

**MINUTES  
OF THE  
NATURAL RESOURCE COMMISSION  
MEETING**

**OCTOBER 10, 2013**

**HELD AT:**

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

For Office Use Only

Date Minutes Approved By NRC: 11/14/13

Director's Signature: *Chuck Gipp*  
Chuck Gipp  
Director

RECORD COPY  
File Name: ADM 1-1-1  
NRC MINUTES

Sender's initials: KR

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**MEETING MINUTES**

**CALL TO ORDER**

The meeting of the Natural Resource Commission was called to order by the NRC Chair, Margo Underwood, on 10/10/13 at 9:30am.

**COMMISSIONER ATTENDANCE**

Present

- Marcus Branstad
- Conrad Clement
- Richard (Kim) Francisco, Secretary
- Dr. Sally Prickett, Vice-Chair (by phone)
- Phyllis Reimer
- Dennis Schemmel
- Margo Underwood, Chair

Absent

None

**PUBLIC PARTICIPATION**

None

**1. APPROVAL OF AGENDA**

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

CARRIED AS PRESENTED

**2. APPROVE MINUTES OF 09/05/13 NRC PUBLIC MEETING**

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

CARRIED AS PRESENTED

**3. DIRECTOR’S REMARKS**

Deputy Director Trautman reported

- The DNR has issued the Corps a conditional permit for the Missouri River shallow water habitat work.
- October 4, 2013, the DNR held a wellness day at Honey Creek Resort and approximately 50 DNR staff took vacation day to attend. The day before, the Resort had a serious lightening strike and HCR staff responded with wonderful alternative services to meet the needs of their guests. Chuck Corell reported the Resort is continuing to work to get systems fully up and running.
- He has met with pheasant recovery staff in Plymouth County, where the Governor’s pheasant hunt is this year. He encouraged Commissioners to attend the Governor’s pheasant hunt in November.

**4. 2014 NRC MEETING RECOMMENDATIONS**

The Natural Resource Commission is requested to approve the following 2014 meeting recommendations:

Month	Meeting Date / Time (2 <sup>nd</sup> Thursday of the Month – unless noted*)	Meeting Location (County)
January	01/22/14* 8:30a-10a DNR Legislative Open House 12p-4p NRC/EPC Joint Meeting	Polk - Capitol, Legislative Dining Rm Polk

	<b>01/23/14*</b>	8:30a NRC Business Meeting	Polk
<b>OR</b>			
January	<b>01/22/14*</b>	8:30a-10a DNR Legislative Open House 11:00a-4:30p NRC Business Meeting	Polk - Capitol, Legislative Dining Rm Polk
<b>OR</b>			
January	<b>01/22/14*</b>	8:30a-10a DNR Legislative Open House 10:45a-12:45p NRC/EPC Joint Meeting 1:00p-5:00p NRC Business Meeting	Polk - Capitol, Legislative Dining Rm Polk Polk
February	<b>02/13/14</b>	<b>9:30a</b> Business Meeting	Polk
March	<b>03/13/14</b>	<b>9:30a</b> Business Meeting	Polk
April	<b>04/09/14*</b>	<b>tbd</b> Field Tour	Polk
	<b>04/10/14</b>	<b>8:30a</b> Business Meeting	Polk
<b>OR</b>			
April	<b>04/10/14</b>	<b>8:30a-12:00p</b> Field Tour	Polk
	<b>04/10/14</b>	<b>1:00p-4:30p</b> Business Meeting	Polk
May	<b>05/08/14</b>	<b>9:30a</b> Business Meeting	Polk
June	<b>06/11/14*</b>	<b>tbd</b> Field Tour	Appanoose
	<b>06/12/14</b>	<b>8:30a</b> Business Meeting	Appanoose
July	<b>07/10/14</b>	<b>9:30a</b> Business Meeting	Polk
August	<b>08/14/14</b>	<b>9:30a</b> Business Meeting	Polk
September	<b>09/11/14</b>	<b>9:30a</b> Business Meeting	Polk
October	<b>10/08/14*</b>	<b>tbd</b> Field Tour	Allamakee
	<b>10/09/14</b>	<b>8:30a</b> Business Meeting	Allamakee
November	<b>11/13/14</b>	<b>9:30a</b> Business Meeting	Polk
December	<b>12/11/14</b>	<b>9:30a</b> Business Meeting	Polk
January	<b>01/08/15</b>	<b>9:30a</b> Business Meeting	Polk

Motion - Commissioner Francisco  
 Seconded – Commissioner Branstad  
 Discussion – Commissioners discussed and agreed on the following updates to the schedule:  
 · 01/22/14 DNR Legislative Open House and joint meeting with EPC if they are available.  
 · 01/23/14 NRC business meeting  
 · Change April’s field tour to May and have the field tour and business meeting held on the same day.  
 Decision – Approved by Unanimous Vote

CARRIED AS AMENDED

**\*5. TIMBER SALE CONTRACT WITH PILCHER BROS. SAWMILL, FOR STEPHENS STATE FOREST**  
 Commission approval is requested for a timber sale contract with Pilcher Bros. Sawmill of Douds, IA, for Stephens State Forest.  
**Contract Terms**  
**Income:** \$27,316.00  
**Dates:** 10/10/13 to 04/14/15

**Funds Deposited to:** Conservation Fund - Forestry

**Contract Purpose:** An even-aged management system will be used in accordance with the Stephens State Forest Management Plan to allow sunlight to stimulate the growth of oak seedlings already present on the site. This contract will facilitate a hardwood timber harvest of an estimated 119,440 board feet in 1080 mixed hardwood trees at Stephens State Forest in Appanoose County. There are an additional 222 cull trees marked for harvest. Cull trees may be harvested, but are not included in the board foot volume of the sale. Seedlings may be planted following the harvest to supplement natural regeneration. Prescribed fire may be used periodically as a management tool to stimulate oak regeneration and control competing vegetation after the harvest. A natural areas inventory was conducted and there are no known threatened and endangered species in the harvest area. Harvesting and regenerating this stand will also help manage oak wilt and improve the overall health and vigor of the forest. Wildlife den trees will not be marked and will be left standing. Best management practices (BMP's) will apply to the site. No tops or harvesting residue will be left in adjacent waterways. Harvesting is to occur only when ground is firm or frozen to minimize soil disturbance. Skid trails and landing areas will be repaired following the harvest. No skid trails will be allowed in the SMA (within 50 feet of the adjacent waterway) except at designated stream crossings.

**Selection Process Summary:** An informal bid process was completed. To be qualified, a timber buyer must have on file with the State of Iowa a bond meeting the requirements of Section 456A.36 of the Code of Iowa and Chapter 571-72 of the Iowa Administrative Code. The area forester and supervisor reviewed the bid proposals and the highest bid from the most responsive and responsible bidder was selected.

**Date bids received:** 09/18/13

**Number of Bids Received:** 5

**Recommendation:** Pilcher Bros. Sawmill

Bidder	City, State	Amount of Bid
Pilcher Bros. Sawmill	Douds, IA	\$27,316.00
Yoder Sawmill, LLC	Bonaparte, IA	\$24,701.00
Gingerich Sawmill	Bloomfield, IA	\$24,652.00
Seals Select Cut Logging	Moravia, IA	\$20,304.80
Dan Jones Logging	Waterville, IA	\$13,580.00

CARRIED UNDER CONSENT

**\*6. TIMBER SALE CONTRACT WITH YODER SAWMILL, LLC, FOR STEPHENS STATE FOREST**

Commission approval is requested for a timber sale contract with Yoder Sawmill, LLC, of Bonaparte, IA, for Stephens State Forest.

**Contract Terms**

**Income:** \$43,151.00

**Dates:** 10/10/13 to 04/14/15

**Funds Deposited to:** Conservation Fund - Forestry

**Contract Purpose:** An even-aged management system will be used in accordance with the Stephens State Forest Management Plan to allow sunlight to stimulate the growth of oak seedlings already present on the site. This contract will facilitate a hardwood timber harvest of an estimated 106,678 board feet in 993 mixed hardwood trees at Stephens State Forest in Appanoose County. There are an additional 598 cull trees marked for harvest. Cull trees may be harvested, but are not included in the board foot volume of the sale. Seedlings may be planted following the harvest to supplement natural regeneration. Prescribed fire may be used periodically as a management tool to stimulate oak regeneration and control competing vegetation after the harvest. A natural areas inventory was conducted and there are no known threatened and endangered species in the harvest area. Harvesting and regenerating this stand will also help manage oak wilt and improve the overall health and vigor of the forest. Wildlife den trees will not be marked and will be left standing. Best management practices (BMP's) will apply to the site. No tops or harvesting residue will be left in adjacent waterways. Harvesting is to occur only when ground is firm or frozen to minimize soil disturbance. Skid trails and landing areas will be repaired following the harvest. No skid trails will be allowed in the SMA (within 50 feet of the adjacent waterway) except at designated stream crossings.

**Selection Process Summary:** An informal bid process was completed. To be qualified, a timber buyer must have on file with the State of Iowa a bond meeting the requirements of Section 456A.36 of the Code of Iowa and Chapter 571-72 of the Iowa Administrative Code. The area forester and supervisor reviewed the bid proposals and the highest bid from the most responsive and responsible bidder was selected.

**Date bids received:** 09/18/13

**Number of Bids Received:** 5

**Recommendation:** Yoder Sawmill, LLC.

Bidder	City, State	Amount of Bid
Yoder Sawmill, LLC	Bonaparte, IA	\$43,151.00
Pilcher Bros Sawmill	Douds, IA	\$32,000.00
Gingerich Sawmill	Bloomfield, IA	\$29,183.00
Dan Jones Logging	Waterville, IA	\$22,262.80
Seals Select Cut Logging	Moravia, IA	\$21,616.75

CARRIED UNDER CONSENT

**\*7. TIMBER SALE CONTRACT WITH WIELAND & SONS LUMBER COMPANY FOR WALNUT WOODS STATE PARK**  
 Commission approval is requested for a timber sale contract with Wieland & Sons Lumber Company, Winthrop, IA, for Walnut Woods State Park.

**Contract Terms**

**Income:** \$37,756.00

**Dates:** 10/10/13 to 03/14/14

**Funds Deposited to:** Conservation Fund – State Parks

**Contract Purpose:** This contract will facilitate a hardwood timber harvest of an estimated 17,000 board feet in 48 black walnut trees at Walnut Woods State Park in Polk County. There are an additional 10 cull trees marked for harvest. Cull trees may be harvested, but are not included in the board foot volume of the sale. The purpose of this harvest is to improve the health and aesthetics of Walnut State Park by salvaging trees that are declining in health due to old age, storms, and flooding in recent years. The trees being harvested are damaged, leaning, or dying and are potentially hazardous to park visitors. Reforestation of trees native to the site, primarily black walnut, along with bur oak and swamp white oak, is planned following completion of the harvest. A natural areas inventory was conducted and there are no known threatened and endangered species in the harvest area. Best management practices (BMPs) will apply to the site. Harvesting is to occur only when ground is firm or frozen to minimize soil disturbance. Skid trails and landing areas will be repaired following the harvest.

**Selection Process Summary:** An informal bid process was completed. To be qualified, a timber buyer must have on file with the State of Iowa a bond meeting the requirements of Section 456A.36 of the Code of Iowa and Chapter 571-72 of the Iowa Administrative Code. The district forester, park manager, and supervisor reviewed the bid proposals and the highest bid from the most responsive and responsible bidder was selected.

**Date bids received:** 09/03/13

**Number of Bids Received:** 3

**Recommendation:** Wieland & Sons Lumber Company

Bidder	City, State	Amount of Bid
Wieland & Sons Lumber Company	Winthrop, IA	\$37,756.00
Swanson Big Timber	Vinton, IA	\$30,289.00
Hindman Logging	Winterset, IA	\$10,200.00

CARRIED UNDER CONSENT

**8. CONSTRUCTION – MT AYR FISH HATCHERY CULTURE PONDS AND HARVEST KETTLES**

The Department requests Commission approval of the following construction project:

**Project Summary:** In 1941, Mt Ayr Hatchery consisted of only three fish culture ponds; in 1959, five more were constructed. Today, the facility is primarily a Fisheries Management office whose staff is also responsible for culturing bluegill, redear sunfish, largemouth bass, and hybrid striped bass. A 2001 Statewide Cool/Warmwater Fish Hatchery Evaluation report assessed the hatchery’s pond levees and kettles as deteriorated and all ponds having a history of continuous seepage problems. The consulting firm FishPro conducting the evaluation stated pond repairs, water supply improvements, and new kettles should be given first priority in efforts to improve fish culture. Facility improvements since 2010 have included the construction of three new harvest kettles and dike improvements on the three ponds nearest the office building. The dike improvements increased the production area of the ponds from two surface acres to three. The purpose of the project is to expand production area by one surface acre, increase culture production capabilities, improve fish health during harvest, expand the Bureau’s hybrid striped bass program, and reduce labor and maintenance efforts. To expand the production area, three existing ponds will be combined

to make two and existing dike perimeters will be increased in length. Deepening water depth and installing a water supply inlet at east end of each pond will improve and increase production capabilities. New kettles of modern design with freshwater supply will permit staff to concentrate, hold, and harvest fish with limited stress. This will assure a healthier fish ready for transport and with a greater chance of survival after stocking. Hybrid striped bass (a cross between striped bass and white bass parents) are obtained from states which have striped bass fisheries. Mt Ayr staff has had limited success in culturing hybrid striped bass from fry to fingerling size. The combination of poor culture conditions (water temperature, plankton populations, water quality) and fry health at delivery are reasons for limited success. Reconstructed ponds should improve culture conditions to improve success of the hybrid striped bass program.

**Construction Needed:** Three culture ponds will be modified into two large ponds with maximum depths of 7 feet. A harvest kettle will be constructed in each pond. Water supply lines will be added at each kettle and at the far end of each pond in improve harvest and culture conditions. Demolition material from old kettles and water lines will be moved offsite and is the responsibility of the contractor. Silt fence will be utilized to minimize soil loss during construction. All disturbed areas will be seeded, fertilized, and mulched to establish permanent ground cover.

**Green Features:** Seeding and a silt fence to be included to prevent sediment runoff during storm events during and post-construction.

**Engineering Project #:** 13-04-80-01

**Project County:** Ringgold

**DNR Project Manager:** Mike Broderick, PE; Engineering Bureau

**Designer:** Mike Broderick, PE; Engineering Bureau

**DNR Inspector:** Mark Johnson; Engineering Bureau

**Operating Bureau:** Fisheries

**Funding Source:** 100% Fisheries - Fish and Wildlife Trust Fund

**Engineering Cost Estimate:** \$ 165,000.00

**Plans Issue Date:** 8/28/13

**Bid Letting Date:** 9/19/13

**Plan Holders:** 5

**Number of Bids Received:** 2

**Bidders**

TEK Builders Inc. Mount Ayr, IA \$137,596.80

C.L. Carroll Co., Inc. Des Moines, IA \$190,382.00

**Recommendation:** IDNR recommends awarding the bid to TEK Builders. Inc.

Motion - Commissioner Francisco  
Seconded – Commissioner Schemmel  
Discussion – Mike Mason, Fisheries, provided information about how hatcheries, research, technology, and partnerships with other states have improved Iowa’s fish resource and fishing opportunities in Iowa.  
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

**9. RULEMAKING PETITION: TAYLOR’S RESORT AND “NO WAKE” SPEED ZONE**

The Department, on behalf of the Commission, has received a rulemaking petition pursuant to Iowa Code chapter 17A and 571 Iowa Administrative Code Chapter 5. The petitioner, Taylors Resort, is a private hotel/condo business located along the Mississippi waterfront in Harpers Ferry, Iowa. The Petitioner is requesting that water buoys designating a “no wake zone” be placed 200 feet upstream and 200 downstream of their property lines, as well as 100 feet into the river to prevent passing traffic moving at speeds that result in waves crashing into their private shoreline and infrastructure. Pursuant to Iowa law, within sixty days after submission of a petition, the Commission either shall deny the petition in writing on the merits, stating its reasons for the denial, or initiate rulemaking proceedings in accordance with Iowa Code section 17A.4. A review “on the merits” requires fair consideration but does not require the Commission to take a stand on the substantive issues presented in the Petition. Practical considerations, including unresolved public debate on the issue, may form the basis for a denial of the Petition. In response to the NRC’s questions from last month after the commission reviewed the petition as an “information” item, the Petitioner submitted the following additional information:

1. How will a no-wake zone be implemented/regulated? *The home owners would maintain the buoys. IDNR would regulate the no wake zone.*
2. How will a no-wake zone in the Mississippi affect barge traffic? *There is no barge traffic in the slough where Taylor’s resort is located.*

The Department recommends denying the petition for the following reasons:

- 1) It will set an unwanted precedence by establishing speed zones to protect private property, whereas currently only public lands are marked in this fashion. There are numerous little “resorts” or “landings” along the Mississippi, such as Stilwell Island, Lund’s Landing, and Hartman’s to name a few, that may want similar treatment, creating frequent speed zones all along the Mississippi’s Iowa border.
- 2) Even though the Mississippi might be 300 feet wide in certain areas, at times only 75 feet is navigable, thus speed zones can potentially hamper movement of traffic even some distance from shore, including commercial traffic. Speed zones should be limited in number and scope to protect public lands that are maintained with tax dollars, not private property.

Motion - Commissioner Clement motioned to deny the petition based on staff recommendation  
 Seconded – Commissioner Francisco  
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

**10. SERVICE CONTRACT MIMI WAGNER LANDSCAPE ARCHITECT, LLC**

**Commission approval is requested for a service contract** with Mimi Wagner Landscape Architect, LLC, of Ames, Iowa.

**Contract Terms**

**Amount:** \$126,300.00

**Dates:** 10/14/13 to 10/14/15

**Funding Source(s):** Low-head Dam Public Hazard and Water Trails Programs

**Contract Purpose:** To provide planning assistance and support for several regional water trail project coordinators and planners over a two-year period developing and analyzing geospatial data, graphically designing maps and documents for public communication, facilitating meetings, inventorying accesses, and developing water trail signage plans.

**Selection Process Summary:** The Department solicited proposals from targeted small businesses and also published a Request for Proposal (RFP) on the Department of Administrative Services website.

**Date proposals received:** 08/09/13

**Review and Selection Committee:** 3 members

- DNR River Programs (2)
- DNR Land and Waters Bureau (1)

**Scoring Criteria:** Proposals were scored based on the criteria as described in the RFP which included their ability to complete the scope of work within the desired timeline, past performance of work that is identical or similar to that in project scope, and description and quality of previous and applicable work experience.

**Proposals Received:** 3

**Recommendation:** Mimi Wagner Landscape Architect, LLC.

Vendor	Vendor Location (city, state)	Score	Rank	Cost
Mimi Wagner Landscape Architecture, LLC.	Ames, Iowa	88	1	\$ 126,300.00
Barker Lemar Engineering	West Des Moines, Iowa	81	2	\$ 121,031.00
Sand County Studios	Smyrna, Georgia	78	3	\$ 94,432.00

Motion - Commissioner Francisco

Seconded – Commissioner Branstad

Discussion – Nate Hoogeveen, Water Trails Coordinator, provided information regarding the mandate that directs water trails coordination. With the limited Department staff, and the diverse tasks a statewide water trails program is responsible for, as well as needing to cultivate many partnerships, contracts similar to this one can provide expertise and support for the work that needs to be done.

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

**11. LAND ACQUISITION PROJECTS**

**11.1. SAC CITY WETLAND COMPLEX, SAC COUNTY, WILHELM**

The Natural Resource Commission is requested to approve the acquisition of a tract of land located southwest of Sac City approximately one mile south of U.S. Hwy. 20.

Seller: Keith and Marilyn Wilhelm

Acreage: 112-acre tract

DNR Purchase Price: \$143,360

Appraised Value: \$143,360

Appraised By: Greg Tritle, Vander Werff and Associates, Inc., Sanborn, Iowa

**Property Description:** The land, except road right-of-way, is encumbered by a Wetland Reserve Program easement. After restoration, the tract will contain 30 acres of restorable, enhanced wetlands with the remainder seeded to native prairie grasses. The tract will provide habitat for upland game and waterfowl. There are no buildings.

**Purpose:** The tract is approximately ¼ mile south and east of existing DNR-owned land and will increase the outdoor recreation opportunity at the wildlife management area.

**DNR Property Manager:** Wildlife Bureau

Funding Source(s): NAWCA – Prairie Lakes 5

Incidental Costs: Estimated surveying costs are \$1,000. Incidental closing costs will be the responsibility of the Department.

Motion - Commissioner Clement  
Seconded – Commissioner Branstad  
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

**11.2. LIZARD LAKE WMA, INHF, POCAHONTAS COUNTY**

The Natural Resource Commission is requested to approve the acquisition of a tract of land located adjacent to the state-owned Lizard Lake in Pocahontas County.

Seller: Iowa Natural Heritage Foundation

Acreage: 116.46-acre tract

DNR Purchase Price: \$920,034

Appraised Value: \$920,034

Appraised By: Steve Badger Real Estate Services, Marshalltown, Iowa

**Property Description:** The property is located 8 miles southeast of Pocahontas, and 5 miles southwest of Gilmore City. The property consists of approximately 112 acres of non-highly erodible cropland (Corn Suitability Rating 71.86), which includes 16.7 acres enrolled in the Conservation Reserve Program for filter strips, which will expire September 30, 2018. The remaining 4.46 acres are in public road right-of-way, driveway access, and wetlands, grasslands bordering Lizard Lake. The State of Iowa owns approximately 38.51 acres south of the subject tract which is managed by the County for camping.

**Purpose:** This wildlife management area tract will help protect a large portion of the Lizard Lake shoreline.

**DNR Property Manager:** Wildlife Bureau

Funding Source(s): Marine Fuel Tax - \$400,000; REAP Open Spaces - \$220,000; Wildlife Habitat Stamp - \$150,034; Fish Habitat Stamp - \$150,000

Incidental Costs: The acquisition funding includes REAP and Wildlife Habitat Stamp therefore the property will stay on the county property tax rolls. No survey costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Motion - Commissioner Francisco  
Seconded – Commissioner Reimer  
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

**11.3. GABRIELSON WMA, INHF, HANCOCK COUNTY**

The Natural Resource Commission is requested to approve the acquisition of a tract of land located 4 miles Southeast of Forest City and one-half mile west of the Gabrielson Wildlife Management Area and one mile southwest of Pilot Knob State Park.

Seller: Iowa Natural Heritage Foundation

Acreage: 49.86-acre tract

DNR Purchase Price: \$55,000

Appraised Value: \$58,600

Appraised By: Fred Greder, Benchmark Agribusiness, Inc., Mason City, Iowa

**Property Description:** The subject tract consists of 48.8 acres that are enrolled in the Wetland Reserve Program; 0.23 acre that is unencumbered; and 0.83 acres of road right-of-way. There are no buildings. The tract topography is described as gently rolling and containing a tributary of the Winnebago River.

**Purpose:** This tract will add important upland grassland habitat to the Gabrielson WMA and Pilot Knob State Park complex of public wildlife habitats.

**DNR Property Manager:** Wildlife Bureau

**Funding Source(s):** NAWCA – Prairie Lakes 5

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

Motion - Commissioner Prickett  
Seconded – Commissioner Branstad  
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

**11.4. LENON MILLS WMA, YOUNG, GUTHRIE COUNTY**

The Natural Resource Commission’s approval is requested to purchase a tract of land located in Guthrie County adjacent to state-owned and managed Lenon Mills WMA.

**Seller:** George & Sarah Young

**Acreage:** 79-acre tract

**DNR Purchase Price:** \$225,000

**Appraised Value:** \$225,600

**Appraised By:** Dan Dvorak, Licensed Appraiser of Des Moines, Iowa

**Property Description:** This property is located 3 miles south of Panora in east central Guthrie County. The moderately sloping to-steeply tract contains 67 acres to forested land and 12 acres of grassland. There are no building improvements. In addition to access is through state-owned land adjacent north, the sellers will grant a 50 foot wide easement for ingress and egress extending east from Wagon Road for DNR maintenance and management use only. The sellers reserve the right to sell white oak and red oak of minimum dbh (diameter at breast height) of 20 inches through March 15, 2014, and value of the logs not to exceed \$16,500.

**Purpose:** The property will be managed for outdoor recreation, as well as watershed protection of the Middle Raccoon River.

**DNR Property Manager:** Wildlife Bureau

**Funding Source(s):** Pittman-Robertson – \$168,750; REAP PWA - \$38,250; Wildlife Habitat Stamp - \$18,000

**Incidental Costs:** The acquisition funding includes REAP and Wildlife Habitat Stamp therefore the property will stay on the county property tax rolls. No survey is required. The DNR will provide for a boundary fence along a portion of the west boundary covering approximately 650 feet. Incidental closing costs will be the responsibility of the Department.

Motion - Commissioner Clement  
Seconded – Commissioner Schemmel  
Discussion – Travis Baker, Land and Waters Bureau Chief, noted the appraised value in the brief should be the same as the sale price.  
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

**11.5. CITY OF WOODWARD, ANDERSON, DALLAS COUNTY**

The Natural Resource Commission’s approval is requested to sell the Anderson tract for, or above, the appraised price plus realtor’s commission. This tract is located within the corporate limits of Woodward, IA. DNR staff has discussed marketing of the Anderson tract with Hertz Appraisal Farm Management, Inc. A possible replacement property has been identified adjacent to the Kuehn Conservation Area in Dallas County.

**Seller:** IA DNR

**Acreage:** 2.49-acre tract

**DNR Sale Price:** tbd

**Appraised By:** Tasha K Gould and Dan Dvorak, Licensed Appraisers of Des Moines, Iowa

**Property Description:** The Natural Resource Commission, in regular meeting held May 2, 1984, accepted Grace and Edward Anderson’s offer to donate a city block (2.49 acres) in Woodward, Iowa, in Dallas County. The tract was conveyed to the State

Conservation Commission for the State of Iowa on June 21, 1984, with a reserved life use and stipulation that, upon their death, the Iowa Conservation Commission (DNR) manage the property as an “urban wildlife area.” After Edward’s death and Grace’s departure from the property in 2008, the DNR removed the buildings and began managing the tract. The DNR has had difficulty managing the tract for wildlife while, at the same time, trying to comply with city zoning and ordinance regulations. Grace and Edward also left a substantial amount of money to manage the tract.

**Purpose:** Grace is deceased and her heirs have agreed that it is in the best interest of wildlife to sell the tract within the city limits and apply the funding to the acquisition of a tract outside the city limits.

**DNR Property Manager:** Wildlife Bureau

Funds Deposited to: Fish and Wildlife Trust Fund

Incidental Costs: realtor fee

Motion - Commissioner Schemmel  
Seconded – Commissioner Branstad  
Discussion – Travis Baker provided information about the process of selling public land once it is approved by the NRC.  
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

**\*12. LAND MANAGEMENT PROJECTS**

**\*12.1. CHAPTER 18 LEASE RENEWAL, DICKINSON COUNTY, ANN PLENDL**

The Natural Resource Commission is requested to approve the renewal of Chapter 18 lease 36-R with Ann Plendl. Location: An area approximately five feet wide by ten feet long adjacent to Lot 18, Block A, Triboji Beach Subdivision in Section 2, Township 99 North, Range 37 West of the 5<sup>th</sup> P.M., Dickinson County, Iowa. Site Purpose: The site contains a small storage shed and steps to access the dock to the lake area. Lease History: The location has been under lease since 1983. Lease Fee and Term: The annual fee is \$150.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees. The term of the lease will be five years.

CARRIED UNDER CONSENT

**\*12.2. CHAPTER 17 LEASE RENEWAL, LOUISA COUNTY, MATTESON MARINE SERVICE**

The Natural Resource Commission is requested to approve the renewal of Chapter 17 lease 45-R with Matteson Marine Services of Burlington, Iowa. Location: A parcel in the bed of the Mississippi River including approximately 100 feet of depth by 60 feet of length, Mississippi River Miles 427.7, Louisa County, IA. The leased area begins 400 feet downstream of the Minneapolis and St. Louis Railroad Bridge, which is approximately 25 miles south of Muscatine, Iowa. Site Purpose: The site is used as an area for barge fleeting. Lease History: This area has been under a barge fleeting lease since 1988. Lease Fee and Term: As directed by Iowa Code, a Public Notice was published. No comments were received. The annual fee is \$1,956.00 and will be increased annually based on the percentage increase of the consumer price index. The term of the lease will be five years.

CARRIED UNDER CONSENT

**\*12.3. BRUSHY CREEK SRA, WEBSTER COUNTY, SUNDERMAN FARM MANAGEMENT SERVICE CONTRACT**

The Natural Resource Commission is requested to approve a service contract with Sunderman Farm Management of Fort Dodge, IA.

**Contract Terms**

Amount: \$57,500

Dates: 10/11/13 to 10/10/18

Funding Source(s): State Parks District 5 Operations

**Contract Purpose:** Provide management services for habitat management leases on approximately 1150 acres at Brushy Creek State Recreation Area. The Department leases agricultural land across the state to farmers for habitat management purposes. The Department utilizes private farm management firms to assist in the management of these leases. Currently, the Department has four other firms under contract for similar applications throughout the state.

**Selection Process Summary:** The Department solicited proposals from targeted small businesses and also published a Request for Proposal (RFP) on the Department of Administrative Services website.

Date proposals received: 09/17/2013

Review and Selection Committee: 3 members

DNR Realty (2)  
 DNR Parks (1)

Scoring Criteria: Proposals were scored based on the criteria as described in the RFP which included sufficient staff to meet project schedule and work requirements, previous experience, information from references, geographical location of the firm, specialized expertise, plan for accomplishing the required services, and the quoted fee.

Proposals Received: 1

Recommendation: Sunderman Farm Management

Vendor	Vendor Location	Cost
Sunderman Farm Management	Fort Dodge, IA	\$ 57,500

CARRIED UNDER CONSENT

**\*12.4. PRAIRIE LAKES WILDLIFE UNIT – CLAY & PALO ALTO COUNTY – MIDAMERICAN ENERGY COMPANY**

The Natural Resource Commission is requested to approve 4 easements for a transmission line upgrade project. Project Description: MidAmerican Energy Company is upgrading several miles of transmission lines in northwest Iowa. Four sections, totaling 15.3 acres, are located on wildlife management areas in Palo Alto County and Clay County. MidAmerican’s work is taking place on existing transmission line corridors. Compensation: MidAmerican is offering \$49,926.26 for the easements.

CARRIED UNDER CONSENT

**13. REAP PRIVATE PUBLIC COST-SHARE GRANTS – SEPTEMBER 2013 (FY14)**

The Department requests Commission approval based on the recommendations of the Project Review and Selection Committee for the REAP Public/Private Cost-share grants as directed by Iowa Administrative Code 571, Chapter 33.

**Grant Purpose:** Open Space (28% of REAP funds) funds are allocated to DNR for state acquisition and development of lands and waters. One-tenth of this 28% is set aside to cost-share land acquisitions with private organizations. The cost-share arrangement entails 75% of the acquisition costs coming from REAP and the other 25% coming from private contributions. This program provides an excellent opportunity to cost share with private entities for the purchase of high-quality natural areas that become state-owned property. The DNR owns and manages the property that is jointly purchased.

**Funding Source(s):** Resource Enhancement And Protection Fund - Private/Public Cost Share

**Grant Funding Available:** \$442,930

**Selection Committee Members:** As directed by Chapter 33, a review and selection committee consisting of six members (three DNR staff and three representatives of private organizations) scored the applications:

- Private Entity Representation
  - Storm Lake, IA – Jon Kruse
  - Adel, IA – Glenn Vondra
  - Clear Lake, IA – Andrea Evelsizer
- DNR Representation
  - Paul Tauke, Forestry Bureau Chief
  - Kevin Szcodronski, State Parks Bureau Chief
  - Angi Bruce, Wildlife Executive Officer

**Summary of Selection Process:** As directed by criteria under Chapter 33.50, the selection committee reviewed all applications. Examples of criteria considered include relation to public land, relationship to relevant regional and statewide programs, rare or unique species communities, public benefits, tourism and economic development potential, and multiple use potential.

**Recommendation:** With sufficient funding for all projects, and with all projects meeting project criteria, the selection committee recommends full funding for all projects. The Department will offer a secondary grant round for the remaining \$125,255. Grants will be due March 15, 2014.

2013 (FY14) REAP Public-Private Cost Share Projects					
Grant Applicant	Project County	Name	Project Description	Grant Amount Requested	Recommended Award
Iowa Natural Heritage	Loess Wildlife	Hills Area	Acquisition of 80 acres of prairie. The tract is located within the 15,049 acre Turin Special	\$155,300	\$155,300

Foundation	Addition – Monona County	Landscape Area, one of the twelve priority areas identified by the 2002 National Park Service Special Resources Study and Iowa as important for conserving the unique characteristics of the hills.		
Iowa Natural Heritage Foundation	Pictured Rocks Wildlife Management Area Additions – Jones County	Acquisition of 50 acres of woodlands situated along the Maquoketa River. The acreage is split between two parcels of 20 and 30 acres which fit like puzzles pieces into the southernmost section of the Wildlife Area. They are a high quality example of mature oak upland forest, with native hardwood trees and a variety of other plants and wildflowers. One exciting feature of the land is that 10 acres appear to have never been logged, an incredible rarity in Iowa.	\$111,375	\$111,375
Iowa Natural Heritage Foundation	Pine Lake State Park Addition – Hardin County	Acquisition of 13 acres of woodland near Eldora, IA. The acreage contains woodland, bluffs, ravines, lowland, and Iowa River Shoreline across the river from the restored Pine Lake CCC cabins.	\$51,000	\$51,000
<b>TOTALS</b>			<b>\$317,675</b>	<b>\$317,675</b>

Motion - Commissioner Reimer  
 Seconded – Commissioner Clement  
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

**14. REAP COUNTY GRANTS – SEPTEMBER 2013 (FY14)**

The Department requests Commission approval of the recommendations of the project review and selection committee for REAP County grants as directed by Iowa Administrative Code 571, Chapter 33.

**Grant Purpose:** The county conservation account receives 20% of the REAP funds. After initial distributions outlined in Chapter 33, 40% of the remaining funds are available for competitive grants to counties for increasing outdoor recreation opportunities, land protection, capital improvements, stabilization and protection of resources, repair and upgrading of facilities, environmental education, and equipment. This money is available to counties, only if they are dedicating at least 22¢ per \$1,000 of the assessed value of taxable property in the county for county conservation purposes.

**Funding Source(s):** Resource Enhancement And Protection Fund – County Conservation Account

**Grant Funding Available:** \$1,346,300

**Selection Committee Members:** As directed by Chapter 33, a review and selection committee consisting of five members (two DNR staff and three non-DNR appointees) scored the applications:

- County Representation
  - Jim Liechty, Madison CCB
  - Katie Hammond, Louisa CCB
  - Mark Peterson, Woodbury CCB
- DNR Representation
  - Angela Corio, State Parks Bureau
  - Tom Anderson, ESD Land Quality Bureau

**Summary of Selection Process:** As directed by criteria under Chapter 33.30, the selection committee reviewed and scored all applications. Examples of criteria considered include quality of site and project, public need, urgency of project, multiple use potential, and economic benefit.

**Recommendation:** The committee recommends funding for the top four projects listed in the table. Due to limited funding, the fourth ranked project will be offered 69% of its requested amount. REAP was appropriated \$16 million in FY14; if it would have been fully funded at \$20 million, there would have been enough to fully fund the Winneshiek County project.

In the event that any of the grantees are unable to execute their project, the Department requests authority to offer those funds to the next highest scored projects that meet the grant criteria or return the funds to the grant program for distribution in the next grant cycle.

2013 (FY14) REAP County Projects					
Ranked by Score	County Applicant	Project Name	Project Description	Grant Amount Requested	Recommended Award
136.2	O'Brien	Waterman Wildlife Addition	Acquisition of 133.6 acres situation in the heart of the Waterman Prairie Complex. The land adjoins the O'Brien CCB Prairie Heritage Center, which is the headquarters and hub for environmental education within the county. This special site is a priority for acquisition because of its proximity to existing county land, location along migratory bird routes, accessibility for education and recreational programs. The result will be over 1,800 acres of connected, protected land – an area that contains one of the largest assemblages of prairie remnants in the state.	\$485,000	\$485,000
136.2	Mitchell	Wyatt Fen	The project is to protect and restore 38.7 acres within Mitchell County that contains rare fens. The area has been pastured in the past but never plowed and 89 native and many rare species remain. The area would be restored via prescribed fire and prairie restoration. Future use includes wildlife and native plant habitat, public hunting, prairie walks, fen and wetland education.	\$105,000	\$105,000
136	Floyd	Tosanak Recreation Area Acquisition	The Floyd County Conservation Board has taken on the rare opportunity to place into public ownership and trust nearly 384 acres of native hardwood uplands. These high limestone bluffs shelter Native American mounds and the Winnebago Boy Scout Reservation. The quality of habitats is unrivaled in Floyd County. The intent is to protect the land and repurpose the cabins.	\$269,275	\$269,275
135.8	Winneshiek	Neste Valley Recreation and Wildlife Area	This project is a 170 acre land purchase to establish the Neste Valley Recreation and Wildlife Area, 2.5 miles from the City of Decorah. The property includes savannah oaks, 17.2 acres of Klossner muck soils for wetland restoration, native pastures and 2.5 miles of rail bed along Dry Run Trail, which connects Trout Run	\$700,000	\$487,025

			Trail to the Prairie Farmer Recreational Trail. Long range plans include the development of an interpretive center, campground, cabins and enhancement of existing historic buildings.		
5	135.6	Pottawattamie	Wheeler Grove Conservation Area - Initial Acquisition	\$290,000	-0-
6	133.8	Black Hawk	Wilson's Woods	\$32,000	-0-
7	131.6	Payette	Jacob's Tract Acquisition	\$300,000	-0-
8	130.6	Des Moines	Flint River Trail Phase 1A	\$423,000	-0-
9	129	Poweshiek	Fox Land (Addition to Millgrove Access Wildlife Area)	\$431,000	-0-
10	128.8	Buchanan	Quigley-Slattey Heritage Prairie	\$97,500	-0-
11	128.4	Bremer	Ingawanis Woodland	\$395,000	-0-
12	124.8	Des Moines	Baker Property Acquisition	\$250,000	-0-
13	123.6	Sioux	Sandy Hallow Recreation Area Acquisition	\$600,000	-0-
14	120.8	Polk	North Marsh Acquisition	\$220,000	-0-
15	118.4	Story	Resource Enhancements- Dakins Lake	\$98,521	-0-
16	118.2	Clay	Nelson Addition	\$192,500	-0-
17	118	Allamakee	ACCB Driftless Area Education and Visitor Center	\$185,000	-0-
18	117.8	Linn	Morgan Creek Park, Trail System Expansion	\$400,000	-0-
19	116.4	Dallas	Raccoon River Valley Trail Paved Crossings	\$132,811	-0-
20	116.2	Hamilton	Little Wall Lake Shower House	\$195,000	-0-
21	116	Hardin	Infrastructure Improvement at Pine Ridge County Park	\$248,650	-0-
22	114.4	Keokuk	Lake Belva Deer Trail: Phase 2	\$100,000	-0-
23	111.8	Franklin	Rolling Prairie Trail - Hampton to Hansell	\$84,423	-0-
24	108	Benton	Old Creamery	\$194,293	-0-

		Nature Trail			
25	107.4	Jasper	Ashton Wildwood Park Renovation Project	\$57,350	-0-
26	106.2	Mills	Pony Creek Nature Center	\$175,000	-0-
27	104.4	Ringgold	Ringgold County Nature Center	\$75,000	-0-
28	101.6	Lee	Pollmiller Park Trail Resurfacing and Improvements	\$127,089	-0-
29	88	Ida	Conservation Center Bird Viewing Area/Outdoor Classroom	\$19,415	-0-
<b>TOTALS</b>				<b>\$6,882,827</b>	<b>\$1,346,300</b>

Motion - Commissioner Francisco  
 Seconded - Commissioner Reimer  
 Discussion - Tammie Krausman, REAP Coordinator, provided information on project completion requirements and how REAP signage is provided upon project completion.  
 Decision - Approved by Unanimous Vote

CARRIED AS PRESENTED

**15. REAP CITY PARKS AND OPEN SPACE GRANTS - SEPTEMBER 2013 (FY14)**

The Department requests Commission approval of the recommendations from the Project Review and Selection Committee for REAP City Parks and Open Space Grants as directed by Iowa Administrative Code 571, Chapter 33.

**Grant Purpose:** The City Parks and Open Space account receives 15% of the REAP funds, after initial distributions are made as outlined in Chapter 33, for competitive grants to help cities establish natural areas, encouraging outdoor recreation and resource management. Three categories have been established to assure grants are distributed to all sizes of cities. Projects considered include development of parks, multi-purpose trails (emphasis on connecting existing trails), park shelters, lake or river shoreline restoration, fishing access, and habitat restoration.

**Funding Source(s):** Resource Enhancement And Protection Fund - City Park and Open Spaces

**Grant Funding Available:** \$2,789,612

Category	City Population	Funding Available
Small Cities	less than 2,000	\$611,204
Medium Cities	between 2,000 and 25,000	\$912,203
Large Cities	larger than 25,000	\$1,266,205

**Selection Committee Members:** As directed by Chapter 33, a review and selection committee consisting of five members (four non-DNR appointees and one DNR staff) scored the applications:

- City Representation
  - Michael Moran, Iowa City Park and Recreation Director
  - Ron Walker, Arnolds Park City Administrator
  - Jennifer Davies, Slater Economic Development Director
  - Jack Wardell, Carroll Parks and Recreation Director
- DNR Representation
  - Kim Bogenschutz, Natural Resource Biologist

**Summary of Selection Process:** As directed by criteria under Chapter 33.40, the selection committee reviewed and scored all applications. Examples of criteria considered include the relationship to relevant regional and statewide programs based on comprehensive plans (i.e. SCORP, County Resource Enhancement Plan, or local, state and federal plans), quality of site for land acquisition projects, environmental benefits, public benefit, and local support.

**Recommendation:** The committee recommends funding the projects listed in the ALLOCATION DETAILS tables. In the event that any of the grantees are unable to execute their project, the Department requests authority to offer those funds to the next highest scored projects that meet the grant criteria or return the funds to the grant program for distribution in the next grant cycle.

**ALLOCATION SUMMARY**

CATEGORY	AMOUNT REQUESTED	AMOUNT RECOMMENDED	# OF PROJECTS SCORED	PROJECTS RECOMMENDED FOR FUNDING
SMALL CITIES TOTALS	\$771,255	\$611,204	13	10*
<i>*Westwood (project #10) declined \$4,899 funding recommendation. Grant would have been fully funded at REAP full funding of \$20M.</i>				
MEDIUM CITIES TOTALS	\$2,129,878	\$912,203	25	10*
<i>*Bondurant (project #10) declined \$37,203 funding recommendation. Grant would have been fully funded at REAP full funding of \$20M.</i>				
LARGE CITIES TOTALS	\$1,574,200	\$1,266,205	8	7*
<i>*Sioux City (project #7) declined \$16,205 funding recommendation. Grant would have been fully funded at REAP full funding of \$20M.</i>				
<b>DISTRIBUTION TOTALS</b>	<b>\$4,475,333</b>	<b>\$2,789,612</b>	<b>46</b>	<b>27</b>

**ALLOCATION DETAILS**

**2013 (FY14) REAP City Parks Open Spaces - SMALL CITIES - Population under 2,000**

Ranked by Score	City Applicant	Project Name	Project Description	Grant Amount Requested	Recommended Award
99.75	Arnolds Park	Downtown City Park - Renovation	The long range goal of the Downtown Project is to clean up and rejuvenate the downtown along West Broadway and Preservation Plaza. The main city park and maintenance garage area are the last of the long range project. This project is for funding of the shelter house, restrooms, pedestrian walkway, social condensers, lighting and rain gardens. Additionally, this project will serve to aid programming at Preservation Plaza and serve as a friendly park for picnics, gatherings, and a trail head for the Arnolds Park trail system.	\$75,000	\$75,000
98.6	Mapleton	Carhart Conservation Area	The City of Mapleton owns 18 acres of riparian woodland adjacent to the Maple River. The site is currently inaccessible for recreational use, and its ecological functions have been degraded due to a lack of vegetation management. The project developments include: re-establishing a diverse	\$75,000	\$75,000

			community of native vegetation, establishing a vegetation management plan, establishing trail access for recreational use and wildlife viewing, and introducing interpretive signage about the renowned conservationist, author and Mapleton native, Arthur Carhart.		
91	Clarksville	Reading Park	Development of Reading Park on the vacant lot north of the Public Library. Reading Park is envisioned as a shaded park with comfortable benches, turf grass, planting beds, screen wall plantings, shade trees, a brick walkway, and a gazebo that replicates a historic bandstand. The park will serve as an outdoor reading space, an extension of the city library, and as a space for music and other community performances.	\$72,250	\$72,250
84.2	Avoca	Nishnabotna Trail Project	Provide trail connections for the community to Edgington Memorial Park. The trail will connect the established area of the community to the park via the pedestrian bridge currently in construction phase. Over one mile of trail will be constructed. Trail will be 8' wide and 4" thick concrete. The trail will be accessible and will be open to pedestrians and bicycles.	\$75,000	\$75,000
83.6	Eldon	Bike/Pedestrian Trail Additions	Build two trail additions in Eldon. The first is an 850 foot bike/pedestrian trail extension to the existing trail and a 375 bike/pedestrian trail to connect a Des Moines River overlook to the restored Rock Island Depot and Rock Island Park on Highway 16 and to build a stone pathway that will connect the two sections of trail.	\$50,000	\$50,000
79.2	Manning	Manning Park Connector Trail	Provide a 2200 linear foot trail connection from the Manning football and soccer fields, the Manning baseball/softball field, the Manning City Park and the Manning Recreation Center.	\$75,000	\$75,000
78.6	Allison	Wilder Park All Seasons Lodge	Construction of an All Seasons Lodge at Wilder Park. The lodge will be constructed south of the existing shower and restroom facility and north of the campground host site. The lodge will feature a modern kitchen, bathroom, bedroom, loft, living room and a covered porch. Additionally, the facility will be designed to meet ADA standards.	\$75,000	\$75,000
78.5	Slater	Grand Central Station/Trailhead Phase II	Complete Phase II of the Grand Central Station/Trailhead project. Projects details include: construction of the 16'x22' handicap accessible bathroom structure (completing the walls and installation); install drinking fountain; landscaping the area with native vegetation (with interpretive signage for plantings and animals); install way-finding signage with local and state wide trail system maps; install information boards/brochure racks; installation of points of interest and historical markers; and install bike racks which were designed to emulate the cribbing/art work of the High Trestle Trail Bridge.	\$59,095	\$59,095
77.4	Fonda	Straight	The Fonda Hometown Pride Committee has	\$50,000	\$50,000

		<b>Park Campground</b>	identified campground improvements in Straight Park as an outdoor recreation priority in Fonda's 2013-16 Community Plan. This project includes adding ten RV camping sites with electrical and water hookups, the construction of one new camper cabin and adding furnishings for a recently completed camper cabin in the City's Straight Park Campgrounds. The new camper cabin will be constructed by the Newell-Fonda High School Industrial Arts Class.		
75.6	Westwood	Westwood Trail Improvement Project	<i>(funding recommendation declined by applicant)</i>	\$50,000	<i>(\$4,899 declined by applicant)</i>
70.2	<b>Redfield</b>	<b>Raccoon River Valley Trail Shelterhouse</b>	Construct an open shelter and planting area adjacent to the Raccoon River Valley Trail. This shelter would be used as a resting shelter for bikers and walkers.	<b>\$22,230</b>	<b>\$4,899</b>
70.2	Callendar	Trail Around City Park		\$25,680	-0-
69	Eddyville	Eddyville Central Park		\$67,000	-0-
<b>SMALL CITIES TOTALS</b>				<b>\$771,255</b>	<b>\$611,204</b>

**2013 (FY14) REAP City Parks Open Spaces - MEDIUM CITIES - Population between 2,000 and 25,000**

Ranked by Score	City Applicant	Project Name	Project Description	Grant Amount Requested	Recommended Award
134.5	Manchester	<b>Manchester Whitewater Park</b>	Modify the existing Marion St. Dam within the city of Manchester and add five drop structures, creating an 800' whitewater feature on the Maquoketa River. This feature, part of an overall plan to develop an upper Maquoketa River water trail and multi-use trail system in Delaware County, will provide recreation opportunities for residents and tourists.	<b>\$100,000</b>	<b>\$100,000</b>
107.2	Eldora	<b>Gunderson Nature Park</b>	Development and enhancement of a 10 acre donated natural area in Eldora to become a "nature park" with mowed trails, hard surface trail loop, wetland, savannah and prairie. The property adjoins the Iowa River Greenbelt and a prairie restoration at Pine Lake State Park "West."	<b>\$75,000</b>	<b>\$75,000</b>
107	Clive	<b>Alice's Road Greenbelt Acquisition</b>	Acquisition of approximately 15.3 acres, that follows Little Walnut Creek west of Alice's Road in Clive, that will bring the Greenbelt Park in this area of the City to 89.5 acres, with one more parcel to acquire which will bring the total protected property to over 100 acres. This property creates a conservation corridor that will assist in water quantity and quality management, it will provide recreation opportunities, and it will protect the existing wildlife habitat. Future plans include trail development connecting to many of the Central Iowa Trails.	<b>\$125,000</b>	<b>\$125,000</b>
102	Johnston	<b>Terra Lake</b>	The Terra Lake project is a phase within a larger	<b>\$125,000</b>	<b>\$125,000</b>

		<b>Construction</b>	development project that will create a multi-dimensional recreation and education site. Currently a retired holding lagoon is present on the site, which is located in the central part of Johnston. This lagoon will be excavated and redeveloped to create an eight acre lake. Numerous trails, multi-use shelters, natural plantings and finally an education wing to an existing facility will complete the overall project. The project is phased over three years. This first phase is to develop the lake and associated trails.		
93	Huxley	<b>Heart of Iowa Nature Trail Enhancement</b>	Hard surface the 1 mile section of the Heart of Iowa Nature Trail (HOINT) located in Huxley from the east side of Highway 69 on the south end of Huxley to Trailridge Park. The increasing number of pedestrians, bicyclists and equestrians are using the HOINT as a means of leisure activity and with that comes the need to increase safety measures and reduce maintenance costs.	\$75,000	\$75,000
92.8	Iowa Falls	<b>North Park Trail Segment</b>	North Park Trail Segment which will be an off-street trail connecting the existing Rock Run Creek Trail to Cadet Road via North Park, a City green space and arboretum. The project will include a 900-1000' of painted bike lane around Rock Run Elementary School, 1900-2000' of off-street, 10' wide hard surface trail and a 100' long prefabricated bridge with two 75-100' boardwalk approaches where the trail will cross Rock Run Creek.	\$100,000	\$100,000
91.75	Spirit Lake	<b>15th St Connection and East-West Rail Trail Phase I</b>	The 15 <sup>th</sup> Street Connection and East-West Trail Phase I serves two purposes: first, the reconnection of the existing Iowa Great Lakes Spine Trail needed as a result of the 2014 reconstruction and widening of 15 <sup>th</sup> Street in Spirit Lake; and second, it is the first segment of the East-West Rail Trail on the former Iowa and Northwestern Railroad right of way. This segment also provides the connection to trails which link the cities of Spirit Lake, Orleans, Okoboji, East Lake Okoboji and Big Spirit Lake as well as many area attractions.	\$75,000	\$75,000
90.2	Decorah	<b>Trout Run Trail Extension through the Upper Iowa River Valley to Freeport</b>	Develop a 1.2 miles trail spur off the Trout Run Trail along the Upper Iowa River Corridor to just beyond the east edge of Decorah to the County Conservation Board owned Freeport Park in the Freeport area. The Freeport area is one of the highest growth areas in the Decorah area. This trail will connect that section to the 11 mile Trout Run Trail thus connecting them to many portions of the city of Decorah and surrounding areas.	\$100,000	\$100,000
84.2	Independence	<b>Independence Riverfront - Connecting Land and Water Trails</b>	Multi-functional components that will work together to enhance land and water trails along the riverfront in the Wapsipinicon River community of Independence. These components are all within 800 feet of each other. Through this project the Independence Riverwalk Trail, which meanders along the east side of the Wapsi. River, will be connected to Independence's downtown district.	\$100,000	\$100,000

			Additionally portage around the Independence Upper Dam will be developed for river users, universally accessible ramps will replace the steep steps and concrete wall that currently inhibit some users, native vegetation and interpretation will be strategically placed to enhance trails and educate the public about native plants, insects and wildlife communities in the Wapsi. River Corridor.		
<b>82.8</b>	<b>Bondurant</b>	<b>Lake Petocka Park Improvement Project</b>	Improvements to Lake Petocka Park, which includes an addition to the existing shelter, modern restrooms, installation of sewer lines, native plantings, erosion stone and storm water treatment cells.	<b>\$75,000</b>	<b>\$37,203</b>
82.6	Algona	Tietz Park Trailhead Expansion		\$79,800	-0-
82	West Branch	West Branch Village Trail		\$75,000	-0-
81.6	Madrid	Main Street Trail Access		\$75,000	-0-
80.8	North Liberty	Centennial Park Improvements		\$125,000	-0-
79	Spencer	Deerfield Park Enhancement Project - Phase II		\$125,000	-0-
77.2	Perry	Iowa Street Trail		\$100,000	-0-
77	Centerville	Water Resource Restoration Project		\$100,000	-0-
75.4	Bondurant	Bondurant City Park		\$75,000	-0-
75	Colfax	Lewis Park Restoration Project		\$39,900	-0-
73	Osceola	Q-Pond Park Trail Project		\$75,000	-0-
71.2	Waukon	Waukon City Park Pond Floating Dock Project		\$9,985	-0-
70.68	Mount Pleasant	Mt. Pleasant Trail Improvements - Phase I		\$100,000	-0-
70.4	Forest City	Hynes Spur Trail Development		\$50,193	-0-
65.6	Kalona	City Park Trails Project		\$75,000	-0-
60.6	Evansdale	Meyers Lake		\$75,000	-0-

		Aeration System			
<b>MEDIUM CITIES TOTALS</b>				<b>\$2,129,878</b>	<b>\$912,203</b>

**2013 (FY14) REAP City Parks Open Spaces - LARGE CITIES - Population larger than 25,000**

Ranked by Score	City Applicant	Project Name	Project Description	Grant Amount Requested	Recommended Award
104.2	Des Moines	MacRae Park Improvement	MacRae Park is one of the City's oldest parks and provides some of the best views of downtown Des Moines, Gray's Lake, and the Raccoon River. This project seeks to restore 34 acres of historic oak woodlands and savanna found in MacRae Park. The project will also connect the park to the regional central Iowa trail system and construct a small natural trail loop and provide environmental education opportunities throughout the park.	\$300,000	\$300,000
97.85	Ottumwa	Multiple Trail Expansion	Completing three trail sections will expand the existing Ottumwa trail system adding another 1.75 miles. The first is a 700 foot extension in Ottumwa Park. The second will create a new trail on the west end of the levee that measures approximately 1.2 miles. The last completes a gravel section of the south loop.	\$150,000	\$150,000
95.2	Burlington	Flint River Trail (Phase 1)	Phase I (south) of the Flint River Trail will connect with a ramp that starts at Riverside Park, along the Mississippi River, and travels to the top of Hwy 99, connecting downtown with the northern portions of the Flint River Trail. This part of Phase I will be approximately 2,300 linear feet and will be done in conjunction with a street project along Hwy 99, which was redesigned to allow for the separated trail along the roadside.	\$150,000	\$150,000
90	Urbandale	Walnut Creek Trail - Meredith Drive to 156th Street	This 3,800 foot trail will connect to an existing trail terminus, just north of Meredith Drive and follow Walnut Creek to the north and west to 156 <sup>th</sup> Street. It will connect to the north/south trail spine through the 220 Walnut Creek Regional Park on the south, and the project includes a bridge over Walnut Creek. Meredith Drive and 156 <sup>th</sup> Street will have trails constructed on them by 2014 for connection to the east, west and north. This trail will eventually connect to the City of Grimes and Dallas Center.	\$150,000	\$150,000
89.8	Davenport	River Heritage Park	Redevelop seven acres of a former industrial site to public space. This historic riverfront site will be used for scenic, interpretive, recreational and educational opportunities. This project will add riverfront green space for those utilizing the bike path with is part of the Mississippi River Trail and is adjacent to the connection with the American Discovery Trail. The site location is integral to the historical interpretation of the founding of the City of Davenport. The promenade, unique natural design features and future site amenities will allow visitors to see and read about history related with the Rock Island Arsenal Quarters One, the	\$300,000	\$300,000

			Colonial Davenport House, the Antoine LeClaire House, the first bridge that crossed the Mississippi at the site, the Corps o Engineers Clock Tower, the Mississippi Lock and Dam 15 and the 1896 Government Bridge.		
88.6	Dubuque	Phase 4 of the Iowa 32 Hike/Bike Trail	Phase 4 of the Iowa 32 Hike/Bike Trail will extend approximately one mile along Iowa 32 (locally known as the Northwest Arterial) on the northwest side of Dubuque. The project will continue a 10-foot-wide trail physically separated from motorized traffic on Iowa32 by an open space located within the highway right-of-way. The trail will extend along the west side of Iowa 32 from Holliday Drive to Pennsylvania Avenue.	\$200,000	\$200,000
87.4	Sioux City	Sioux City Loess Hills Prairie Corridor	<i>(funding recommendation declined by applicant)</i>	\$174,200	<i>(\$16,205 declined by applicant)</i>
72.2	Mason City	South Monroe Avenue Trail	Construction of an approximate 1.29 mile trail linking Ray Rorick/Lester Milligan Parks with Fredrick Hanford Park. This trail will then connect Fredrick Hanford Park to the regional Trolley Trail.	\$150,000	\$16,205
<b>LARGE CITIES TOTALS</b>				<b>1,574,200</b>	<b>1,266,205</b>

Motion - Commissioner Prickett  
 Seconded - Commissioner Francisco  
 Decision - Approved (Commissioner Underwood abstained because she assisted with one of the grant applications.)

CARRIED AS PRESENTED

**16. APPEAL OF CONTESTED CASE DECISION ON RESIDENCY OF ROBERT J. SCHULTZ**

This matter comes before the Iowa Natural Resource Commission for a second time on the appeal of a Decision on Remand issued by Administrative Law Judge David Lindgren of the Iowa Department of Inspections and Appeals on July 10, 2013. Pursuant to rule 561 IAC 7.17(5), as adopted by reference at 571 IAC 7.1, a party may appeal the decision of the Administrative Law Judge to the Natural Resource Commission (NRC). In his Decision, the Administrative Law Judge has determined that the Appellant, Robert Schultz, is not an Iowa resident for the purpose of the obtaining of hunting and fishing licenses pursuant to Chapter 483A of the Code of Iowa. The Administrative Law Judge first issued a Decision in this case on July 18, 2011. This Decision was appealed to the NRC and the NRC upheld the Decision on March 8, 2011. On December 6, 2012, District Court Judge David Christensen returned the case to the Administrative Law Judge for rehearing due to a finding that errors had occurred in the first Decision. The Decision on Remand constitutes a reconsideration of the record in light of the Ruling of the District Court. The Decision on Remand again finds that the Appellant, Robert J. Schultz, is not a resident of Iowa for purposes of obtaining hunting and fishing licenses. The Commission is being presented with the Decision on Remand and the Appeal. The entire record on appeal is available for the review of the Commission upon request. The record created in these contested cases shall be the record relied upon by the Commission in reaching its Decision, which constitutes final agency action. The parties shall be allowed oral arguments pursuant to rule 561 IAC 7.17(5) "f".

Jon Tack, DNR attorney, provided a summary of the judge's ruling.

Motion - Commissioner Clement motioned to uphold the decision that Mr. Schultz is not an Iowa resident.  
 Seconded - Commissioner Francisco  
 Discussion - The Commission discussed criteria considered to determine residency.

Roll Call Vote:

Commissioner Schemmel- nay  
 Commissioner Reimer - aye  
 Commissioner Francisco - aye  
 Commissioner Branstad - aye  
 Commissioner Clement - aye  
 Commissioner Prickett - aye  
 Commissioner Underwood - aye

Decision – Approved

CARRIED AS PRESENTED

**17. IOWA DISTRICT COURT FOR HANCOCK COUNTY – RULING ON MOTION FOR RECONSIDERATION, BRANSTAD V. IOWA**

*Branstad v. Iowa* was first heard by an Administrative Law Judge (ALJ) on July 25, 2011, and a Proposed Decision was issued on December 6, 2011. The Proposed Decision found Mr. Monroe Branstad liable for a massive fish kill and ordered him to pay \$61,794.49 in fish restitution and investigative costs. This Proposed Decision was adopted in full by the NRC on March 8, 2012, and was appealed by Mr. Branstad on April 6, 2012. On July 15, 2013, the Iowa District Court for Hancock County reversed the ALJ's ruling. The Court found that there was substantial evidence to indicate that the discharge from Mr. Branstad's facility caused the fish kill; however the Court found that the method used by the DNR to determine the number of dead fish was inconsistent with its regulations and rules. The Court stated that the ALJ and NRC erred in finding that the DNR correctly applied the narrow streams incompletely accessible at bridge crossings and beyond model. The restitution in the amount of \$61,794.49 was reversed and stricken. The State submitted a Motion for Reconsideration to the Court on July 29, 2013. Specifically, the State asked that the case be remanded back to the Department so that, at a minimum, restitution could be imposed based on the actual number of dead fish counted by field staff. On September 25, 2013, the District Court issued the attached ruling, granting the State's motion in part by remanding back to the Department to recalculate damages based upon the 2,233 dead fish actually counted by Department field staff. The remainder of the State's motion was denied. The Commission may move into closed session to discuss its litigation strategy with counsel pursuant to Iowa Code section 21.5(1)"c".

Commissioner Branstad excused himself prior to review and discussion of this agenda item.

Dave Dorff, Iowa's Assistant Attorney General, provided a summary of the judge's ruling.

Motion – Commissioner Francisco motioned to go into closed session to discuss strategy with counsel for the Department on a matter that is presently in litigation where the strategy would likely be prejudiced or disadvantaged to the position of the Commission or Department.

Seconded – Commissioner Reimer

Roll call vote:

Commissioner Clement, aye  
 Commissioner Reimer, aye  
 Commissioner Francisco, aye  
 Commissioner Prickett, aye  
 Commissioner Schemmel, aye  
 Commissioner Underwood, aye

Decision – Approved

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

Seconded – Commissioner Reimer

Roll call vote:

Commissioner Clement, aye  
 Commissioner Reimer, aye  
 Commissioner Francisco, aye  
 Commissioner Prickett, aye  
 Commissioner Schemmel, aye  
 Commissioner Underwood, aye

**Decision – Approved**

Motion – Commissioner Francisco motioned that the Commission, at this time, does not wish to appeal the District Court’s decision with the provision that Mr. Branstad is willing to pay the restitution for the number of dead fish found.

Seconded – Commissioner Prickett

Discussion - None

Roll call vote:

Commissioner Clement, aye

Commissioner Reimer, aye

Commissioner Francisco, aye

Commissioner Prickett, aye

Commissioner Schemmel, aye

Commissioner Underwood, aye

Decision – Approved

Commissioner Branstad returned to Commission business meeting after final vote on this item.

CARRIED AS PRESENTED

**18. DIVISION ADMINISTRATOR REMARKS**

Chuck Corell provided information–

- on the status of the annual federal duck stamp funds.
- that the Chronic Wasting Disease case is in legal discovery and is scheduled for hearing in November 2013.
- that Epizootic Hemorrhagic Disease (EHD) has been identified in Iowa. The disease is transmitted by the midge fly. It is reported cattle are also being affected by a similar disease commonly called Blue Tongue. Commissioner Prickett confirmed this and noted that if cattle are treated in time, it is not fatal.
- about the State Auditor’s report.
- that the Whiterock Conservancy board, which Chuck serves as the DNR representative, is working on a low impact trail development at Whiterock Conservancy by Coon Rapids, IA. The Vision Iowa Board is being recommended to fully fund the request.
- on comparisons for CRD engineering projects where done in-house and contracted out.
- on land acquisition priorities and the decision making and the process before an item reaches the NRC for review and approval.

Diane Ford provided a legislative update and discussed initiatives being put forth to the Governor’s office.

**19. GENERAL DISCUSSION**

- NRC Goals – Commissioner Underwood presented a draft of the Commission’s legislative priorities, provided an update on the REAP assembly movement to ask for \$25 million next year, and took comments. She will work on getting more information on the items and accomplishments.
- Commissioner Branstad has been invited to do a ride-along with a Conservation Officer and he is looking forward to it.
- Commissioner Francisco reported that Montana is starting a program of green tagging wildlife hit by cars and be able to do it online themselves versus calling an officer. In a year or so, this may be something to contact them about to see how it worked.
- Commissioner Prickett requested information on the current ANS laws and funding allocated toward that program.
- Commissioner Underwood attended the Green Ribbon Commission on 09/20/13 to discuss their initiatives and themes and the next step in the process is to look at those strategically and determine how to implement a plan.
- Commissioner Schemmel asked if federal shutdown has affected the DNR. Chuck Corell provided information about funding adjustments to staff normally tasked with federally funded work, some staff in federal offices are locked out and

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working at alternate locations, and federal lands managed by DNR are still open. Commissioner Branstad commended the DNR staff for being proactive in issuing a press release stating State Parks are still open.

### Lunchtime Presentations:

- American Fisheries Society, Fish Culture Section, Award of Excellence to Mike Mason (Fisheries Bureau)  
Mike was honored with a national award for his 33 years of service and the work he has accomplished in Fisheries.
- Hunter Access Survey (Wildlife Bureau)

Motion to adjourn the meeting – Commissioner Schemmel

Seconded – Commissioner Reimer

Decision - Approved by Unanimous Vote

With no further business to come before the Natural Resource Commission, Chair Underwood adjourned the meeting on 10/10/13 at 1:05pm.

CARRIED – MEETING ADJOURNED

### UPCOMING NRC MEETING DATES

- October 10, 2013 - Henry Wallace State Office Building, Des Moines, 9:30am
- November 14, 2013 - Henry Wallace State Office Building, Des Moines, 9:30am
- December 12, 2013 - Henry Wallace State Office Building, Des Moines, 9:30am