recreation Area, Linn County**	37.50	75
Stone State Park, Woodbury/Plymouth Counties	62.50	125
Viking Lake State Park, Montgomery County	30	60
Walnut Woods State Park, Polk County	100	200
Wapsipinicon State Park, Jones County		
Heated year-round lodge <u>Rotary Lodge</u>	35	70
Unheated seasonal lodge <u>Boy Scout Lodge</u>	20	40
<u>Waubonsie State Park, Fremont County</u>	<u>75</u>	<u>150</u>

**Does not contain kitchen facilities

***The weekend day fee applies to New Year’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas, even though the holiday may fall on a weekday.

ITEM 12. Amend subparagraph 61.5(1)“h”(4) as follows:

(4) Reservations. School groups and DNR department camps may reserve the center three years in advance. All other groups may reserve the center a year in advance on a first-come, first-served basis. There is no

reservation fee. Fees shall be paid upon arrival at the center.

ITEM 13. Adopt the following new paragraph **61.5(1)“i”**:

- i. Pilot Knob warming house reservation, \$30 plus applicable tax.

ITEM 14. Amend subparagraph **61.5(3)“b”(3)** as follows:

(3) The multifamily cabin at Springbrook State Park may be reserved for a minimum of two nights throughout the entire rental season with the following exceptions:

~~1. From the Friday of the national Memorial Day holiday weekend through the Thursday after the national Labor Day holiday, a Friday and Saturday night stay is required for weekends.~~

~~2. 1.~~ A Friday, Saturday, and Sunday night stay is required for the national Memorial Day holiday and national Labor Day holiday weekends.

~~3. 2.~~ A Thursday, Friday, and Saturday night stay is required for the Fourth of July holiday if the Fourth of July occurs on a Thursday, Friday, or Saturday.

4. 3. A Friday, Saturday, and Sunday night stay is required for the Fourth of July holiday if the Fourth of July occurs on a Monday.

ITEM 15. Amend paragraph **61.5(3)“i”** as follows:

- i. Except by arrangement with the park staff in charge of the area, persons renting a lodge, shelter, and or beach house open shelter ~~facilities~~ facility and all guests shall vacate the facility by 10 p.m.

ITEM 16. Amend subrule 61.5(4) as follows:

61.5(4) Damage deposits for all rental facilities cabins, lodges, open shelters with kitchenettes, and yurts.

a. Upon arrival for the rental facility period, renters shall pay in full a damage deposit in ~~the amount of \$50.~~ an amount equal to the weekend daily rental fee for the facility or \$50, whichever is greater. If a gathering with keg beer takes place in a lodge or open shelter with kitchenette, the damage deposit shall be waived in lieu of a keg damage deposit as specified in 571—subrule 63.5(3) if the keg damage deposit is greater than the lodge or open shelter with kitchenette damage deposit.

b. to d. No change.

ITEM 17. Amend subrule **61.7(1)** as follows:

61.7(1) Animals.

a. The use of equine animals and llamas is limited to roadways or to trails designated for such use.

b. Animals are prohibited within designated beach areas.

c. Livestock are not permitted to graze or roam within state parks and recreation areas. The owner of the livestock shall remove the livestock immediately upon notification by ~~the department of natural resources~~ personnel in charge of the area.

d. Animals are prohibited in all park buildings, with the following exceptions:

(1) Service dogs and assistive animals.

(2) Dogs in designated cabins and yurts. A maximum of two dogs of any size shall be allowed in any designated cabin or yurt.

(3) Animals being used in education and interpretation programs.

~~d. e.~~ Except for dogs being used in designated hunting or in dog training areas, pets such as dogs or cats shall not be allowed to run at large within state parks, recreation areas, or preserves. Such animals shall be on a leash or chain not to exceed six feet in length and shall be either led by or carried by the owner; attached to an anchor/tie-out or vehicle; or confined in a vehicle. Pets shall not be left unattended in campgrounds. Dogs shall be kenneled when left unattended in a cabin or yurt and shall not be left unattended if tied up outside of the cabin or yurt.

ITEM 18. Amend subrule **61.7(5)** as follows:

61.7(5) Firearms. The use of firearms in state parks and recreation areas, as defined in rule 571—61.2(461A), is limited to the following:

a. Lawful hunting as traditionally allowed at Badger Creek Recreation Area, Brushy Creek Recreation Area, Pleasant Creek Recreation Area, Mines of Spain Recreation Area (pursuant to rule 571—61.9(461A)), Volga

River Recreation Area and Wilson Island Recreation Area.

- b. Target and practice shooting in areas designated by DNR the department.
- c. Special events, festivals, and education programs sponsored or permitted by DNR the department.
- d. Special hunts authorized by the ~~natural resource~~ commission to control deer populations.

ITEM 19. Amend subparagraph **61.7(8)“b”(1)** as follows:

(1) Permits.

1. Each person with a physical disability must have a permit issued by the director in order to use a motorized vehicle in specific areas within state parks, recreation areas, and preserves. Such permits will be issued without charge. ~~An applicant must submit a certificate from a doctor stating that the applicant meets the criteria describing a person with a physical disability.~~ One nonhandicapped companion may accompany the permit holder on the same vehicle if that vehicle is designed for more than one rider; otherwise the companion must walk.

2. No change.

ITEM 20. Amend subparagraph **61.7(8)“b”(2)** as follows:

(2) Approved areas. On each visit, the permit holder must contact the park staff in charge of the specific area in which the permit holder wishes to use a motorized vehicle. The park staff must designate on a park map the area(s) where the permit holder will be allowed to use a motorized vehicle. This restriction is intended to protect the permit holder from hazards or to protect certain natural resources ~~of the area~~. The map is to be signed and dated on each visit by the park staff in charge of the area. Approval for use of a motorized vehicle on state preserves also requires consultation with a member of the preserves staff in Des Moines.

ITEM 21. Amend subrule **61.7(9)** as follows:

61.7(9) Noise. Creating or sustaining any unreasonable noise in any portion of ~~all any state parks and park or recreation areas~~ area is prohibited at all times. The nature and purpose of a person’s conduct, the impact on other area users, the time of day, location, and other factors which would govern the conduct of a reasonable, prudent person under the circumstances shall be used to determine whether the noise is unreasonable. Unreasonable noise ~~shall include~~ includes, but is not necessarily limited to, the operation or utilization of motorized equipment or machinery such as an electric generator, motor vehicle, or motorized toy; or audio device such as a radio, television set, ~~tape deck,~~ public address system, or musical instrument; ~~or other device~~. Between the hours of 10:30 p.m. and 6 a.m., noise which can be heard at a distance of 120 feet or three campsites shall be considered unreasonable.

ITEM 22. Amend subrule **61.7(15)** as follows:

61.7(15) Deer population control hunts. Deer hunting as allowed under Iowa Code section ~~461A.42“e”~~ 461A.42(1)“c” is permitted only during special hunts in ~~the following~~ state parks as provided under 571—Chapter 105 and as approved by the ~~natural resource~~ commission. During the dates of ~~deer hunting special hunts,~~ only persons engaged in deer hunting shall use the area or portions thereof as designated by DNR the department and signed as such.

Backbone State Park	Delaware County
Elk Rock State Park	Marion County
George Wyth State Park	Black Hawk County
Lake Darling State Park	Washington County
Lake Manawa State Park	Pottawattamie County
Lake of Three Fires State Park	Taylor County
Springbrook State Park	Guthrie County
Viking Lake State Park	Montgomery County

ITEM 23. Amend subrule **61.8(4)** as follows:

61.8(4) Pleasant Creek Recreation Area, Linn County. Swimming is limited by the provisions of 61.7(2); also, swimming is prohibited at the beach from 10:30 p.m. to 6 a.m. daily. Access into and out of the north portion of the area between the east end of the dam to the campground shall be closed from 10:30 p.m. to 4 a.m., except that walk-in overnight fishing will be allowed along the dam. The areas known as the dog trial area and the equestrian area shall be closed from 10:30 p.m. to 4 a.m., except for equestrian camping and for those persons participating in a ~~DNR-authorized~~ department-authorized field trial. From 10:30 p.m. to 4 a.m., only registered campers are permitted in the campground.

ITEM 24. Amend rule **571—61.10(461A)** as follows:

571—61.10(461A) After-hours fishing—exception to closing time. Persons shall be allowed access to the areas designated in rule 571—61.11(461A) between the hours of 10:30 p.m. and 4 a.m. under the following conditions:

1. The person shall be actively engaged in fishing.
2. The person shall behave in a quiet, courteous manner so as not to disturb other users of the park ~~such as campers.~~
3. Access to the fishing site from the parking area shall be by the shortest and most direct trail or access facility.
4. Vehicle parking shall be in the lots designated by signs posted in the area.
5. Activities other than fishing are allowed with permission of the director or an employee designated by the director.

ITEM 25. Amend rule **571—61.14(461A)**, first unnumbered paragraph, as follows:

The intended projects will be included in the department's annual five-year capital plan in priority order by year and approved by the ~~natural resource~~ commission for inclusion in its capital budget request.

ITEM 26. Amend rule **571—61.15(461A,463C)** as follows:

571—61.15(461A,463C) Honey Creek Resort State Park. This chapter shall not apply to Honey Creek Resort State Park, with the exception that subrules 61.7(1) through 61.7(9) and 61.7(11) through ~~61.7(16)~~ 61.7(15) and ~~rule 61.12(461A)~~ shall apply to the operation and management of Honey Creek Resort State Park. Where permission is required to be obtained from the department, an authorized representative of the department's management company may provide such permission in accordance with policies established by the department.

ITEM 27. Reserve rules **571—61.16** to **571—61.19**.

ITEM 28. Adopt the following new division title preceding rule 571—61.20(461A):

DIVISION II

STATE FOREST CAMPING

ITEM 29. Adopt the following new rules 571—61.20(461A) to 571—61.23(461A):

571—61.20(461A) Camping areas established and marked.

61.20(1) Areas to be utilized for camping shall be established within each of the state forests listed in rule 571—61.1(461A).

61.20(2) Signs designating the established camping areas shall be posted along the access roads into these areas and around the perimeter of the area designated for camping use.

61.20(3) Areas approved for backpack camping (no vehicular access) shall be marked with appropriate signs and shall contain fire rings.

571—61.21(461A) Campground reservations. Procedures and policies regarding camping reservations in established state forest campgrounds shall be the same as those cited in rule 571—61.3(461A). Reservations will not be accepted for backpack campsites.

571—61.22(461A) Camping fees and registration.**61.22(1) Fees.**

a. Backpack campsites. No fee will be charged for the use of the designated backpack campsites.

b. The fees for camping in established state forest campgrounds shall be the same as those cited in paragraphs 61.4(1) “a” and “b” for all other nonmodern camping areas managed by the department where fees are charged.

61.22(2) Procedures for camping registration.

a. Backpack campsites. Persons using backpack campsites shall register at the forest area check station or other designated site.

b. The procedures for camping registration in established state forest campgrounds shall be the same as those cited in paragraphs 61.4(3) “a,” “b,” and “c.”

c. Organized youth group campsites. The procedures for camping registration for organized youth group campsites shall be the same as those cited in subrule 61.4(4).

571—61.23(461A) Restrictions—area and use.

61.23(1) Restrictions of campsite or campground use in established state forest campgrounds shall be the same as those cited in paragraphs 61.4(5) “a” through “c,” “e” through “k,” “m,” and “n.”

61.23(2) Hours. Access into and out of the established camping areas shall be permitted from 4 a.m. to 10:30 p.m. From 10:31 p.m. to 3:59 a.m., only registered campers are permitted in the campgrounds.

61.23(3) Firearms use prohibited. Except for peace officers acting in the scope of their employment, the use of firearms, fireworks, explosives, and weapons of all kinds by the public is prohibited within the established camping area as delineated by signs marking the area.

61.23(4) Pets. Pets such as dogs or cats shall not be allowed to run at large within established state forest camping areas. Such animals shall be on a leash or chain not to exceed six feet in length and shall be either led by or carried by the owner; attached to an anchor, tie-out or vehicle; or confined in a vehicle.

61.23(5) Noise. Subrule 61.7(9) shall apply to established state forest camping areas.

ITEM 30. Rescind and reserve 571—Chapter 62.

Motion – Commissioner Francisco

Seconded – Commissioner Drees

Discussion – Sherry Arntzen provided information that, in 2010, the Department completed a survey regarding the interest in pet friendly cabins and types of pets, as well as worked with staff on this issue. Also, Parks notified all of the 2011 users that this rule was being proposed and requested and considered their comments. Parks is looking at designating 1-2 cabins as pet friend and are working with staff to determine this. On the reservation system, we are looking into the best way to inform users their cabin may be determined as pet free. Currently, based on the 2010 survey and input, the rule relates to dogs or assisted animals. Sherry shared that the facility rates have not changed for years, although on the new facilities, Parks has looked at similar existing facilities keeping them comparable. Parks’ Bureau Chief, Kevin Szcodronski, would like to review the fees but has held off due to the economic situation. Diane Ford and Director Gipp commented that this change is also a political process and in this economic climate it would be difficult to request an increase but we should be ready for when it is feasible to do so. Attorney Tamara Mullen provided information, related to this rule and the use of firearms, that individuals with a permit to carry a concealed weapon would still be able to carry. The legal team has worked with the Attorney General’s office on the Iowa Code and coordinating the best policy for the agency. The field staff have guidance on how to respond regarding individuals permitted to carry.

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

16. CHAPTER 63 “KEG BEER RULES” - FINAL

The Department requests Commission approval for amendments to Chapter 63 “Keg Beer Rules.” The proposed amendments:

1. Change Iowa Code chapter references from “111” to “461A” throughout the chapter.

2. Update the Iowa Administrative Code cross reference in the applicability rule for state forest camping areas.
3. Rescind the existing definition of “beach” and adopt a new definition of “beach” to be the same definition used in 571—Chapter 64.
4. Establish a definition for “department” to mean the Department of Natural Resources.
5. Establish a definition for “rental facility” to include lodges and open shelters with kitchenettes.
6. Rescind the definition of “kegger.”
7. Change the references to “department of natural resources officer” to “department personnel” to better reflect the current staffing structure in state parks and recreation areas.
8. Update the keg deposit requirement for rental facilities that charge both a rental fee and a damage deposit. The keg deposit will be waived in lieu of the rental facility damage deposit if the damage deposit amount is equal to or greater than the required keg deposit.
9. Strike the deposit amounts identified in the deposit disposition rule as the actual deposit required may not be the amounts listed and strike the reference to a \$1,000 deposit and replace it with “keg deposit.”
10. Update the responsibility agreement by striking the words “born on or before September 2, 1967,” and update the year “numbering.”

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0225C** on July 25, 2012. A public hearing was held on August 14, 2012, at the Wallace State Office Building in Des Moines, Iowa. No comments were received during the comment period. No changes have been made to the amendment from the NOIA.

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby amends Chapter 63, “Keg Beer Rules,” Iowa Administrative Code.

The adopted amendments:

1. Change Iowa Code chapter references from “111” to “461A” throughout the chapter.
2. Update the Iowa Administrative Code cross reference in the applicability rule for state forest camping areas.
3. Rescind the existing definition of “beach” and adopt a new definition of “beach” to be the same definition used in 571—Chapter 64.
4. Establish a definition for “department” to mean the Department of Natural Resources.
5. Establish a definition for “rental facility” to include lodges and open shelters with kitchenettes.
6. Rescind the definition of “kegger.”
7. Change the references to “department of natural resources officer” to “department personnel” to better reflect the current staffing structure in state parks and recreation areas.
8. Update the keg deposit requirement for rental facilities that charge both a rental fee and a damage deposit. The keg deposit will be waived in lieu of the rental facility damage deposit if the damage deposit amount is equal to or greater than the required keg deposit.
9. Strike the deposit amounts identified in the deposit disposition rule as the actual deposit required may not be the amounts listed and strike the reference to a \$1,000 deposit and replace it with “keg deposit.”
10. Update the responsibility agreement by striking the words “born on or before September 2, 1967,” and update the year “numbering.”

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0225C** on July 25, 2012. A public hearing was held on August 14, 2012. No comments were received at the hearing or during the comment period.

These amendments are identical to those published under Notice of Intended Action.

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

These amendments are intended to implement 455A.5(6), 461A.35, and 461A.47.

These amendments will become effective November 7, 2012.

The following amendments are adopted.

ITEM 1. Strike “(111,123)” wherever it appears in rules **571—63.1(111,123)** to **571—63.7(111,123)** and insert “(461A,123)” in lieu thereof.

ITEM 2. Amend rule 571—63.2(461A,123) as follows:

571—63.2(461A,123) Applicability. This chapter is applicable to all state parks and recreation areas managed by the parks, recreation, and preserves division of the department of natural resources and to the state forests containing designated campground areas listed in 571—62.1(461A) 571—61.1(461A).

ITEM 3. Rescind the definition of “Beach” in rule 571—63.3(461A,123) and adopt the following new definition in lieu thereof:

“*Beach*” or “*beach area*” is as defined in rule 571—64.1(461A).

ITEM 4. Adopt the following new definitions of “Department” and “Rental facility” in rule 571—63.3(461A,123):

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

“*Rental facility*” means a lodge or open shelter with kitchenette as defined in rule 571—61.2(461A).

ITEM 5. Rescind the definition of “Kegger” in rule 571—63.3(461A,123).

ITEM 6. Amend rule 571—63.4(461A,123) as follows:

571—63.4(461A,123) Prohibited areas. ~~Keggers~~ Gatherings at which keg beer is served shall not be conducted in beach areas, in campgrounds, or in parking areas or in areas immediately adjacent to those areas.

ITEM 7. Amend rule 571—63.5(461A,123) as follows:

571—63.5(461A,123) Procedure. Any person wishing to ~~conduct a kegger~~ hold a gathering with keg beer in any area to which this chapter applies shall notify the department of natural resources ~~officer~~ personnel in charge of the area in advance and comply with the following procedure:

63.5(1) A designated agent shall be named who shall sign a responsibility agreement. The content of the responsibility agreement shall be as stated in 571—63.7(461A,123).

63.5(2) The designated agent shall be available for personal contact by department of natural resources personnel at all times during the kegger gathering with keg beer.

63.5(3) The agent shall pay a deposit of \$100 per 100 or fewer persons or portion thereof at the ~~kegger, to gathering with keg beer~~. The deposit shall be held by the department of natural resources officer personnel in charge of the area as a damage deposit. The department of natural resources officer Department personnel in charge of the area may designate the area in which the kegger gathering with keg beer is to be conducted. If the kegger takes place in an enclosed shelter for which a rental fee and deposit is charged, the \$100 shall be waived in lieu of the usual deposit for that facility. If the gathering with keg beer takes place in a rental facility that requires a rental fee and damage deposit, the keg deposit shall be waived in lieu of the rental facility damage deposit if the rental facility damage deposit is equal to or greater than the keg deposit.

63.5(4) The agent shall assume responsibility to ensure that all state laws are complied with in the conduct of persons attending the kegger gathering with keg beer, and that the area used for the kegger gathering is left in a clean, uncluttered condition, and that no state property is damaged beyond the extent of normal wear and tear.

63.5(5) Conducting or continuation of the kegger gathering with keg beer shall be contingent on whether the persons involved are complying with all applicable state laws including but not limited to Iowa Code section 123.47, and chapter 461A, and the rules promulgated under those chapters sections and as long as on whether the activity does not interfere with other uses of area facilities.

63.5(6) The agent shall inform ~~the department of natural resources officer~~ personnel in charge of the area when the kegger gathering with keg beer is concluded and attendees have left the area.

ITEM 8. Amend rule 571—63.6(461A,123) as follows:

571—63.6(461A,123) Deposit disposition.

63.6(1) The \$100 deposit required by 63.5(3) shall be refunded within three days in full or on a prorated basis computed according to 63.6(2) depending on the condition in which the site is left after the kegger gathering with keg beer is held.

63.6(2) If it is necessary for department of natural resources personnel to clean up the area or repair any damage beyond ordinary wear and tear, a log of the time spent in such cleanup or repair shall be kept. The damage deposit refund shall be reduced by an amount equivalent to the applicable hourly wage of the employees for the time necessary to clean the area or repair the damage.

63.6(3) The \$1000 keg deposit is not to be construed as a limit of liability for damage to state property. The department of natural resources may take any legal action necessary to recover additional damage damages.

ITEM 9. Amend rule 571—63.7(461A,123) as follows:

571—63.7(461A,123) Responsibility agreement. The agreement required by 63.5(1) shall contain the following

information:

RESPONSIBILITY AGREEMENT

I/We, the undersigned, being of 21 years of age or older, or born before September 2, 1967, and desiring to entertain ourselves and others at:

Area: _____

Date: _____

agree to leave the site used in the same condition as found, agree to clean up what debris and litter may be deposited during our stay, within the time period agreed to, agree to be responsible for any damages done to property within the area by ourselves or our guests, agree to ensure compliance with Iowa law respecting the possession of beer by underage persons, agree not to interfere with other use of park facilities; and, finally, agree to abide by all rules and regulations and all laws of this state.

Dated this _____ day of _____, 19 2_____.

Signature of Group Leaders (agents):

Identification Information:

Agents (Name & Address)	Phone No.	Driver's License No.	Vehicle License
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Motion – Commissioner Francisco
Seconded – Commissioner Drees
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

17. DIVISION ADMINISTRATOR REMARKS

None

18. GENERAL DISCUSSION

- Waterfowl Advisory Board – Commissioners Drees and Francisco reported that the team met on 08/16/12 to discuss the objective of the group. They determined they will need to first look at the USFWS guidelines to understand the options. The group would focus on zones and season dates. The original list of possible members seemed lengthy but would use that list and invited input for any additional names. An invitation letter has been drafted (in NRC Records file) stating the first meeting will be in January 2013 with a requested RSVP by the end of September 2012. Because of the task at hand, it was recommended the group's name become the Waterfowl Working Group. This group, after reviewing all the criteria, such as the federal guidelines, surveys, and bird counts, will create a report that will be submitted to the NRC. This will be noted in the invitation letter being sent out, as well as that this group is being created for an ongoing input and not just a one time task. Tamara Mullen commented that this group would meet requirements in Executive Order 80.
- Information Sessions at NRC meetings – Commissioner Underwood asked Commissioners for their thoughts on informational sessions for upcoming meetings. Discussed coordinated sessions for October and November. She invited Commissioners to let her know of any ideas.

- NRC Annual Report – NRC 2013 Legislative Priorities and 2012 Accomplishments – Commissioner Underwood asked Commissioners to come to the next meeting ready to discuss their thoughts on accomplishments for 2012 and goals for 2013 and that Commissioner Drees had offered to write the report.
- Commissioner Drees reported zebra mussels have been found in upper Great Lakes and there is testing being done on “villagers” and none have been found so far.
- Commissioner Francisco discussed a watershed study he was involved in and the effects of grazing. The same effects are occurring in Iowa. He has observed the benefits of riparian CRP designs reducing gully erosion, patch grazing, and using livestock for land management. He recognized the great job the Department’s private lands staff are doing with landowners in helping manage the natural resources.
- Commissioner Underwood provided information that she and Commissioner Prickett have met with legislative leadership and the Governor’s office. Their next meeting will be with Senator Gronstal and Representative Upmeyer. In talking with Speaker Paulson, he recommended coming with the NRC goals. They are also interested in the Honey Creek Resort bonds and keeping the door of communication open with them. She would also like to meet with the committee chairs. Diane Ford recommended the end of November or beginning of December.

ADJOURNMENT

Motion to adjourn the meeting – Commissioner Francisco
Seconded – Commissioner Schemmel
Decision - Approved by Unanimous Vote
With no further business to come before the Natural Resource Commission, Chair Underwood adjourned the meeting on 09/13/12 at 1:30pm.

CARRIED – MEETING ADJOURNED

UPCOMING NRC MEETING DATES

- October 10, 2012 – NRC Field Tour, Monona County (location/time tbd)
- October 11, 2012 – Monona County (location/time tbd)
- November 8, 2012 – Henry Wallace State Office Building, Des Moines, 9:30am
- December 13, 2012 – Henry Wallace State Office Building, Des Moines, 9:30am

