

MINUTES

OF THE

NATURAL RESOURCE COMMISSION

MEETING

SEPTEMBER 11, 2003

VIKING LAKE STATE PARK

STANTON, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by Chairperson Kramer at 8:30 a.m. on Thursday, September 11, 2003, at Viking Lake State Park, Stanton, Iowa.

Chairperson Kramer thanked the local staff – Bob Schierbaum, Gary Poen, Todd Carrick, Doug Sleep, Andy Moore, Mel Moe, and Gary Sobotka - for their part in providing an informative tour of the areas of Lake of Three Fires State Park and Viking Lake State Park.

MEMBERS PRESENT

Joan Schneider
Randy Duncan
Janice Marcantonio
Carol Kramer
Richard Kim Francisco
William Sullivan
Paul Christiansen

APPROVE AGENDA

Motion was made by Commissioner Francisco to approve the September 11, 2003 NRC agenda. Seconded by Commissioner Sullivan. Motion carried unanimously.

AGENDA APPROVED

APPROVE MINUTES

Motion was made by Commissioner Francisco to approve the minutes of the August 14, 2003, meeting as presented. Seconded by Commissioner Sullivan. Motion carried unanimously.

MINUTES APPROVED

CONSTRUCTION PROJECTS

Linda Hanson, Administrator, Management Services Division, presented the following item.

Bids were opened September 5, 2003 for the following projects:

Lake Manawa State Park, Pottawattamie County - Fishing Jetties

This project consists of the construction of four rock fishing jetties and related work as required by the Plans and/or the DNR Construction Inspector and as described in the Project Manual. This project is budgeted 75% Wallop-Breaux and 25% Fish & Wildlife Trust funds. DNR estimate is \$70,000. Seventeen sets of plans were requested. Ten bids were received.

K. M. King, Inc.	Burlington, IA	\$ 36,441.02
Lessard Contracting Inc.	Sergeant Bluff, IA	\$ 42,645.58
Rite-Way Const. Co., Inc.	Council Bluffs, IA	\$ 44,356.50
Mocha & Sons Construction Inc.	Honey Creek, IA	\$ 45,833.00
Nelson & Rock Contracting. Inc.	Onawa, IA	\$ 48,501.00
King Contracting L.L.C. dba King Const.	Odebolt, IA	\$ 48,876.95
Sterling McLaren Construction Co. Inc.	Shenandoah, IA	\$ 56,353.52
Herbst Construction Inc.	Le Mars, IA	\$ 56,527.00
Heimes Excavating Company, Inc.	Omaha, NE	\$ 58,911.25
LuBe Engineered Systems Inc.	Council Bluffs, IA	\$ 77,664.82

Staff recommends award of contract to K. M. King Co., low bidder.

Motion was made by Commissioner Sullivan to approve the low bid of K. M. King, Inc. of Burlington, Iowa, in the amount of \$36,441.02 for fishing jetties construction at Lake Manawa State Park in Pottawattamie County. Seconded by Commissioner Duncan. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Lake Ahquabi State Park, Warren County - Storage Building Replacement

The work consists of the construction of a pole building with metal siding, insulated metal clad doors and insulated steel overhead doors. The building is one story without basement containing approximately 2400 square feet. This project is budgeted 100% in Restore the Outdoors Funds. DNR estimate is \$ 80,000. Thirteen sets of plans were requested. Three bids were received.

P. G. Construction, Inc.	Des Moines, IA	\$ 79,923.00
Hooyer Construction Inc.	Pella, IA	\$ 86,798.52
McCormick Construction, Inc.	Chariton, IA	\$ 110,989.00

Staff recommends award of contract to P. G. Construction Inc., low bidder.

Motion was made by Commissioner Francisco to approve the low bid of P. G. Construction, Inc. of Des Moines, Iowa, in the amount of \$79,923.00 for storage building replacement at Lake Ahquabi State Park. Seconded by Commissioner Marcantonio. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Lake Darling State Park, Washington County - HMA Paving

The project consists of the Hot Mix Asphalt (HMA) paving and resurfacing of various park roads at Lake Darling State Park in Washington County, seeding of areas disturbed by construction operations, and incidental work as required by the Plans and/or the DNR Construction Inspector. Project is budgeted 100% in Parks & Institutional Roads (P&IR) funds. DOT estimate is \$111,800. One set of plans was requested. No bids were received.

Staff recommends rebid at a later date.

NO ACTION TAKEN

Clear Lake Fish and Wildlife Station, Cerro Gordo County - Parking Lot Paving

The project consists of the removal of existing concrete, re-grading existing parking lots and driveway, place 7" Portland Concrete Cement (PCC) pavement and other incidental work as required by the Plans and/or the DNR Construction Inspector. Project is budgeted 100% in Marine Fuel Tax (MFT) funds. DNR estimate was \$24,000. Six sets of plans were distributed. Three bids were received.

(Todd) Hanson Construction	Clear Lake, IA	\$ 29,140.00
Concrete Foundations, Inc.	Sumner, IA	\$ 43,020.00
Larry Elwood Construction Inc.	Mason City, IA	\$ 61,157.90

Staff recommends award of contract to Todd Hanson Construction, low bidder.

Motion was made by Commissioner Schneider to approve the low bid of Hanson Construction of Clear Lake, Iowa, in the amount of \$29,140.00 for parking lot paving at Clear Lake State Park. Seconded by Commissioner Sullivan. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

LAND ACQUISITION

Linda Hanson, Administrator, Management Services Division, presented the following item.

Spring Run Wetlands Complex, Dickinson County—Schmidt Trust

The Natural Resource Commission is requested to approve the acquisition of a tract of land located in Dickinson County. This 107.68-acre tract is offered by the Mabel Schmidt Trust for the appraised price of \$52,300. The property is encumbered by a Wetland Reserve Program easement.

Licensed appraiser, John Wedebrand, of Sanborn, Iowa, submitted the appraisal. The purchase agreement was negotiated by Jerry Gibson.

The property is located approximately 4 miles east of the DNR Spirit Lake Fish Hatchery. The property has excellent access from the west to 290th Avenue and the north from 140th Street. It borders railroad right-of-way on the south. The property consists of 107.68 acres-gross of which 2.8 acres would be considered road right-of-way, and 104.88 acres of farmland that will be restored to wetland and prairie. Development by the NRCS and DNR will include 26 acres of wetland/marsh, and 78 acres of native prairie plantings.

The Wildlife Bureau will manage the property for migratory waterfowl; shorebird, and upland game habitat; provide watershed protection for the Iowa Great Lakes; and provide outdoor recreation. No fencing or surveying costs are anticipated. The NRCS paid for the survey.

Acquisition funding will be North American Wetland Conservation Act—Iowa Glaciated Wetlands. Incidental closing costs are the responsibility of the Department.

Linda Hanson reviewed the details of the property. Discussion centered on the criteria for designating a property as a wetland and the federal programs involved in the acquisition. Funding for the property was specifically noted and the water quality benefits of this property were described.

Motion was made by Commissioner Sullivan to approve the acquisition of 107.68 acres of land at the Spring Run Wetlands Complex in Dickinson County from the Mabel Schmidt Trust for the appraised price of \$52,300.00. Seconded by Commissioner Francisco.

LAND ACQUISITION APPROVED

Union Hills Wildlife Management Area, Cerro Gordo County--Koethe

The Natural Resource Commission is requested to approve the acquisition of a tract of land south of Clear Lake in Cerro Gordo County. This 913-acre parcel is offered by Irvin L. Koethe for the appraised price of \$480,000.00. The property will be encumbered by a Wetland Reserve Program easement.

Licensed appraiser, Fred Greder of Benchmark Agribusiness, Mason City, Iowa submitted the appraisal. The purchase agreement was negotiated by Jerry Gibson.

The property is located 6 miles south of Clear Lake, and is bisected by county pavement B55. The parcel is adjacent to the West Side of the 1900-acre Union Hills Wildlife Management Area acquired by the Fish & Wildlife Service through the Prairie Pothole Joint Venture as a waterfowl production area. The property consists of 882 acres of cropland to be encumbered by a WRP easement, 13.6 acres in a building site, and 17 acres of road right-of-way and waste. The property has several metal, grain storage bins; a concrete stave corn crib; pole frame cattle shed; and machine shed.

The preliminary Wetland Restoration Plan calls for native grass and forbs reseeding on 656.6 acres of which 635 acres will be warm season and 21.8 acres cool season grass. The remaining 225.2 acres will have natural revegetation. Existing artificial drainage tile lines will be broken,

and 6,975 feet of dikes will be built to impound surface water. Restoration costs will be born by the USDA-Natural Resource Conservation Service. The NRCS will allow the seller to crop the land in 2004.

Acquisition funding will be \$240,000 from (federal) State Wildlife Grant (CARA-Lite), \$100,000 donation from Pheasants Forever, and \$140,000 from REAP-Private/Public grant. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Duncan to approve the purchase of 913 acres of land at the Union Hills Wildlife Management Area in Cerro Gordo County from Irvin L. Koethe, LLC for the appraised price of \$480,000.00. Seconded by Commissioner Francisco. Motion carried unanimously.

LAND ACQUISITION APPROVED

Sweet Marsh Wildlife Management Area, Bremer County--Sauerbrei

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Bremer County, adjacent to the east side of Sweet Marsh Wildlife Management Area. The 61-acre parcel is offered by Leo Sauerbrei for the appraised price of \$122,000.

Licensed Appraiser, Daniel K. Kinsinger, of Iowa City, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in north central Bremer County, Iowa. The small rural community of Frederika is approximately five miles northwest. This parcel of land is mostly of level topography and partially within the 100-year floodplain. Forty-one percent of the property is forested wetlands with the remaining being tillable and public road right of way. The property reflects and average corn suitability rating (CSR) of 69.5.

The property has good potential for deer, turkey, waterfowl and furbearer habitat. This acquisition will become part of the 2,400-acre Sweet Marsh Wildlife Management Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding for the acquisition will be provided by the North American Wetlands Conservation Act (NAWCA). Survey and incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Schneider to approve the purchase of 61 acres of land at the Sweet Marsh Wildlife Management Area in Bremer County from Leo Sauerbrei for the appraised price of \$122,000.00. Seconded by Commissioner Marcantonio. Motion carried unanimously.

LAND ACQUISITION APPROVED

Middle River Wildlife Management Area, Warren County--INHF

The Natural Resource Commission's approval is requested to purchase a tract of land located in Warren County. The Iowa Natural Heritage Foundation offers this 508.2-acre tract for the bargain price of \$155,000. The parcel's appraised price is \$254,100.

Licensed Appraiser, Sharon Chism of Nevada, Iowa submitted the appraisal. Rick Hansen negotiated the acquisition.

This property is located approximately 10 miles northeast of Indianola and 3 miles southwest of Carlisle. This acquisition effectively joins Banner Mine Wildlife Management Area on the west, and Middle River Wildlife Management Area on the east. A county gravel road and a Warren County owned and managed recreational trail (abandoned railroad right-of-way) front along a majority of the north boundary of the property. The Middle River forms a majority of the south boundary of the property. This acquisition is all bottomland consisting of numerous shallow water wetlands, native grasses, and natural revegetation including growing trees. There are four Federal wetland conservation easements encumbering the property, totaling 462 acres. There are no building improvements. This property will provide excellent public access and wildlife habitat.

This acquisition will become part of the 450-acre Middle River Wildlife Management Area, and will be managed by the Wildlife Bureau in accord with the area management plan.

Acquisition funding will be provided by a 75% federal-aid grant, known as Wildlife Conservation & Restoration Program (WCRP). The remaining 25% will come from REAP open spaces. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

The property boundary was described and the relationship of the property to the planned Banner Mines development was noted. Discussion continued regarding the significant role of the Iowa Natural Heritage Foundation and other organizations in funding the department's land purchases.

Motion was made by Commissioner Francisco to approve the purchase of 508.2 acres of land at the Middle River Wildlife Management Area in Warren County from the Iowa Natural Heritage Foundation for the bargain price of \$155,000.00. Seconded by Commissioner Sullivan. Motion carried unanimously.

LAND ACQUISITION APPROVED

Waubonsie State Park, Fremont County—Land Exchange

The Natural Resource Commission is requested to approve an exchange of real estate with Ryan and Chantel Knapp. Both tracts are located at Waubonsie State Park in Fremont County. The State of Iowa land is 13.2 acres. The replacement tract from Knapp's is 9.8 acres. A permanent conservation easement will be placed on the State's 13.2-acre tract restricting building development, logging, and haying and grazing rights.

Licensed Appraiser, Robert Johnston of Ames, Iowa submitted the appraisals. The appraised value of the replacement land is \$4,900. The appraised value of the State of Iowa land (subject to the permanent conservation easement) is \$4,900. As such, no boot will be required.

Rick Hansen negotiated the exchange.

The State of Iowa tract is moderately rolling forested land triangular in shape. This property has direct access to State Highway No. 2. The Knapp's will utilize the property to greatly enhance access to their existing land located immediately south of the State tract.

The replacement land is an "inholding" near the west side of the park. The tract is strongly rolling and entirely forested. Eliminating this private inholding is a high priority for improved park management.

The Department will pay for a survey of the State tract. The Knapp's will pay for a survey of the replacement tract. No fencing costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Linda Hanson reviewed aspects of the proposed land trade. She noted that after the item was placed on the agenda she received a brief e-mail from the State Historical Society expressing concern about some significant historical value of the land. She also noted that some parks staff shared differing opinions about relinquishing the DNR land.

Bob Schierbaum, District Parks Supervisor reviewed some early history of the property in question, as told to him by a long-time resident of the area. He answered questions regarding both properties and talked about potential use of the state-owned land proposed for the trade. Discussion continued regarding the property owner's plans for the property as well as whether the department could retain ownership of its land and then proceed to purchase the inholding proposed for trade.

Commissioner Christiansen expressed interest in obtaining more information on the historical significance of the property.

Mike Brandrup stated that the inholding would be a high priority of the department whether the land trade is approved or not. He explained that the private landowner seeking the trade has been allowed access to his property but is interested in improving or constructing a better access. Mr. Brandrup acknowledged that the item could be tabled and more information provided for the next meeting.

Commissioner Sullivan asked if it would be better to make the land exchange, place a conservation easement on the property to prevent any improvements than it would be granting him an easement that may be abused. He added that Mr. Knapp will need an easement for his utilities and to do improvements on the property to the south so there is going to be a lot of egress and ingress. He said there is probably more potential for abuse of an easement on our property than there would be with the land exchange.

Linda Hanson explained that it would involve an easement over our land to the property versus the restrictions of a permanent conservation easement. She said that either way, there would need to be enforcement to ensure that the easement is being abided by.

Commissioner Francisco asked what the barriers would be to purchasing the inholding outright. Mike Brandrup responded that the property might be offered for \$5,000 and if it became available, the money to make the purchase would come from parks operations. That property would be pursued if the land exchange does not take place.

Commissioner Schneider asked what would be the downside of giving the property owner, at our choice, a lane or road for egress and ingress. Mr. Brandrup stated that Mike Smith, our Assistant Attorney General, has stated that we do not have authority to grant an easement across state land except for utilities or to another government entity. Granting easements to private individuals is not within the scope of our authority.

Basil Nimry, Bureau Chief, Engineering and Realty Services, reviewed aspects of the conservation easement that will be placed on the State's 13.2 acre tract that would restrict building development, logging, haying and grazing rights.

Commissioners Christiansen and Kramer asked that the agency proceed slowly and investigate all the issues before making a decision. Commissioner Sullivan suggested possibly denying the land exchange and pursuing the purchase of the inholding.

Mike Brandrup explained that the state-owned land proposed for the trade is not an integral part of the park. He said this is a policy decision because of the precedence that it potentially could set of being willing to negotiate away parts of state land in order to enhance a private individual's property rights.

Motion was made by Commissioner Christiansen to approve the exchange of 13.2 acres of state-owned land at Waubonsie State Park in Fremont County for 9.8 acres of land proposed to be sold to Ryan and Chantel Knapp for the exchange. Seconded by Commissioner Sullivan.

Discussion continued regarding legal aspects of land exchanges by the department as well as precedents set with regard to negotiations on state lands. Potential development plans of the Knapps were mentioned and past ownership and development of surrounding areas were discussed.

Commissioner Duncan asked if a Right of First Refusal on the land exchange could be obtained from the owner so the department would have the first chance to purchase the land if the owner ever sold his land. This would prevent development and prevent him from selling to others. Basil Nimry said this could be negotiated.

Motion was made by Commissioner Francisco to table until the next meeting the Waubonsie State Park Land Trade Item in order to negotiate a Right of First Refusal on Mr. Knapp's land and to obtain more information with regard to the historical aspects of the land. Seconded by Commission Marcantonio. Motion carried unanimously.

LAND TRADE ITEM TABLED

MANAGEMENT AGREEMENTS

Linda Hanson, Administrator, Management Services Division, presented the following item.

Management Agreement – Lincoln Wildlife Area, Poweshiek County

The Natural Resource Commission is requested to authorize the director to approve the renewal of a management agreement with the Board of Supervisors of Poweshiek County.

The Department of Natural Resources and the Board of Supervisors of Poweshiek County jointly entered into a management agreement for an area locally known as Lincoln Wildlife Area in 1978.

The area consists of approximately 2.6 acres. The tract of land was excess property of the Department of Transportation that was transferred to the Department of Natural Resources for subsequent transfer to the Poweshiek County Conservation Board. The area is located in Section 21, Township 79 North, Range 13 West of the 5th P.M., along the West Side of State Highway 21, approximately one mile south of the City of Guernsey, Iowa.

The Poweshiek County Conservation Board approved the agreement on August 12, 2003 and the Board of Supervisors approved July 24, 2003.

The agreement is for a period of twenty-five years and is a standard management agreement.

<i>Motion was made by Commissioner Francisco to authorize the director to approve the renewal of a management agreement with the Board of Supervisors of Poweshiek County. Seconded by Commissioner Duncan. Motion carried unanimously.</i>

MANAGEMENT AGREEMENT APPROVED

Hitchcock Recreation Area, Cass County

The Natural Resource Commission is requested to authorize the director to approve the renewal of a management agreement with the Board of Supervisors of Cass County.

The Department of Natural Resources and the Board of Supervisors of Cass County jointly entered into a management agreement for an area locally known as Hitchcock Recreation Area in 1978.

The area consist of approximately 65.8 acres and was acquired with open space money primarily to preserve the historical area and to provide hunting and fishing access to a specific area of the Nishnabotna River. The area is located in the SE ¼ of Section 9, the NE ¼ of Section 16, and

the West ½ of Section 15, all in Township 75 North, Range 37 West of the 5th. P.M., Cass County Iowa.

The Cass County Conservation Board approved the agreement on July 22, 2003 and the Board of Supervisors approved July 23, 2003.

The agreement is for a period of twenty-five years and is a standard management agreement.

Motion was made by Commissioner Sullivan to authorize the director to approve the renewal of a management agreement with the Board of Supervisors of Cass County for the Hitchcock Recreation Area in Cass County. Seconded by Commissioner Francisco. Motion carried unanimously.

MANAGEMENT AGREEMENT APPROVED

FY 2005 BUDGET REQUEST

Linda Hanson, Administrator, Management Services Division, presented the following item.

Attached for the Commission's approval is a summary listing the Department's appropriation requests for Fiscal Year (FY) 2005. The listing includes actual FY 04 appropriation levels along with the FY 05 proposed appropriation request.

Also included is a listing of operation's enhancement packages, which constitute increases over the FY 04 status quo level.

**DEPARTMENT OF NATURAL RESOURCES
FY 05 APPROPRIATION REQUEST SUMMARY**

APPROPRIATION NAME	FY 04 APPROP	FY 05 REQUEST	\$CHANGE FY 05 REQ OVER FY 04 APPROP
<u>GENERAL FUND APPROPRIATIONS</u>			
Department Operations	\$16,271,643	\$16,669,282	\$397,639
Total General Fund Appropriation	\$16,271,643	\$16,669,282	\$397,639
<u>TOBACCO SETTLEMENT FUNDS</u>			
Destination Park	\$3,000,000	\$3,000,000	\$0
* Lewis and Clark Rural Water	\$1,500,000	\$2,450,000	\$950,000
Restore the Outdoors	\$2,500,000	\$2,500,000	\$0
	\$7,000,000	\$7,950,000	\$950,000
<u>ENVIRONMENT FIRST</u>			
Resource Enhancement & Protection	\$11,000,000	\$15,000,000	\$4,000,000
Marine Fuel Tax Capitals	\$2,300,000	\$2,300,000	\$0

Lake Restoration Program	\$1,000,000	\$5,000,000	\$4,000,000
Water Quality Monitoring	\$2,955,000	\$2,955,000	\$0
GIS Data for Watershed Managers	\$195,000	\$195,000	\$0
Keepers of the Land Volunteer Prg	\$100,000	\$100,000	\$0
Park Operations & Maintenance	\$2,000,000	\$2,000,000	\$0
Air Quality Monitoring	\$500,000	\$500,000	\$0
Water Supply Appropriation	\$500,000	\$500,000	\$0
	\$20,550,000	\$28,550,000	\$8,000,000
NON-GENERAL FUND APPROPRIATIONS			
Fish and Wildlife Operations	\$30,715,335	\$30,715,335	\$0
Fish and Wildlife Capitals	\$5,500,000	\$5,500,000	\$0
Groundwater	\$13,013,000	\$13,013,000	\$0
Oil Overcharge	\$125,000	\$0	(\$125,000)
UST Administration Match	\$200,000	\$800,000	\$600,000
Snowmobile Transfer to Fish & Wildlife	\$100,000	\$100,000	\$0
Boat Registration Transfer to F&W	\$1,400,000	\$1,400,000	\$0
Total Non General Fund Appropriations	\$51,053,335	\$51,528,335	\$475,000
TOTAL	\$94,874,978	\$104,697,617	\$9,822,639
TOTAL DEPARTMENTAL FTE	1080.12	1080.12	0.00

* FY 05 already appropriated

Iowa Department of Natural Resources
 FY 05 Operations Enhancement Packages

Description	Total	General Fund	Fish & Wildlife	Federal	Other
Restore FY 04 salary adjustment funding provided in FY 04 from non-general fund sources.	\$0	\$397,639	\$0	\$0	(\$397,639)
Provide funding for the administration of the Underground Storage Tank program.	\$0	\$0	\$0	\$(600,000)	\$600,000
Total FY 05 Change Over FY 04	\$0	\$397,639	\$0	\$(600,000)	\$202,361

Linda Hanson reviewed the operations enhancement package requests. One includes the restoration of the salary adjustment funding from the General Fund. She noted that other Executive Branch departments will be making the same request as directed by the Department of Management. The other enhancement package is \$600,000 for the Underground Storage Tank Program. She related that funds for this program have been depleted and the UST Program must have additional operational money.

The Appropriation Request for FY 05 was reviewed. The request to fund the Lewis and Clark Rural Water from Tobacco Settlement Funds was pointed out as well as the increase in the REAP funding and the Lake Restoration Program under the Environment First category.

Ms. Hanson reported that the Code requires the budget to be submitted by October 1. She said that the department has been asked to submit a letter to the Governor's Office by October 15 about programs and areas where we feel that the status quo would cause some difficulty. That letter is in draft form and will go to the Governor to help him and DOM understand the potential for decrease in services and cuts on some programs. Ms. Hanson noted that both the Natural Resource Commission and Environmental Protection Commission must approve the budget. She said the requested budget was prepared based on guidance from the Governor and Department of Management.

Motion was made by Commissioner Sullivan to approve the Department's appropriation requests for Fiscal Year 2005. Seconded by Commissioner Francisco.

Commissioner Duncan reported that he felt that he lacked sufficient information in voting on this item because he does not know about appropriations and budget. He said commissioners probably should be more informed regarding the budget.

Linda Hanson noted that it may be important to get into more detail about our funding sources. She offered to meet with any commissioner to go over budget and funding information.

Joan Schneider asked if anything can be done about the Fish and Wildlife Trust Fund which has been decreasing significantly the past several years. Linda Hanson explained that a concerted effort is underway to help the Trust Fund. She noted that an informational item on the Fish and Wildlife Trust Fund would be presented later in the meeting.

Commissioner Schneider commented that she hears from people in her areas about water safety. She said the local people try to help and noted that two marinas have donated boats to the department but she has never seen that come through on donations. She said, however, that the people want officers on the lake more and she questioned how they can receive more funding.

Mike Brandrup explained that right now the boat registration fees are helping fund the water patrol water safety aspect and will continue to do so. He said that one option in terms of increasing presence on the water is to use summer water aides. He added that the reality is that the income from the F&W Trust Fund has steadily declined and the cost of operations has increased by two to three percent a year. If nothing is done there will be a \$2 million deficit. Mr. Brandrup said the potential deficit will be addressed as well as doing some strategic planning by working with people in the field and working with constituency groups such as Pheasants Forever, Ducks Unlimited and other sportsmen to find ways to restructure the program. In addition, opportunities to institute or request legislative support will be looked at as ways to increase revenues coming into the Trust Fund.

Commissioner Sullivan reminded that the DNR's General Fund appropriation is about ½ of 1 percent of the entire budget for the state. He said that the General Fund support of conservation and natural resources is very small and noted that Iowa ranks last or next to the last in terms of per capita spending for conservation.

Liz Christiansen reported that the Charter Agency Agreement has not yet been signed. She said the Director is negotiating that agreement with hopes of opening up alternatives such as some new permit fees or new license fees. She added that if we go in that direction we must first make some statutory changes to make that legal, and secondly, all those have to be commensurate with improved services. The Charter Agency will allow the department flexibility to achieve cost savings in terms of acquiring equipment, travel, and maintaining our own vehicle fleet. In addition, there may be alternatives for revenue enhancement that we have not been able to pursue or have had the flexibility to pursue.

Motion to approve the budget request carried unanimously.

BUDGET REQUEST APPROVED

CONSERVATION AND RECREATION DONATIONS

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

The Commission is asked to formally accept the following donations:

Parks Bureau:

Pepsi Bottling Group donated \$90.00 worth of product for the prairie work day at the Waubonsie State Park.

Lake Park & Holding Corp. donated a Stihl KM 85 R Trimmer and KM Chainsaw attachment valued at \$459.00 to the Union Grove State Park.

Robert Sherman donated a 10 ft Summit Ash valued at \$199.00 to the Union Grove State Park.

The Center Wild Rose 4-H Club donated and planted 7 shrubs valued at \$70.00 to the Prairie Rose State Park.

The Hoy Tree Farm donated between \$5000 and \$5500 in trees to the Springbrook State Park.

Lowes in Ames donated \$550 in trees to the Springbrook State Park.

Iowa Outdoor Products donated a \$130 valued tree to the Springbrook State Park.

Earl May Nursery and Garden Center in Des Moines donated a \$70 tree to the Springbrook State Park.

Earl May Nursery and Garden Center in Boone donated a \$60 tree to the Springbrook State Park.

Super Center Wal-Mart in Windsor Heights donated \$200.00 in trees to the Springbrook State Park.

The family of Pat Bowen donated a memorial bench in their mother's name valued at \$420.00 to the Springbrook State Park.

Ms. Loretta Boettcher donated a park bench valued at \$357.00 to the George Wyth State Park, lodge playground.

Ardith Joy Viet donated a park bench valued at \$250.00 to the George Wyth State Park, lodge playground.

Bill Jordan from Jordan's Nursery donated 2 Flowering Crab trees valued at \$100.00 to the George Wyth State Park.

Roberta Walford of Red Oak donated 4 park benches valued at \$1400 to the Viking Lake State Park in memory of her husband Wayne Walford.

The Stanton American Legion has set up an "Avenue of Trees" fund soliciting monetary donations from individuals and businesses. In return they purchase trees for Viking Lake State Park. They donated 17 trees valued at \$570 from the fund.

Claude Peterson with the Stanton American Legion is responsible for obtaining a large flagpole, valued at approximately \$200.00, for the newly renovated campground at Viking Lake State Park. At the bottom of the pole is a plaque noting the day of the campground dedication and in memory of our vets.

Law Enforcement Bureau:

The Cedar River Talking Toms Chapter of the NWTF in Cedar County donated two 20 gauge Remington 870 youth shotguns for district 4 hunter education. The value of the donation is \$520.00

The Muscatine Oak Ridge Monarchs of the NWTF donated one 20-gauge Mossberg model 550 shot gun the the hunter education program for district 4. The value of the donation is \$250.00.

Whitetails Unlimited – Iowa City Chapter has donated the following items to the hunter education program in district 4. The total value of this donation is \$1238.64

- * 6 left hand genesis bows
- * 6 bow cases
- * 6 dozen arrow and target tips
- * 2 archery targets

Winnebago/Hancock Chapter of Pheasants Forever donated \$500.00 to be used toward the purchase of equipment and training videos for the hunter safety education program.

Motion was made by Commissioner Francisco to approve the Conservation and Recreation donations with appropriate thanks extended. Seconded by Commissioner Christiansen. Motion carried unanimously.

DONATIONS APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 61, STATE PARKS AND RECREATION AREAS

Michael Brandrup, Administrator, Conservation and Recreation Division, presented the following item.

Commission approval is requested for publication of a Notice of Intended Action to amend Chapter 61, "State Parks and Recreation Areas".

These amendments accomplish the following:

1. Increase the day-use lodge rental fee at Lake Keomah State Park.
2. Provide a reduced lodge rental fee for all lodges weekday.
3. Increase the group camp dining/restroom facility rental fee at Lake Keomah State Park and provide for a new day-use only rental fee for this facility.
4. Clarifies language regarding day-use only classroom and library fees at the conservation education center.
5. Adds a day-use attendance fee for day-use only groups and day-use only persons associated with overnight groups who utilize the entire conservation education facilities and staff services. This fee was inadvertently left out from the last rule making.
6. Establish opening and closing times for Brushy Creek Recreation Area beach.
7. Adds Elk Rock State Park, Marion County to the after-hours fishing list.

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 61, "State Parks and Recreation Areas," Iowa Administrative Code.

The amendment accomplishes the following:

1. Increases the day-use lodge rental at Lake Keomah State Park.
2. Adds a new reduced day-use lodge rental for all lodges Monday through Thursday.
3. Increases the group camp dining hall rental at Lake Keomah State Park and establishes a new day-use only dining hall rental fee.
4. Clarifies current language regarding day-use only classroom and library fees at the conservation education center.
5. Adds a day-use attendance fee for day-use groups/persons who utilize the entire conservation education facilities and staff. This fee was inadvertently left out from the last rule making.
6. Establish opening and closing times for beach access at Brushy Creek State Recreation Area..
7. Adds Elk Rock State Park, Marion County, to the after-hours fishing list.

Any interested person may make written suggestions or comments on the proposed amendment on or before October 21, 2003. Such written materials should be directed to the State Parks Bureau, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-8674 or TDD (515)242-5967 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on October 21, 2003 at 1:30 p.m. in the Fourth Floor West Conference Room of the Wallace State Office Building at which time persons may present their

views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

The amendment is intended to implement Iowa Code sections 461A.3, 461A.44, 461A.46, 461A.47 and 461A.57.

The following amendment is proposed.

ITEM 1. Amend subrule 61.4(1)c. as follows:

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

	<u>Per Day</u> <u>M-Th***</u>	<u>Per Day</u> <u>Fr-Su</u>
A. A. Call State Park, Kossuth County	\$ <u>40</u>	\$ 80
Backbone State Park Auditorium, Delaware County**	<u>25</u>	50
Backbone Sate Park, Delaware County	<u>62.50</u>	125
Beed's Lake State Park, Franklin County	<u>40</u>	80
Bellevue State Park, Jackson County	<u>50</u>	100
Clear Lake State Park, Cerro Gordo County	<u>50</u>	100
Dolliver Memorial State Park-Central Lodge, Webster County**	<u>30</u>	60
Dolliver Memorial State Park-South Lodge, Webster County	<u>37.50</u>	75
Ft. Defiance State Park, Emmet County	<u>35</u>	70
George Wyth State Park, Black Hawk County**	<u>35</u>	70
Gull Point State Park, Dickinson County	<u>100</u>	200
Lacey-Keosauqua State Park, Van Buren County	<u>35</u>	70
Lake Ahquabi State Park, Warren County	<u>45</u>	90
Lake Keomah State Park, Mahaska County	<u>45</u>	70 <u>90</u>
Lake Macbride State Park, Johnson County	<u>35</u>	70
Lake of Three Fires State Park, Taylor County	<u>35</u>	70
Lake Wapello State Park, Davis County	<u>30</u>	60
Lewis and Clark State Park, Monona County	<u>35</u>	70
Palisades-Kepler State Park, Linn County	<u>87.50</u>	175
Pine Lake State Park, Hardin County	<u>40</u>	80
Pleasant Creek Recreation Area, Linn County**	<u>37.50</u>	75
Stone State Park, Woodbury/Plymouth Counties	<u>62.50</u>	125
Viking Lake State Park, Montgomery County	<u>30</u>	60
Walnut Woods State Park, Polk County	<u>100</u>	200
Wapsipinicon State Park, Jones County		
Heated year-round lodge	<u>35</u>	70
Unheated seasonal lodge	<u>20</u>	40

**Does not contain kitchen facilities

***The weekend fee applies to the following holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas.

ITEM 2. Amend subparagraph 61.4(1)g(2) as follows:

(2) Lake Keomah State Park, Mahaska County. All groups--\$25 \$40 per day for the dining/restroom facility plus the applicable camping fee. Lake Keomah dining/restroom facility day-use only rental \$90.

ITEM 3. Amend subparagraph 61.4(1)h(3) as follows:

(3) Classroom. All day use groups ~~using the classroom or library~~ not utilizing the entire conservation education center facilities must pay the appropriate classroom or library fee. Overnight groups wishing to use the classroom facility for non-conservation education activities (such as quilters' meetings or family reunions) must pay the appropriate classroom fee.

ITEM 4. Amend paragraph 61.4(1)h by adopting a new subparagraph and renumbering the subsequent subparagraphs:

(6) Day-use attendance fee. A fee of \$5.00 per person per day plus applicable tax shall be charged to all day-use groups and all persons associated with overnight groups attending day functions only when utilizing the entire conservation education center facilities and staff services.

ITEM 5. Amend rule 571-61.6(461A) by adopting a new subrule and renumbering the subsequent subrules.

61.6(1) Brushy Creek State Recreation Area, Webster County. Swimming is limited by the provisions of 61.5(2); also, swimming is prohibited at the beach from 10:30 p.m. to 6:00 a.m. daily.

ITEM 6. Amend rule 571-61.9(461A) by adopting a new subrule and renumbering subsequent subrules.

61.9(6) Elk Rock State Park, Marion County. The Teeter Creek boat ramp area just east of State Highway 14, access to which is the first road to the left upon entering the park.

Date

Jeffrey R. Vonk, Director

Mr. Brandrup reviewed the changes to the rule.

Motion was made by Commissioner Duncan to approve Notice of Intended Action—Chapter 61, State Parks and Recreation Areas. Seconded by Commissioner Christiansen. Motion carried unanimously.

NOTICE APPROVED

CLAY COUNTY CABIN RELOCATION

Kevin Baskins, Communications Bureau Chief, gave a power point presentation on the department's new State Fair water quality display. The display is a 85 foot model watershed showing that what people do to the land is what ends up in our water. He said the display was

very popular with the public and staff and that alternatives are being explored to find a way to use the display as a teaching tool, with a lot of interest in extending the display to accommodate school groups. Mr. Baskins said EPA has expressed interest in providing a special grant to the department. He said staff is looking for partners and thinking about building a model on a smaller scale on a mobile unit to take around the state. He said an Open House is planned for September 23 to bring in respective partners to contribute to the project.

Mr. Baskins noted that staff will be looking at ways to enclose the DNR building at the state fairgrounds to increase more year-round presence there as well.

Mr. Baskins presented pictures of a cabin relocated from a farm near Newell to the Clay County Fairgrounds. The cabin was donated to the Clay County Fair Association and DNR. Mr. Baskins said the building is important to the department because of the tremendous attendance at that fair and the exposure it gives the department for the message we are delivering. He added that the 28E Agreement allows any kind of environmental group or class to use the facility anytime during the year rent free. Mr. Baskins said it gives the department another venue to eventually develop a full time education center and has provided enough room for environmental services division to participate as well. He reviewed some planned additions to the site.

Mr. Baskins related that the Larry Wilson Legacy Dedication was held over the weekend. He displayed maps showing the location of the wetlands and their proximity to the Elinor Bedell park at East Okoboji.

Mr. Baskins related that at the Director's retreat in May, the importance of education was discussed. He said there are so many different bureaus within DNR with each having an educational component of some kind, but there is not a good inventory of the entire department's educational program. The department was awarded a \$48,000 federal grant with which the existing education programs and materials currently available will be identified and a determination will be made as to what is needed to improve the current efforts of educating people on the importance of stewardship of the natural resources. He said the department is focusing on water quality and wants to set evaluation standards and protocols for continued process improvement. He added that because of the No Child Left Behind provisions, we have to be able to show that what we are offering in terms of the K-12 curriculum does fit the standards the schools need to meet.

Commissioner Schneider asked if the department is seeing a benefit to the Youth Hunts. Mr. Brandrup commented that we are providing a tremendous number of people with the hunter education/safety program but once they are through the program, these students are not followed closely. He said staff is trying to facilitate ways to ensure that young people will have the opportunity to get out and hunt and participate.

Commissioner Schneider asked about having a reduced license fee for graduates of youth hunter education programs. She noted that it is expensive to be outfitted for hunting and perhaps a reduced priced license until they become established would be an incentive. Mr. Brandrup responded that this can be looked at and went on to say that there are so many single parent families that it is hard for young people to actually have the opportunity to go hunting. He said

staff is looking at ways to build a mentor program that will encourage established sports people to get out and take young people hunting or fishing and expose them to the sport and other family oriented sports activities.

INFORMATION ITEM

FISH AND WILDLIFE TRUST FUND

Michael Brandrup, Administrator, Conservation and Recreation Division, presented an informational item regarding the Fish and Wildlife Trust Fund. He displayed a chart showing the actual revenues and expenditures of the Trust Fund over several years. He said that right now the revenues will not support the proposed budget so some adjustments must be made to our programs. Hunting and fishing participation has dropped because it is hard for people to find a place to hunt, because of single parent families, pheasant populations being down, etc. Fishing has dropped off more because people want to go out of state because of the perception that there isn't good fishing in Iowa. In addition, younger people are not coming into the fold of hunting and fishing. Mr. Brandrup added that camping participation is tied to this, not only for us, but also for county conservation boards and others. The spin-off of local economic development is involved so all these issues must be looked at, including the legislative issue in terms of ability to issue more non resident hunting permits.

Mr. Brandrup reviewed that more federal funds may be available now but the department will be required to come up with larger expenditures to match those funds. He went on to explain that the operational funds have increased by about \$2 million, partly because of salary adjustments and inflation in operations expenses. He said the legislature appropriates the biggest share of those funds through the General Fund but the Trust Fund has to sustain those salary adjustments itself. He said that basically the Trust Fund must find an extra \$1/2 million to \$1 million a year just to remain solvent to meet the cost of living.

Mr. Brandrup said he has asked the three Bureau Chiefs – Fisheries, Wildlife, and Law Enforcement - to cut their budget, both the capital budget and their operations budgets by \$2.1 million. He said that short term we must live within the budget but long-term budget enhancement is being looked at.

Mr. Brandrup said the division will be operating more efficiently, more effectively and cooperatively as well as involve the public and support groups, including non traditional groups for input. He noted that the non consumptive users will be asked to participate in some way, perhaps by purchasing a habitat stamp.

A copy of the chart listing the revenues and expenditure items of the Trust Fund will be sent to the commissioners. It was also discussed that information on how the money in the Trust Fund is spent would be helpful to the commissioners.

INFORMATION ITEM

GENERAL DISCUSSION

Liz Christiansen asked the commissioners to think about locations for meetings for next year.

Liz Christiansen related that a joint EPC/NRC training session is being planned for December 2 at the Neal Smith Prairie Learning Center. Discussions will include the organizational structure of DNR, as well as process improvements being undertaken, legislative initiatives and details of the budget.

Commissioner Marcantonio asked for additional information with regard to the Waubonsie park land trade and who in the Governor's Office has contacted the director regarding the issue. Ms. Marcantonio also asked if the property owner could be asked to extend a conservation easement over his property to protect the topography of the area.

Commissioner Francisco related that at the August 2000 meeting the commission approved a final rule that would remove garter snakes and timber rattlesnakes from the unprotected nongame species list. Those rules were nullified by the legislature. He asked for an update of the status for keeping the timber rattlers off the threatened list and the garter snakes protected from commercial harvest.

NEXT MEETING DATES

The next meeting will be held October 9, 2003 in Decorah.

ADJOURNMENT

<p><i>Motion was made by Commissioner Schneider to adjourn the September 11, 2003 NRC meeting. Seconded by Commissioner Francisco. Meeting adjourned at 11:35 a.m..</i></p>

Jeffrey R. Vonk, Director

Carol Kramer, Chairperson

Janice Marcantonio, Secretary

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