

MINUTES
OF THE
NATURAL RESOURCES COMMISSION
MEETING

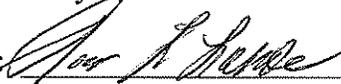
AUGUST 11, 2011

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: 09/08/11

Director's Signature: 

Roger L. Lande
Director

RECORD COPY

File Name: ADM 1-1-1

NRC MINUTES

Sender's initials: KF/KR

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by the NRC Chairperson, Gregory Drees on August 11, 2011 at 9:51 a.m. He then welcomed the public to the meeting and reviewed the public speaking forum guidelines.

COMMISSIONERS PRESENT

Conrad Clement – participated by phone
Gregory Drees, Chairperson
Richard (Kim) Francisco
Dr. Sally Prickett – participated by phone until Noon
Janelle Rettig
Margo Underwood, Vice-Chairperson

COMMISSIONERS ABSENT

Dennis Schemmel, Secretary

1. APPROVAL OF AGENDA WITH PROPOSED CONSENT AGENDA ITEMS

- *8.2 - McCausland WMA – Scott Co. – Williamson
- *9.2 - Kellerton Bird Conservation Area – Ringgold County – Southern Iowa Rural Water Association
- *9.3 - Gull Point State Park – Minnewaukon Shelter Restoration – Dickinson County – Iowa Lakes Regional Water
- *9.7 - Mississippi River – Scott County – Buckeye Terminals, LLC – Ch. 18 Lease
- *11 - Agreement with University of Northern Iowa - Research study

Motion – Commissioner Rettig motioned to approve the agenda with the following changes:
Item#15 Wildlife Habitat Promotion With Local Entities Program Grant Review to follow
Item#4 Honey Creek Destination Resort State Park – Monthly Financial Update
Item#12 to follow item#5 Public Participation
Items 6.1.6.2 and 6.7 be removed from the agenda
Seconded – Commissioner Francisco
Discussion – None
Decision – Approved by Unanimous Vote

CARRIED AS AMENDED

2. APPROVE MINUTES FROM JULY14, 2011 NRC PUBLIC MEETING

Motion – Commissioner Francisco with small edits received prior to the meeting
Seconded – Commissioner Underwood
Discussion – None
Decision – Approved by Unanimous Vote

CARRIED AS AMENDED

3. DIRECTOR AND DEPUTY DIRECTOR REMARKS

- Director omit any general comments and deferred any items to be discussed.

4. HONEY CREEK DESTINATION RESORT STATE PARK – MONTHLY FINANCIAL UPDATE

➤ Monthly Financial Update

Asset Manager Geoff Baekey, Capital Hotel Management, Andy Woodrick, HCR General Manager reviewed with the commission the HCR financials ending **June 30, 2011**, as well the 90 day forecast.

- Honey Creek Financial Performance – **June and FY 2011**
- Strategic Initiatives / Progress
- Operating Metrics
- STR Market Data
- Guest Satisfaction
- Sales and Marketing Update
- Golf Update
- 90-Day Forecast

5. PUBLIC PARTICIPATION

<u>Name</u>	<u>Representing</u>	<u>Subject</u>
• Stu Maas	Self	Waterfowl Season Setting
• Phil Rush	Self	Waterfowl Season Setting
• John Plak	Self	Waterfowl Season Setting
• Don Christensen	Self	Waterfowl Season Setting
• Megan Huber	Self	Waterfowl Season Setting
• Aaron Bonnus	Self	Waterfowl Season Setting
• Bill Smith	Self	Waterfowl Season Setting
• Ed Thiele	Self	Waterfowl Season Setting
• Rex Bonnus	Self	Waterfowl Season Setting
• David Kalkbrenner	Self	Waterfowl Season Setting
• Jeff Campbell	Self	Waterfowl Season Setting
• Jeremy Rozonke	Pres. Waterfowl Association of Iowa	Waterfowl Season Setting
• Wayne Nielson	Self	Waterfowl Season Setting

6. CONSTRUCTION PROJECTS CONTRACT APPROVAL

6.1. DESJARDINS RENEWABLE PROJECT – PV & WIND (HONEY CREEK RESORT AND LEWIS & CLARK SP)

Appanoose County - Project No: 11-05-04-18

Project Summary: This project is more than just a renewable energy pilot. It will give the public hands-on witness to the power of renewable energy. The average state park visitor will get an opportunity to spend a period of time living in a space powered by renewable energy and the means for personal exploration about how to make them work. At the same time, measurable energy and cost savings accrue at an important, innovative state facility.

Function of the Project: Add (1) 10kW horizontal wind turbine to both Honey Creek Resort and Lewis & Clark Visitor Center, (1) 5.52kW PV panel array at Lewis & Clark, (5) 1.38kW PV arrays at various cabin locations at Honey Creek Resort and (1) visitor interactive kiosk (touch screen) at Honey Creek Resort and Lewis & Clark Visitor Center for historical data acquisition and live feed data for visitors to view and interact with.

Alternate Bid – Add 2.76kW PV array to Lewis & Clark Visitor Center

Construction Needed: Affix PV panels on roofs of visitor center and cabins throughout with clip-on panel brackets, create foundations and install wind turbines and install all data acquisition equipment (Siemens) to the energy production systems. Simple wiring throughout Honey Creek and Lewis & Clark visitor centers will be needed to allow electricity production to be utilized and monitored.

Additional Information: These projects were split into groups for bidding purposes. The original Request for Proposal was answered by one contractor, which was rejected. The logic behind grouping this particular project was the complexity of the wind turbine installation (large helical foundations); most PV contractors would have been deterred bidding the Desjardins Project because of this element. The PV, at these locations, was lumped in because of ease of install and ease of coordination with other project parts, such as coordination of touch screen kiosks and ensuring proper interrelated function between project components.

DNR Project Manager: Ryan Richey; Engineering Bureau
Designer: James Deeds; KJWW Engineering
DNR Inspector: Jason Kruse (Honey Creek) and Jeff Felts (Lewis & Clark); Engineering Bureau
Operating Bureau: Parks
Funding Source: 50% Donation (Desjardin Family) / 50% OEI Grant; (Capital Link 152)
Cost Estimate: \$500,000.00
Plans Issue Date: 05/07/11
Bid Letting Date: 07/21/11
Plan Holders: 2
Number of Bids Received: 2

Bidders

Tri-City Electric	Davenport, IA	Base Bid	\$488,837.00
		Alternate	\$35,544.00
		Total	\$524,381.00
Acterra	Marion, IA	Base Bid	\$554,250.00
		Alternate	\$14,250.00
		Total	\$568,500.00

IDNR recommends awarding the Bid to Tri-City Electric (reject alternate).

NOT APPROVED FOR THIS AGENDA - REMOVED

6.2 DESJARDINS RENEWABLE PROJECT – PV ARRAYS (LAKE DARLING AND EB LYONS)

Washington & Dubuque County - Project No: 11-05-04-19

Project Summary: This project is more than just a renewable energy pilot. It will give the public hands-on witness to the power of renewable energy. The average state park visitor will get an opportunity to spend a period of time living in a space powered by renewable energy and the means for personal exploration about how to make them work. At the same time, measurable energy and cost savings accrue at an important, innovative state facility.

Function of the Project: Add (1) 2.76 kW PV panel array at Lake Darling State Park and (1) 2.76 kW PV panel array at EB Lyons Nature Center

Alternate Bid – Add 2.76 kW PV array at EB Lyons Nature Center

Construction Needed: Affix PV panels on roofs of Nature Center and Lodge with clip-on panel brackets.

Additional Information: These projects were split into groups for bidding purposes. The original Request for Proposal was answered by one contractor, which was rejected. This particular grouping was made with the intent of attracting smaller outfits to bid on a project which was relatively simple in scope and complexity. Installation of PV and their accompanying equipment is rather simple, yet mobilization from one side of the state to the other, EB Lyons to Lewis & Clark, would have been great enough to make a considerable jump in construction costs for this project. Keeping the project small, two sites with small arrays, would be attractive to more bidders throughout the area.

DNR Project Manager: Ryan Richey; Engineering Bureau
Designer: James Deeds; KJWW Engineering
DNR Inspector: Dave Heer (Lake Darling) and Mel Pacovsky (EB Lyons); Engineering Bureau
Operating Bureau: Parks
Funding Source: 50% Donation (Desjardin Family) / 50% OEI Grant; (Capital Link 152)
Cost Estimate: \$75,000.00
Plans Issue Date: 05/07/11
Bid Letting Date: 07/21/11
Plan Holders: 2
Number of Bids Received: 2

Bidders

Acterra	Marion, IA	Base Bid	\$77,900.00
		Alternate	\$17,940.00
		Total	\$95,840.00
Tri-City Electric	Davenport, IA	Base Bid	\$91,175.00
		Alternate	\$39,793.00
		Total	\$130,968.00

Due to budget constraints IDNR recommends rejecting all bids.

NOT APPROVED FOR THIS AGENDA - REMOVED

6.3 LAKE ANITA STATE PARK – PAVE BICYCLE TRAIL

Cass County - Project No: 12-04-15-01

Project Summary: This project will complete the bicycle trail at Lake Anita State Park. In previous years, segments of trail have been laid, but a path completely surrounding the lake is not complete. This project will complete the entire trail. Over two miles of paving remains as part of this project.

Function of the Project: This project will turn previously laid base into a smooth, paved trail, fully allowing users a paved bicycle trail with access to the entire lake.

Construction Needed: Blading, shaping, and rolling of previously laid rock base. Placement of steel-reinforced concrete on base. Applying rock shoulders along edges of trail.

DNR Project Manager: Mark Johnson; Engineering Bureau
Designer: Erin Miller; Engineering Bureau
DNR Inspector: Mark Johnson; Engineering Bureau
Operating Bureau: Parks
Funding Source: 100% I-JOBS (Capital Link 175)
Cost Estimate: \$410,000.00

Plans Issue Date: 06/28/11
Bid Letting Date: 07/21/11
Plan Holders: 10
Number of Bids Received: 6

Bidders

Godbersen-Smith Construction Company	Ida Grove, IA	Base Bid \$310,240.00
Carley Construction LLC	Treynor, IA	Base Bid \$354,274.10
Precision Concrete Services Inc	Atlantic, IA	Base Bid \$382,706.17
Betts & Beer Construction Co	Adair, IA	Base Bid \$413,282.65
Absolute Concrete Construction Inc	Slater, IA	Base Bid \$453,726.50
TK Concrete Inc.	Pella, IA	Base Bid \$482,203.20

IDNR recommends awarding the bid to Godbersen-Smith Construction Company

Motion – Commissioner Rettig
Seconded – Commissioner Underwood
Discussion –
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

6.4 LAKE MACBRIDE NEW BOAT HOUSE, DEMO OLD ONE

Johnson County – Project #11-05-04-17

Project Summary: The current concession building was damaged in the 2008 flood. This project will replace the existing building with a new building above the 100-year flood elevation and improve the public access in the concession area.

Function of the Project: The old building, retaining wall and the surrounding sidewalks have been in need of repair for years. The limestone cladding on the front of the building has separated from the building itself and the sidewalk has heaved and settled, creating an uneven surface and tripping hazards. The current retaining wall is an eyesore and is beginning to fail. This project will replace the building, sidewalk and retaining wall. The new building will house the concession services as well as restrooms available for the public. The sidewalk will be removed and replaced with a wooden boardwalk. The retaining wall will be replaced with a newly designed retaining wall.

Construction Needed: Demolish the existing building, sidewalks and retaining wall.

DNR Project Manager: Dave Heer, PE; Engineering Bureau
Designer: Substance Architecture
DNR Inspector: Dave Heer, PE; Engineering Bureau
Operating Bureau: Parks
Funding Source: 100% FY 09 Supplemental Appropriation; (Capital Link 172)
Cost Estimate: \$250,000.00

Plans Issue Date: 06/29/11
Bid Letting Date: 07/21/11
Plan Holders: 37
Number of Bids Received: 4

Bidders

Sheets Design Build LLC	Maquoketa, IA	\$418,500.00
Tricon General Construction	Dubuques, IA	\$446,300.00
Septagon Construction	Cedar Rapides, IA	\$448,662.00
Woodruff Construction	Ft. Dodge, IA	\$624,780.00

IDNR recommends awarding the Bid to Sheets Design Build LLC

Motion – Commissioner Fransico
Seconded – Commissioner Underwood
Discussion – Engineers informed commissioners on the details of the engineering consultants estimate.
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

6.5 PRAIRIE ROSE STATE PARK – WATER CONTROL STRUCTURES/WETLAND BASINS

Shelby County – Project #10-04-83-03

Project Summary: This project includes the addition of 4 water control structures and is part of an overall water quality / watershed protection project funded by both the DNR and IDALS. For these particular structures, DNR 319 and Lake Restoration are the funding sources.

Function of the Project: By constructing the 4 water control structures, 4 wetland basins will be created that will filter the water before it enters Prairie Rose Lake. This will improve the water clarity and water quality of the lake.

Construction Needed: Construct 4 water control structures, 2 of these structures will be concrete risers on existing culverts using the roadway as a dam and 2 will be earthen dams with rock chute spillways. Site 1 will use a concrete riser and will have a 0.4 acres of water surface area at normal pool. Site 2 is designed with a rock chute and will have 3.5 acres of water surface area at normal pool. Site 3 will also use a rock chute and earthen dam and have a water surface area of 1.8 acres at normal pool. Site 4 is a concrete riser adjacent to a road and will have a water surface area of 0.6 acres at normal pool.

DNR Project Manager: Troy Duff; Engineering Bureau
Designer: Jeff Godwin; NRCS-Atlantic, IA Office
DNR Inspector: Mark Johnson; Engineering Bureau
Operating Bureau: Fisheries
Funding Source: 75% DNR 319-Federal EPA / 25% Lake Restoration Funds (Capital Link #97)
Cost Estimate: \$350,000.00

Plans Issue Date: 06/27/11
 Bid Letting Date: 07/21/11
 Plan Holders: 12
 Number of Bids Received: 5

Bidders

Joy Dirt Construction	Cushing, IA	\$378,883.59
Nelson & Rock Contracting	Onawa, IA	\$481,893.50
Empire Construction	Red Oak, IA	\$491,534.40
J J Westhoff Construction	Lincoln, NE	\$652,282.50
Murphy Heavy Contracting Inc.	Anita, IA	\$868,730.00

IDNR recommends awarding the Bid to Joy Dirt Construction.

Motion – Commissioner Underwood
Seconded – Commissioner Rettig
Discussion – If DNR puts the \$400,000 into the watershed why so much when you have to do this again in 20 years? Recommended to partner with agencies to stop erosion and nitrate and phosphorus for wetlands to be very effective, this would not be the only practice being installed.
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

6.6 WALNUT WOODS STATE PARK – LODGE INTERIOR RENOVATIONS

Polk County – Project #11-05-77-07

Project Summary: This project includes a remodel of the kitchen, hallway, and restroom areas of the lodge.

Function of the Project: New countertops, cabinets, stovetop, in-wall oven, wall board, ceiling, restroom fixtures, doors, windows, electrical outlets, lights, and furnace.

Construction Needed: Construction will implement the use of flood resistant materials. All electrical outlets will be raised above high water line. Cabinets and shelving will be stainless steel. Wall coverings will be fiber cement board.

DNR Project Manager: Mike Broderick, PE; Engineering Bureau
Designer: Michael Kastner, AIA LEED AP; Architects Schipper Kastner
DNR Inspector: Jason Kruse, PE; Engineering Bureau
Operating Bureau: Parks
Funding Source: 100% REAP OS Acquisition & Development
Cost Estimate: \$63,222

Plans Issue Date: 06/21/11
 Bid Letting Date: 07/21/11
 Plan Holders: 12
 Number of Bids Received: 3

Bidders

BluePrint Homes	Urbandale, IA	Base Bid \$67,900.00
Hanson Construction LLC	Clear Lake, IA	Base Bid \$98,000.00

The Hansen Company

Johnston, IA

Base Bid \$108,900.00

IDNR recommends awarding the Bid to BluePrint Homes.

Motion – Commissioner Fransico
Seconded – Commissioner Underwood
Discussion – compliment the staff to renovate with existing materials
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

6.7 LAKE DARLING JETTY REPAIR

Project Summary: Upon completion of the new dam, the lake level will be raised two feet. This project will raise the top of the jetties accordingly.

Function of the Project: Raising the jetties will allow ADA access to prime fishing locations.

Construction Needed: Place riprap on existing jetties and construct handicapped accessible paths on the top of the jetties.

DNR Project Manager: Heath Delzell; Engineering Bureau
Designer: Bryce Ogea; Engineering Bureau
DNR Inspector: Dave Heer, PE; Engineering Bureau
Operating Bureau: Fisheries
Funding Source: 100% Lake Restoration; (Capital Link 92)
Cost Estimate: \$75,000.00

Plans Issue Date: 07/23/11
Bid Letting Date: 08/04/11
Plan Holders: 12
Number of Bids Received: Not available at the time of agenda setting

Bidders

IDNR will recommend an award at the NRC meeting.

NOT APPROVED FOR THIS AGENDA - REMOVED

6.8 UNION GROVE STATE PARK – REMOVAL OF STORM DAMAGED TREES

Tama County #12-05-86-02

Project Summary: A July 11 windstorm at Union Grove State Park resulted in the loss or damage of many trees. This project consists of the removal of all trees in the improved areas of the park, unless marked by the DNR Forester to remain.

Function of the Project: Hundreds of trees are uprooted, broken off at the base, or somehow damaged beyond repair. Many trees that do remain standing have hanging branches. This is a hazard to the public.

Construction Needed: Any tree that is identified by the Forester as a tree that is safe to the public and will continue to flourish as a healthy tree will be left intact and protected from damage during construction. Trees that remain standing in a dangerous state, will be removed.

DNR Project Manager: Jason Kruse, PE; Engineering Bureau
Designer: Jason Kruse, PE; Engineering Bureau
DNR Inspector: Jason Kruse, PE; Engineering Bureau
Operating Bureau: Parks
Funding Source: State Disaster Declaration
Cost Estimate: \$175,000.00

Plans Issue Date: 8/1/11
Bid Letting Date: 8/10/11
Plan Holders: Not available at the time of agenda setting
Number of Bids Received: Not available at the time of agenda setting

Bidders

IDNR will recommend an award at the NRC meeting.

Motion – Commissioner Rettig
Seconded – Commissioner Underwood
Discussion – This is only for removing the 100 trees damaged in the improved are of the park. Many more trees were damaged or destroyed. Do we have a price tag for other damage on the park to buildings \$10-15000. Is there a way we could sell some trees. No one is interested in.
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

7. SMALL CONSTRUCTION PROJECT CONTRACTS

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

BID DATE	PROJECT	COUNTY	AREA	DESCRIPTION	ESTIMATE	BIDS
6/30/11	11-06-92-05	Washington	Lake Darling State Park	Demo/Foundation construction rebid	\$60,000.00	\$46,100.50
						\$59,980.16
						\$80,397.00
						\$85,571.26
6/30/11	11-05-77-06	Polk	Walnut Woods State Park	Concrete paving for playground	\$15,000.00	\$13,250.00
						\$24,900.00
7/7/11	11-06-49-01	Jackson	Bellevue State Park	Entrance Portal Design	\$50,000.00	\$35,400.00
7/7/11	10-06-89-05	Van Buren	Lacey Keosauqua State Park	Entrance Portal Design	\$50,000.00	\$35,400.00
7/7/11	12-05-77-02	Polk	DNR Fairground Bldg	Collapsing Arch repair	\$2,500.00	\$1,957.47
						\$3,162.00
						\$4,500.00
						\$5,400.00
7/14/11	11-04-80-01	Ringgold	Mount Ayr Fish Hatchery	Fish Harvest Kettle replacement	\$33,000.00	\$31,700.00
7/14/11	11-04-80-02	Ringgold	Mount Ayr Fish Hatchery	Relocation/Regrading of pond dikes	\$12,000.00	\$12,987.75
						\$18,780.00
7/21/11	11-05-77-11	Polk	Walnut Woods State Park	Repointing brick and stone mortar	\$10,000.00	\$9,500.00
						\$23,900.00
						\$33,985.00

7/21/11	11-06-92-06	Washington	Lake Darling State Park	Culvert and electric fence	\$31,000.00	\$48,732.82
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INFORMATIONAL

8. LAND ACQUISITION PROJECT APPROVAL REQUESTS

8.1 LOESS HILLS WMA – MONONA CO. – INHF

The Natural Resource Commission's approval is requested to purchase a tract of land located in Monona County adjacent to the south side of state-owned and managed Loess Hills Wildlife Management Area. Iowa Natural Heritage Foundation (INHF) offers this 270-acre tract for the price of \$460,000. INHF purchased this property, including an additional 10-acres with building improvements, in August 2010 for \$545,000. The appraised price of the tract is \$571,000.

Gary Thien, Licensed Appraiser of Council Bluffs, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This property is located ½ mile north of Turin in central Monona County. Larpenteur Memorial Road, a designated scenic byway, bisects the near level land on the west from the steep outer rim bluffland on the east. The tract is comprised of 165 acres of forested and grassland bluffs containing significant remnant prairie, 70 acres of former cropland enrolled in the Wetlands Reserve Program (WRP), 26 acres of cropland, 6 acres of native prairie, and 3 acres of road right of way. The Nature Conservancy holds a permanent conservation easement through the Landowner Incentive Program (LIP) across the entire tract, except for the west 70 acres of WRP. There are no building improvements. Access to the property is excellent.

The acquisition of this aesthetic tract will increase the Loess Hills Wildlife Management Area to over 3,200 acres, and will provide wildlife habitat, and enhance public recreation to this area. The Wildlife Bureau will manage the property in accord with the area management plan.

Acquisition funding will be provided by \$345,000 Pittman-Robertson (federal) and \$115,000 REAP, Open Spaces (state). The property will remain on the property 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 Rettig

Seconded – Commissioner Fransico

Discussion –How long has this land been in negotiation? 1 year within 6 months on the appraisal

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

8.2 MCCAUSLAND WMA – SCOTT CO. – WILLIAMSON

The Natural Resource Commission is requested to approve the acquisition of a permanent easement for ingress and egress located just east of McCausland, Iowa adjacent to the McCausland Wildlife Management Area. The 0.21-acre easement is being offered by Dave & Joyce Williamson as a donation to the State of Iowa acting through the Iowa Department of Natural Resources.

The easement will provide the Department, including authorized agents, contractors, and tenants, with improved access to the 150 acre McCausland Wildlife Management Area.

Staff recommends approval of the easement acquisition.

CARRIED BY CONSENT

9. LAND MANAGEMENT PROJECT APPROVAL REQUESTS

9.1 MILL CREEK STATE PARK – TITLE TRANSFER – OBRIEN COUNTY CONSERVATION BOARD

The O'Brien County Board of Supervisors has approved a resolution requesting that title to the 157 acre state owned Mill Creek State Park be transferred to the County for no monetary consideration. The Commission is requested to recommend a title transfer to the Executive Council. Upon approval by the Executive Council, title will be transferred to O'Brien by state patent.

The property was transferred to the Department for no monetary consideration by the Board of Park Commissioners of the Incorporated Town of Paulina in 1935. In 1993 the Department entered into an agreement with the O'Brien County Board of Supervisors transferring management of the park to the O'Brien County Conservation Board for a period of 25 years. Since that time the County has, with the permission of the DNR, made several capital improvements to the area. These improvements include constructing cabins, a shower house, and a concession stand, upgrading electrical service, renovating the lodge, and doing a lake restoration project. These improvements were done completely with local dollars. The County would like to continue to maintaining the park as a high priority destination area. Receiving grant funding and additional support for improvements would be more achievable if the park was owned, managed, and maintained under the same agency.

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

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

- The CCB will submit, to the DNR Sovereign Land Construction Permit and Environmental Review Program, any future development and construction proposals for review and approval

- The CCB shall utilize dark sky compliant fully shielded fixtures that do not project light above the horizontal plane for all park and pedestrian lighting within the park.
- The CCB shall minimize the impact of paved road surfaces on the park’s existing and proposed natural environment (if applicable).
- The CCB shall minimize the impact of paved parking surfaces on the park’s current and future environment (if applicable).
- The CCB shall utilize construction techniques that mitigate the environmental impact of storm water associated with paved surfaces within the park (if applicable).
- Cabin construction must be built in a sustainable fashion. That is to say that the structures are designed, built, renovated, operated, or reused in an ecological and resource-efficient manner.
- The DNR shall have the right to prevent and correct violations of the terms of this agreement. If the DNR, upon inspection of the property, finds what appears to be a violation, it may exercise its discretion to seek injunctive relief in a court having jurisdiction. The failure of the DNR to discover a violation or to take immediate action to correct a violation shall not bar it from doing so later.

Staff recommends approving the transfer.

Motion – Commissioner Underwood

Seconded – Commissioner Francisco

Discussion –Are we transferring an entire state park to a county? Has this been done before? Yes a couple of years ago. Request a list of other parks that have been transferred. Once a state park is transferred to a county, the state park name -does not go with it.

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

***9.2 KELLERTON BIRD CONSERVATION AREA – RINGGOLD COUNTY – SOUTHERN IOWA RURAL WATER ASSOCIATION**

The Natural Resource Commission is requested to approve issuance of a permanent water line easement to Southern Iowa Rural Water Association to construct and maintain a water main and meter pit. The water main and pit are part of a project to provide water service to the new wildlife headquarters building. A small section of water main and the meter pit will sit just outside of the public road right of way. The easement would be 30 feet in width and approximately 10 feet in length.

There will be no compensation for this easement due to the fact that the sole purpose of the easement is to allow water service to the Department’s property. Construction will take place in the fall of 2011.

Staff recommends the easement issuance.

CARRIED BY CONSENT

9.3 GULL POINT STATE PARK – MINNEWAUKON SHELTER RESTORATION – DICKINSON COUNTY – IOWA LAKES REGIONAL WATER

The Natural Resource Commission is requested to approve issuance of a permanent water line easement to Iowa Lakes Regional Water to construct and maintain a water line and meter pit. The water line and meter pit are part of a project to provide water service for the Minnewaukon Shelter Restoration. The easement will be approximately 100 feet in length.

There will be no compensation for this easement due to the fact that the sole purpose of the easement is to allow water service to the Department’s property. Construction will take place in the fall of 2011.

Staff recommends the easement issuance.

CARRIED BY CONSENT

9.4 SHIELD PRAIRIE – MUSCATINE COUNTY CONSERVATION BOARD

The Natural Resource Commission’s approval is requested for the renewal of a management agreement with the Muscatine County Conservation Board and the DNR. This agreement authorizes the Muscatine County Conservation Board to manage Shield Prairie through 2036.

The agreement covers approximately 80 acres near the City of Muscatine containing native prairie and grassy areas. The nearly 25 years of protection has allowed native plants to begin to reestablish themselves.

The area has been managed by Muscatine County since 1986. The county desires to continue the agreement. Staff recommends approval of the management agreement.

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

CARRIED AS PRESENTED

9.5 THREE MILE LAKE WILDLIFE AREA SHOOTING RANGE – UNION COUNTY CONSERVATION BOARD

The Natural Resource Commission is requested to approve a management agreement between the Union County Conservation Board and the DNR to allow the County to develop, maintain, and manage Three Mile Lake Wildlife Area through December 31, 2036.

Three Mile Lake Wildlife Area is located immediately west of the intersection of Minnow Avenue and 130th Street near Three Mile Lake in Union County, Iowa. The management agreement covers an area of state-owned property containing 118 acres of which the Union County Conservation Board is proposing to develop a shooting range with skeet and trap ranges, rifle and pistol ranges, and office/storage building on approximately 20 acres of the land.

This proposed agreement will set forth the responsibilities of the County and the DNR for future maintenance and management. Under the agreement, the County will be responsible for all expenses for development, construction, operation and future maintenance of the area for the length of the agreement. Should this management agreement expire, the County is responsible for remediating the site of all spent lead in accordance with state and federal regulations.

The agreement will be according to the terms and conditions of the standard DNR management agreement. Staff recommends approval of the management agreement.

Motion – Commissioner Rettig

Seconded – Commissioner Francisco

Discussion – Have we included strategies on how the lead is managed by the county on this land during this agreement? It was written into the management plan that it will be ongoing after the agreement ends.

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

9.6 DEER ISLAND WILDLIFE MANAGEMENT AREA – HARRISON COUNTY – EASEMENT ISSUANCE

The Natural Resource Commission's approval is requested to issue an easement to the U.S. Army Corps of Engineers – Omaha District to construct a river restoration project in the Deer Island Wildlife Management Area in Harrison County. Deer Island Wildlife Management Area is located on the Missouri River one mile downstream from Fawn Island Wildlife Management Area approximately five miles south of Blencoe on 120th Street.

The easement will cover approximately 228 acres of public owned land accreted to the sovereign bed of the river as a result of Corps of Engineers improvement projects constructed along the river since the late 1930's. Federal funding under the Missouri River Bank Stabilization and Navigation, Fish and Wildlife Mitigation Project will be used for construction. Estimated cost for construction is 24 million dollars. DNR Wildlife and Fisheries Bureaus have participated in the project review and concur with the proposed project plan.

The easement will convey the right to create, establish, construct maintain, patrol, regulate, preserve, and restore fish and wildlife habitat and appurtenant structures; the right to post signs indicating the extent of the federal government's control within the area covered by the easement; and to use existing road systems and other land under the easement for ingress and

gress for the purposes exercising the rights granted. The project will impact the current boat ramp and access road. The COE will replace the road and boat ramp as part of the restoration plan.

The value of the wetland habitat improvements to be made to the area is proposed as the consideration for the easement.

Staff recommends approval of the easement issuance.

Motion – Commissioner Francisco
Seconded – Commissioner Underwood
Discussion –Take the word improvement out, would like to see progress reports as it goes along.
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

***9.7 MISSISSIPPI RIVER – SCOTT COUNTY – BUCKEYE TERMINALS, LLC – CH. 18 LEASE**

The Natural Resource Commission is requested to approve, for submission to the Iowa Executive Council for final approval, a Chapter 18 lease with Buckeye Terminals, LLC. Buckeye Terminals purchased the area from BP Products North America, Inc., in Bettendorf, Iowa, in June 2011.

The lease area consists of a parcel of the bed of the Mississippi River where three barge mooring and locating cells are being used for the handling of petroleum products. The area occupies approximately 100 feet in depth by 150 feet of frontage.

The area is located at Mississippi River Mile 487.1 in Scott County, Iowa. The area has been under lease with BP Amoco since 1989. Buckeye will make no changes to the operation of the terminal.

The proposed lease will be for a five year period. The annual fee is \$1,159.20 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees. The administrative fee is \$208.66.

Staff recommends approval of the lease.

CARRIED BY CONSENT

10. CONTRACT WITH PRAIRIE RIVERS RC&D FOR FEDERAL EXCESS FIREFIGHTING EQUIPMENT, FIRE TRAINING AND DEVELOPMENT OF COMMUNITY WILDFIRE PROTECTION PLANS FOR BLACK HAWK, DUBUQUE, DES MOINES RIVER IN BOONE AND DALLAS COUNTIES, AND WOODBURY COUNTIES

Commission approval is requested for a one year-service contract with Prairie Rivers RC&D of Ames, Iowa. The contract will begin on October 1, 2011 and terminate on September 30, 2012. The total amount of this contract shall not exceed \$135,000.00. DNR shall have the option to renew this contract as long as this contract and any extensions do not exceed a six-year period.

This contract will be one hundred percent funded through the following United States Department of Agriculture Forest Service grants: Volunteer Fire Assistance 2010 & 2011, S&PF Competitive Allocation: Oak Woodland & Invasive Species Management through the use of Prescribed Fire, Development of Community Wildfire Protection Plans for Black Hawk County, Dubuque County and Des Moines River in Boone and Dallas Counties 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) for over sixty years to deliver financial, technical and related assistance to Iowa's rural fire departments to assist them with wildland firefighting. This partnership has expanded to training firefighters, natural resource professionals and private citizens in the utilization of prescribed fire to encourage the management of fire dependent ecosystems such as oak woodlands, savannas and prairies. Wildland firefighting courses are also offered to insure the safe utilization of prescribed fire. The Forest Service requires that fire training be presented by instructors that meet the National Wildfire Cooperative Group (NWCG) standard.

Fighting wildland fires requires specialized equipment. Rural fire departments often operate with limited equipment budgets. The Iowa Forestry Bureau and the USFS have assisted Iowa's fire departments by obtaining no cost federal excess equipment that can be utilized or converted to meet the wildland firefighting needs of specific fire departments. The ability to screen and procure federal excess equipment requires specialized training and certification to meet USFS and Department of Defense Standards.

The authority of the Forest Service to work with individual states is found in the Volunteer Fire Assistance Program which is authorized in Section 10(b)3 of the Cooperative Forestry Assistance Act of 1978 (PL 95-313, as amended by the Forest Stewardship Act of 1990 (PL 101-624). The Forestry Bureau is authorized to enter into these agreements in Chapter 456A.24 (13) of Iowa Code.

It is the mutual desire of the DNR and the RC&D to assist the DNR and local rural fire departments in acquiring federal excess equipment for wildland fire preparation, readiness and control, to provide wildland and prescribed fire training to firefighters, natural resource professionals and private citizens and to develop Community Wildfire Protection Plans for at risk communities in the wildland urban interface. It is the belief of the cooperating parties that this agreement will be to their mutual benefit, the benefit of Iowa's fire dependent ecosystems and to the benefit of the people of Iowa.

Motion – Commissioner Francisco

Seconded – Commissioner Underwood

Discussion –How many counties have this Tauke – only two so this would be a template for other communities and approved by the Forestry division

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

***11. AGREEMENT WITH UNIVERSITY OF NORTHERN IOWA - RESEARCH STUDY**

The Commission is requested to approve a contract for \$49,810 with the University of Northern Iowa. This proposal was selected for funding through the State Wildlife Grants program by an 11 member committee of DNR employees. Money comes wholly from Federal SWG Funds:

This project benefits Species of Greatest Conservation Need (SGCN) by determining the levels of population connectivity and identifying habitat factors that are potential barriers to movement of these fishes to help establish a framework for better management. The Iowa Wildlife Action Plan identified fishes and flowing water aquatic habitats as areas with the greatest number of SGCN. Recommendations for conservation strategies that result from this study will help maintain the species composition and genetic diversity of Iowa's native fauna.

Summary of Project: Establishing demographic parameters and conservation units of fishes of greatest conservation need distributed in northeast Iowa.

The objective of this proposal is to use genetic and habitat data and ecological niche modeling to establish a framework for conservation efforts for two species of non-game fishes, *Moxosotoma duquesnei* (black redbreast) and *Rhinichthys cataractae* (longnose dace), identified as Species of Greatest Conservation Need (SGCN) in Iowa's Wildlife Action Plan (IWAP). These fishes are distributed in the geographically distinct region of northeast Iowa. The focus of the study will be to compare regional population genetic parameters of these fishes and the characteristics of their habitats in the major drainages of the Upper Iowa, Yellow, Turkey/Volga and Maquoketa rivers. Portions of all these systems have been identified as impaired waters by the Iowa Department of Natural Resources.

The results of this study will: 1) Determine regional demographic patterns of genetic diversity for each species. 2) Determine habitat preferences and environmental stressors for each species. 3) Identify potential barriers to gene flow for each species. 4) Determine vulnerability to future climate change for each species. 5) Define units of conservation for directing preservation of genetic diversity within each species. 6) Make recommendations for conservation strategies.

CARRIED BY CONSENT

12. FINAL RULE – CHAPTER 91, “WATERFOWL AND COOT HUNTING SEASONS”

The Commission is requested to adopt a final rule to amend Chapter 91, “Waterfowl and Coot Hunting Seasons”:

These rules give the regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. The proposed amendments make annual adjustments to the season dates to comply with federal regulations and to ensure the season is open on weekends.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 18, 2011, as ARC 9506B. A public hearing was held on June 7, 2011. Several comments were received from the public both in support of the proposed season dates and asking that the opening of the duck season in the south zone be moved up one week.

A random survey of hunters who had purchased an Iowa Duck Stamp in the past three years showed that hunters were twice as likely to prefer hunting during the third week in October compared to the second weekend in December in the south zone. Migration data and hunter harvest also indicate that more hunters spend more time afield and see more ducks during the third week of October compared with the second week of December.

Based upon the comments and research findings, the opening date for the duck season in the south zone was moved forward one week from what was proposed in the notice. Changing the duck season dates necessitated changing the goose season dates so that the goose season opens on the same weekend as the duck season. It also necessitated changing the youth waterfowl season dates so they occur 2 weeks prior to the second opening of the duck season in each zone.

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed Emergency after Notice

Pursuant to the authority of Iowa Code subsections 481A.38, 481A.39, 481A.48, and 455A.5(6), the Natural Resource Commission hereby amends Chapter 91, "Waterfowl and Coot Hunting Seasons," Iowa Administrative Code.

These rules give the regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. The proposed amendments make annual adjustments to the season dates to comply with federal regulations and to ensure the season is open on weekends.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 18, 2011, as ARC 9506B. A public hearing was held on June 7, 2011. Several comments were received from the public both in support of the proposed season dates and asking that the opening of the duck season in the south zone be moved up one week.

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Based upon the comments and research findings, the opening date for the duck season in the south zone was moved forward one week from what was proposed in the Notice. Changing the duck season dates necessitated changing the goose season dates so that the goose season opens on the same weekend as the duck season. It also necessitated changing the youth waterfowl season dates so they occur 2 weeks prior to the second opening of the duck season in each zone.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments should be waived and that these amendments should be made effective August 19, 2011, as the amendments confer a benefit by establishing a September 3 start date to the goose season in the urban zones.

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

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48.

The following amendments are adopted.

ITEM 1. Amend subrules 91.1(1) through 91.1(3) as follows:

91.1(1) Zone boundaries. The north duck hunting zone is that part of Iowa north of a line beginning on the ~~Nebraska-Iowa border at~~ South Dakota-Iowa border at Interstate 29, southeast to Woodbury County Road D38, east to Woodbury County Road K45, southeast to State

Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The south duck hunting zone is the remainder of the state.

91.1(2) Season dates - north zone. For all ducks: September ~~18~~ 17 through September ~~22~~ 21 and October ~~16~~ 15 through December ~~9~~ 8.

91.1(3) Season dates - south zone. For all ducks: September ~~18~~ 17 through September ~~22~~ 21 and October ~~23~~ 15 through December ~~16~~ 8.

ITEM 2. Amend subrules 91.3(1) to 91.3(3), 91.3(7) and 91.3(9) to 91.3(11) as follows:

91.3(1) Zone boundaries. The north goose hunting zone is that part of Iowa north of a line beginning on the ~~Nebraska-Iowa border at~~ South Dakota-Iowa border at Interstate 29, southeast to Woodbury County Road D38, east to Woodbury County Road K45, southeast to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The south goose hunting zone is the remainder of the state.

91.3(2) Season dates - north zone. Canada geese and brant: September ~~25~~ 24 through October ~~10~~ 9 and October ~~16~~ 15 through January ~~5, 2011~~ 4, 2012. White-fronted geese: September ~~25~~ 24 through December ~~5~~ 6. Light geese (white and blue-phase snow geese and Ross' geese): September ~~25~~ 24 through January ~~9, 2011~~ 8, 2012.

91.3(3) Season dates - south zone. Canada geese and brant: ~~October 2~~ September 24 through October ~~17~~ 9 and October ~~23~~ 15 through January ~~12, 2011~~ 4, 2012. White-fronted geese: ~~October 2~~ September 24 through December ~~12~~ 6. Light geese (white and blue-phase snow geese and Ross' geese): ~~October 2~~ September 24 through January ~~14, 2011~~ 8, 2012.

91.3(7) Light goose conservation order season. Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January ~~15, 2011~~ 14, 2012, through April ~~15, 2011~~ 2012.

a. to e. No change.

91.3(9) Cedar Rapids/Iowa City goose hunting zone.

a. Season dates. September ~~4~~ 3 through September ~~12~~ 11.

b. to d. No change.

91.3(10) Des Moines goose hunting zone.

a. Season dates. September ~~4~~ 3 through September ~~12~~ 11.

b. to d. No change.

91.3(11) Cedar Falls/Waterloo goose hunting zone.

a. Season dates. September ~~4~~ 3 through September ~~12~~ 11.

b. to d. No change.

ITEM 3. Amend rule 571--91.6(481A) as follows:

~~571--91.6(481A)~~ Youth waterfowl hunt. A special youth waterfowl hunt will be held on October ~~2 and 3, 2010~~ 1 and 2, 2011, in the north duck hunting zone and October ~~9 and 10, 2010~~ 1 and 2, 2011, in the south duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in

rule 571—91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

Motion – Commissioner Fransico
Seconded – Commissioner Underwood
Discussion – Guy Zenner, Biologist, DNR video and distributed the results of the waterfowl survey. Discussion of the survey.
Motion – Commissioner Fransico – amendment move to adopt the original proposal in the Notice intent of action
Seconded – Commissioner Underwood
Discussion – verifying the intent of action as written. To extend the south zone to December 15.
Fransico Amended motion:
Prickett aye
Conrad aye
Rettig – aye
Fransico – aye
Underwood aye
Dress - aye
Item 12 As Amended:
Prickett aye
Conrad aye
Rettig aye
Fransico aye
Underwood aye
Dress aye
Decision – Approved by Unanimous Vote

CARRIED AS AMENDED

13. FINAL RULE – CHAPTER 94, “NONRESIDENT DEER HUNTING”

The Commission is requested to adopt a final rule to amend Chapter 94, “Nonresident Deer Hunting”.

Chapter 94 gives the regulations for nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours; areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

The amendments:

1. Modify the hunter orange requirement for blinds during the shotgun season so that the visible orange is a minimum size, not shape and clarifies the definition the definition of a blind for this rule.
2. Clarify that antlerless deer are tagged on a leg and antlered deer are tagged on the main beam of the antler. This will help keep the tag from pulling off accidentally during transport.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 1, 2011, as ARC 9542B. A public hearing was held on June 21, 2011. No comments were received from the public. The definition of a blind was changed from the notice to clarify the intent of this rule at the request of a member of the Administrative Rules Committee.

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsections 481A.38, 481A.39, 481A.48, 483A.1, 483A.8, 483A.24, and 455A.5(6), the Natural Resource Commission hereby amends Chapter 94, "Nonresident Deer Hunting," Iowa Administrative Code.

Chapter 94 gives the regulations for nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

The amendments:

1. Modify the blaze orange requirement for blinds during the shotgun season so that the visible orange is a minimum size, not a specific shape and clarifies the definition of a blind for this rule.

2. Clarify that antlerless deer are tagged on a leg and antlered deer are tagged on the main beam of the antler. This change will help keep the tag from pulling off accidentally during transport.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 1, 2011, as ARC 9542B. A public hearing was held on June 21, 2011. No comments were received from the public. At the request of a member of the Administrative Rules Review Committee, the definition of a blind was changed from the Notice to clarify the intent of this rule.

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

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.8 and 483A.24.

These amendments shall become effective October 12, 2011.

The following amendments are adopted.

ITEM 1. Amend subrule 94.7(6) as follows:

94.7(6) Hunting from blinds. No person shall use a blind for hunting deer during the regular gun deer seasons as defined in 94.2(2), unless such blind exhibits a solid blaze orange marking, which is a minimum of 144 square inches in size and is visible in all directions with a minimum height of 12 inches and a minimum width of 12 inches. Such blaze orange shall be affixed directly on or directly on top of the blind. For the purposes of this subrule, the term "blind" is defined as a place of concealment constructed, an enclosure used for concealment while hunting, constructed either wholly or partially from man-made materials, and used by a person who is hunting for the purpose of hiding from sight. A blind is not a naturally occurring landscape feature or an arrangement of natural or agricultural plant material that a hunter uses for concealment. In addition to the requirements in this subrule, hunters using blinds must also satisfy the requirements of wearing blaze orange as prescribed in Iowa Code section 481A.122.

ITEM 2. Amend rule 571--94.9(483A) as follows:

571--94.9(483A) Transportation tag. A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to ~~the carcass~~

one leg of each antlerless deer or on the main beam between two points, if present, on one of the antlers of an antlered deer, in such a manner that the tag cannot be removed without mutilating or destroying the tag; . The tag shall be attached to the carcass of the deer within 15 minutes of the time the deer carcass is killed located after being taken, or before the carcass of the deer is moved in any manner is moved to be transported by any means from the place where the deer was taken, whichever first occurs first. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to all deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility, or until the deer has been processed for consumption.

Motion – Commissioner Francisco

Seconded – Commissioner Conrad

Discussion – This will be no change from last years numbers

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

14. FINAL RULE – CHAPTER 106, “DEER HUNTING BY RESIDENTS”

The Commission is requested to adopt a final rule to amend Chapter 106, “Deer Hunting by Residents”.

Chapter 106 gives the regulations for deer hunting by residents and includes season dates, bag limits, possession limits, shooting hours; areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

The amendments:

1. Modify the hunter orange requirement for blinds during the shotgun season so that the visible orange is a minimum size, not shape and clarifies the definition the definition of a blind for this rule.
2. Clarify that antlerless deer are tagged on a leg and antlered deer are tagged on the main beam of the antler. This will help keep the tag from pulling off accidentally during transport.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 29, 2011, as ARC 9587B. A public hearing was held on July 19, 2011. No comments were received from the public. The definition of a blind was changed from the notice to clarify the intent of this rule at the request of a member of the Administrative Rules Committee.

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsections 481A.38, 481A.39, 481A.48, 483A.8C, 483A.24, 483A.24B and 455A.5(6), the Natural Resource Commission hereby amends Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Chapter 106 gives the regulations for deer hunting by residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

The amendments:

1. Modify the blaze orange requirement for blinds during the shotgun season so that the visible orange is a minimum size, not shape.

2. Clarify that antlerless deer are tagged on a leg and antlered deer are tagged on the main beam of the antler. This change will keep the tag from pulling off accidentally during transport.

3. Clarify that a person may not tag a deer with a tag purchased after the deer was taken.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 29, 2011, as ARC 9587B. A public hearing was held on July 19, 2011. No comments were received from the public. At the request of a member of the Administrative Rules Review Committee, the definition of a blind was changed from the Notice to clarify the intent of this rule.

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

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.2C, 483A.24, and 483A.24B.

These amendments shall become effective October 12, 2011.

The following amendments are adopted.

ITEM 1. Amend subrule 106.7(8) as follows:

106.7(8) Hunting from blinds. No person shall use a blind for hunting deer during the regular gun deer seasons as defined in 106.2(3) 106.2(2), unless such blind exhibits a solid blaze orange marking which is a minimum of 144 square inches in size and is visible in all directions with a minimum height of 12 inches and a minimum width of 12 inches. Such blaze orange shall be affixed directly on or directly on top of the blind. For the purposes of this subrule, the term "blind" is defined as ~~a place of concealment constructed,~~ an enclosure used for concealment while hunting, constructed either wholly or partially from man-made materials, and used by a person who is hunting for the purpose of hiding from sight. A blind is not a naturally occurring landscape feature or an arrangement of natural or agricultural plant material that a hunter uses for concealment. In addition to the requirements in this subrule, hunters using blinds must also satisfy the requirements of wearing blaze orange as prescribed in Iowa Code section 481A.122.

ITEM 2. Amend rule 571--106.9(481A) as follows:

571--106.9(481A) Transportation tag. A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to ~~the carcass~~ one leg of each antlerless deer or on the main beam between two points, if present, on one of the antlers of an antlered deer in such a manner that the tag cannot be removed without mutilating or destroying the tag. This tag shall be attached to the carcass of the deer within 15 minutes of the time the deer carcass is killed located after being taken or before the carcass is moved ~~in any manner,~~ to be transported by any means from the place where the deer was taken, whichever occurs first. No person shall tag a deer with a transportation tag issued to another person or with a tag that was purchased after the deer was taken. During the youth/disabled hunter season, bow season, early muzzleloader season and late muzzleloader season, the hunter who killed the deer must tag the deer by using the transportation tag issued in that person's name. During the first and second regular gun seasons and the November and January antlerless-deer-only seasons, anyone present in the hunting party may tag a deer with a tag issued in that person's name. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the

animal is processed for consumption. The head, and antlers if any, shall remain attached to the deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility or until the deer has been processed for consumption.

Motion – Commissioner Rettig The Commission is requested to adopt a final rule to amend Chapter 106, “Deer Hunting by Residents”. Chapter 106 gives the regulations for deer hunting by residents.

Seconded – Commissioner Underwood

Discussion –

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

15. WILDLIFE HABITAT PROMOTION WITH LOCAL ENTITIES PROGRAM GRANT REVIEW

Wildlife Habitat Promotion with Local Entitites Program

Sawyer Property Addition – Madison County

The Sawyer Property Addition is 400 acres of upland habitat located in Madison County immediately adjacent to the Madison County Conservation Board’s (CCB) 715 acre Clanton Creek Natural Resource Area (public hunting area. Of the 400 acres to be acquired, approximatley 200 acres are currently enrolled in CRP and sonsister of mature warm season tall-grass prairie. The remaining acres consist primarily of upland hardwood forest with a scattering of cedars and other shurb type woody species in open ravines separating the parcels of prairie. There area also two small ponds located on the property.

The project site is located approximately 12 miles southeast of Winterset.

The Clanton Creek Natural Resource Area (715 acres) is the largest wildlife habitat/public hunting area that the Madison CCB manages. It is one of their most diverse and highest quality natural resource areas, providing numerous quality habitat types. The project site will proide an additional 400 acres of quality habitat that will eventually provide a total of 1,115 acres of public hunting. This property and surrounding public area will provide critically needed upland game bird habitat as well.

Funding Sources include the Madison County Conservation Board, Iowa Natural Heritage Foundation, Madison County Board of Supervisors, Madison County Foundation for Environmental Education, Iowa Council of Pheasants Forever (PF) Trust Fund, Iowa Council of PF Trust Fund, Iowa Capital Chapter of PF, Covered Bridge Chapter of PF, North Polk Chaper of PF, Warren County PF, Bruce Mountain, National Wild Turkey Federation, and North American Wetland Conservation Act.

Motion – Commissioner Francisco
Seconded – Commissioner Rettig

Discussion – Applications are scored on the following criteria:

Wildlife habitat needs
 Existing or potential habitat quality
 Cost-effectiveness
 Species diversity

Geographic location is not a criteria. With the exception of Paige County, every county has been awarded at least one of these grants. County conservation boards decide when to pursue these grants as they must have at least 25% of the project cost committed and available—and desirable parcel(s) of land must be available for purchase at the time of the grant application.

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

GENERAL DISCUSSION

- Mourning Dove handout Angie Bruce
- NRC input to the DNR Strategic Plan
- to add Honey Creek to the plan
- where is the lead action plan – Corell - it is not mentioned
- Underwood - it should be a part or under one of the goals Thinking we should look on where it fits in the Strategic Plan.
- Resend the commissioners - the link of the current Strategic Plan (work with Kim and Chris Van Gorp)
- 2012 NRC Meeting Schedule
 - Monona County in September to meet at the Lewis and Clark Interpretive Center
- Annual Report to the Governor
 - Entering more data on the plan come with ideas for the next meeting
- Conrad Clement
- Honey Creek on the Strategic Plan
- Commissioner Drees
- Commissioner Francisco
- Debby Durham new director of IDEED, meeting at Honey Creek
- Commissioner Rettig
- Canoe trip on the Iowa River, August 5 – a great opportunity
- Commissioner Underwood
- Design guide steering committee meeting will be held later this month. The Commission will receive a report at the Sept. NRC Meeting.
- Director Lande will speak at the annual picnic for the Association for the Preservation of Clear Lake on August 19.
- Chuck Correll forward his weekly updates
- Budget request and planning
- Items for upcoming meeting

- Presentation of states parks image guide – Kevin S and Angela Corio
- Budget presentation

UPCOMING NRC MEETING DATES:

- September 8, 2011 – Henry Wallace State Office Building, Des Moines, 9:30am start time
- October 13, 2011 – Henry Wallace State Office Building, Des Moines, 9:30am start time
- November 10, 2011 – Henry Wallace State Office Building, Des Moines, 9:30am start time

ADJOURNMENT

*Motion was made by Commissioner **Francisco** to adjourn the meeting. Seconded by Commissioner **Underwood** Approved by Unanimous Vote. With no further business to come before the Natural Resource Commission, Chairperson Drees adjourned the meeting on August 11, 2011 at 1:59p.m.*

CARRIED – MEETING ADJOURNED