

**MINUTES**

**OF THE**

**NATURAL RESOURCE COMMISSION**

**MEETING**

**JANUARY 15, 2008**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by Chairperson Elizabeth Garst at 1:00 p.m. on Tuesday, January 15, 2008 at the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

Elizabeth Garst  
Carol Kramer  
Janelle Rettig  
Lennis Moore  
William Bird  
Richard (Kim) Francisco

### MEMBERS ABSENT

Gregory Drees

### APPROVE AGENDA

Announcement was made that if time permits, a presentation on Information Technology will be made during General Discussion.

*Motion was made by Commissioner Francisco to approve the January 15, 2008 agenda. Seconded by Commissioner Bird. Motion carried by unanimous vote of those present.*

**AGENDA APPROVED**

### APPROVE MINUTES

*Motion was made by Commissioner Francisco to defer approval of the December 13, 2007 minutes until the next meeting in order to allow time for review. Seconded by Commissioner Rettig. Motion carried by unanimous vote of those present.*

**APPROVAL DEFERRED**

## DIRECTOR'S REMARKS

Deputy Director Liz Christiansen reported that Director Leopold was attending a Climate Change meeting in California. Christiansen noted that she attended the Governor's Condition of the State address where the Governor spoke about the proposal to expand the bottle bill, funding for air quality, monitoring around livestock operations and water quality. Distribution of the bottle deposit money was talked about and note was made that through the expansion of the bottle bill, REAP would be fully funded at \$20 million. Ken Herring explained the REAP formula and noted that DNR receives about 37% of funds through the REAP formula.

Christiansen reported that the Governor is traveling to Davenport to discuss these environmental issues with the public.

## CONSTRUCTION PROJECTS

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

Bids were opened December 20, 2007 for the following projects:

### Backbone State Park, Delaware County - Walkway and Bridge Repair

This project consists of the replacement and disposal of a pedestrian walkway, installation of an 8' X 120' steel pre-engineered trail bridge, guardrail replacement at two other bridge sites, and other related work as required by the plans and/or the DNR Construction Inspector. Project is budgeted P & I. (Capital link #25), DNR estimate is \$175,000. Project was designed by Ken Jackson and will be inspected by Mel Pacovsky. 17 sets of Plans were issued. Six bids were received. Bid from Connolly Construction Inc was received late and returned unopened.

1. Taylor Construction, Inc	New Vienna, IA	\$205,538.00
2. Porter & Porter Construction	Independence, IA	\$211,406.80
3. Peterson Contractors Inc	Reinbeck, IA	\$223,450.16
4. Portzen Construction	Dubuque, IA	\$229,986.00
5. Tschieffrie Excavating Co.	Dubuque, IA	\$271,346.00
6. F.L. Krapfl Company Inc	Dyersville, IA	\$295,082.00

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

*Motion was made by Commissioner Rettig to approve the low bid of Taylor Construction, Inc. of New Vienna, Iowa, in the amount of \$205,538.00 for walkway and bridge repair work at Backbone State Park in Delaware County. Seconded by Commissioner Francisco. Motion carried by unanimous vote of those present.*

**CONSTRUCTION PROJECT APPROVED**

Bids were opened January 3, 2007 for the following projects:

### Clear Lake, Cerro Gordo County – Little Lake Portion Dredging

This project consists of the hydraulic dredging of Little Lake portion of Clear Lake, control structures in spoil containment site and incidental work as required by the Plans and/or the DNR Construction Inspector, all in Cerro Gordo County, Iowa. Project is budgeted by Lake Water Quality Improvement Funds over the course of two fiscal years at \$4.7 million each year and an additional \$1 million from the local community. (Capital link #39). DNR estimate is \$8,000,000. Project was designed by Ken Jackson and will be inspected by Mel Pacovsky.

1. L.W. Matteson	Burlington, IA	\$ 6,453,000.00
2. Southwind Construction	Evansville, IL	\$ 8,081,248.36
3. Inland Dredging Co LLC	Dyersville, TN	\$14,576,000.00

Staff recommends award of contract to low bidder, L.W. Matteson Inc.

*Motion was made by Commissioner Bird to approve the low bid of L. W. Matteson of Burlington, Iowa, in the amount of \$6,453,000 for dredging at Clear Lake, Little Lake portion. Seconded by Commissioner Kramer.*

Mike McGhee introduced Senator Thurman Gaskill, David Knoll, CLEAR Project Coordinator and Tom Ebeling, President CLEAR Association, and other members from Clear Lake.

David Knoll, coordinator of the 319 water quality project, reviewed the many improvements made toward restoring and improving the land around Clear Lake before dredging. He noted the long-term solutions to water quality improvements and answered individual questions on land protection on agriculture land.

Tom Ebeling talked about the on-going work being done at Clear Lake, noting that this work is groundbreaking for the state of Iowa. He expressed appreciation of the help from Senator Gaskill and the help of DNR.

Senator Gaskill remarked that this project brought a lot of groups together and commended the cities and the entire county for working together. He complimented Mike McGhee and all DNR staff for their work on the project.

Commissioner Francisco remarked that the commission has been working with Clear Lake for many years and said he is impressed with the work that Clear Lake area people have accomplished by working together. Commissioner Kramer commented that this Clear Lake project showed what partnerships and leadership can do to make things like this happen. Commissioner Bird related that thanks go to the legislature for funding these types of projects.

**MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT.**

## LAND ACQUISITION

### Owego Wildlife Area, Woodbury County--Boehmer

The Natural Resource Commission's approval is requested for the acquisition of a tract of land located 8 miles southeast of Sergeant Bluff, and 1 mile north of the Luton in Woodbury County. This 615-acre parcel is offered by Bernard Boehmer for the appraised price of \$553,500. The property is encumbered by a Wetland Reserve Program easement.

Neil Helvig, Licensed Appraiser of Helvig Agricultural Service Co., Sioux City, Iowa, submitted the appraisal. Jerry Gibson negotiated the purchase agreement.

The subject tract has 588 acres subject to a Wetland Program Easement filed in May 2002, 13 acres of waste, 4 acres of ditch, and 10 acres of road right-of-way. The restoration plan drafted by the NRCS will provide for 380 acres of native wetland vegetation, 160 acres of marsh or wetlands, and 45 acres of open water. Acquisition of the tract will provide additional public recreation, hunting, and enhance the water quality in a highly agricultural area of the Missouri River floodplain. There are no buildings.

Acquisition funding will be 100% (Federal) Middle Missouri River-NAWCA Phase II. Incidental closing costs will be the responsibility of the Department.

*Motion was made by Commissioner Francisco to approve the acquisition of a 615 acre parcel of land at Owego Wildlife Area in Woodbury County from Bernard Boehmer for the appraised price of \$553,500. Seconded by Commissioner Moore. Motion carried by unanimous vote of those present.*

### LAND ACQUISITION APPROVED

### Good Neighbors Marsh, Winnebago County—Kiewiet and Molloy Tract

The Natural Resource Commission's approval is requested for the acquisition of a parcel of land located in Winnebago County. Kaylene Kiewiet, Thomas Kiewiet, Michael Molloy, and Carol Molloy are offering this 79.12-acre tract for the appraised price of \$68,000. The property is encumbered by a Wetland Reserve Program easement.

Fred Greder, ARA, of Benchmark Agribusiness, Mason City, Iowa, submitted the appraisal. Jerry Gibson negotiated the purchase agreement.

The property is located approximately five miles north of Thompson adjacent to 460<sup>th</sup> Street. The property consists of 76.14 acres of encumbered farmland restored to 57 acres of native prairie, 4 acres of tame grass prairie, and 13 acres of wetlands. There are 2.98 acres of road right-of-way and waste. The NRCS restoration plan will enhance filtration by seeding a prairie/grassland mix on prior cropland. Acquisition of this tract will provide excellent habitat for waterfowl and upland birds as well as water quality enhancement.

The parcel is adjacent to 484 acres of Wildlife Management Areas, and within one mile of 526 acres of additional Waterfowl Production and Wildlife Management Areas. The Wildlife Bureau will manage the property.

Acquisition will be from the Federal Prairie Lakes II-NAWCA Fund (\$63,000), and a \$5,000 donation from Pheasants Forever. Incidental closing costs are the responsibility of the Department

*Motion was made by Commissioner Francisco to approve the acquisition of 79.12 acres of land at Good Neighbors Marsh in Winnebago County from Kaylene Kiewiet, Thomas Kiewiet, Michael Molloy and Carol Molloy for the appraised price of \$68,000. Seconded by Commissioner Kramer. Motion carried by unanimous vote of those present.*

**LAND ACQUISITION APPROVED**

**CLOSED SESSION**

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

The Commission is requested to go into closed session for the purpose of discussing strategy for acquiring a piece of property pursuant to Iowa Code 21.5(j).

This section of the Code allows the commission “to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for the property.”

*Motion was made by Commissioner Garst to go into closed session according to Iowa Code section 21.5(j) to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for the property. Seconded by Commissioner Francisco. Roll call vote in favor of going into closed session carried by unanimous vote of those present.*

*Following discussion during closed session, motion was made to return to open session by Commissioner Rettig. Seconded by Commissioner Kramer. Motion carried by unanimous vote of those present.*

Discussion took place during closed session but no action was taken.

**INFORMATION ITEM**

**CONSERVATION AND RECREATION DONATIONS**

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

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

<b>Donation to:</b>	<b>Amount</b>	<b>Donation Provided by (Name/Org):</b>	<b>Description</b>
Dolliver State Park	\$1000.00	Catherine Bergman	Donation toward the footbridge replacement project on behalf of Catherine's deceased son who loved Dolliver State Park.
Fish and Wildlife Trust	\$65.00	Dolores Hein	Donation to Craig Hein memorial by "The Class of 1973" of United Community High School of Boone, IA
Fish and Wildlife Trust	\$50.00	Robert and Mary Flynn	Craig Hein memorial
Fish and Wildlife Trust	\$15.00	Glenna McGinnis, Beverly Adreon, Joyce Busch	Craig Hein memorial
Fish and Wildlife Trust	\$15.00	Pauline Nelson	Craig Hein memorial
Fish and Wildlife Trust	\$20.00	Robin and Deanna Kudrna	Craig Hein memorial
Fish and Wildlife Trust	\$30.00	David and Gloria Nutt	Craig Hein memorial
Fish and Wildlife Trust	\$20.00	Darrell and Beth Christianson	Craig Hein memorial
Fish and Wildlife Trust	\$10.00	Max and Debra Samuelson	Craig Hein memorial
Fish and Wildlife Trust	\$25.00	David Lingren	Craig Hein memorial
Fish and Wildlife Trust	\$5.00	Veronica Rardin	Craig Hein memorial
Fish and Wildlife Trust	\$25.00	Sansgaard Seed Farms, Inc.	Craig Hein memorial
Fish and Wildlife Trust	\$20.00	Mr. and Mrs. Tracy Busch	Craig Hein memorial
Fish and Wildlife Trust	\$25.00	Steven and Ginger Stewart	Craig Hein memorial

*Motion was made by Commissioner Moore to approve the donations to the Conservation and Recreation Division. Seconded by Commissioner Rettig. Motion carried by unanimous vote of those present.*

**DONATIONS APPROVED**

**NOTICE OF INTENDED ACTION—CHAPTER 40, SPEED & DISTANCE ZONING**

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Commission approval is sought to amend Chapter 40, “Speed & Distance Zoning,” Iowa Administrative Code. This proposed amendment is being requested by the City of Burlington for the creation of a no-wake zone on the Mississippi River to be located within the City of Burlington. The area being proposed is a historic riverfront and also contains two municipal boat ramps and public dock areas. The City of Burlington is requesting this amendment to help ensure the aesthetics of the historic frontage as well as the safety of the public who use the docks and boat ramp for water recreation purposes.

NATURAL RESOURCE COMMISSION[571]  
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 40 “Boating Speed and Distance Zoning,” Iowa Administrative Code.

This amendment is requested by the City of Burlington in Des Moines County to establish a no-wake zone on the Mississippi River by placement of regulatory buoys in such a way as to define the no-wake area existing between the north city docks/boat ramp and the south docks/boat ramp. The marker buoys will be placed no farther than 300 feet from the shoreline.

Any person may make written comments on this proposed rule amendment on or before March 4, 2008. Such comments and written material should be directed to the Law Enforcement Bureau; Wallace State Office Building; Iowa Department of Natural Resources; 502 East 9<sup>th</sup> Street; Des Moines, Iowa 50319-0034. Persons who wish to convey their comments orally should contact Steve Derman of the Law Enforcement Bureau at (515)281-4515.

A public hearing will be held on March 5, 2008, at 9 a.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 attend the public hearing and have special needs such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement section 456A.25 of the Code of Iowa.

The following amendment is proposed.

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Amend 571—Chapter 40 by adopting the following new rule:  
571--40.56(462A) Zoning of Mississippi River, Des Moines County, City of Burlington. All vessels shall be operated at a no-wake speed within the area designated by marker buoys or other approved uniform waterway markers beginning north at the at the city boat ramp and public dock and extending downstream to the south city boat ramp and public dock. The zoned area shall extend no farther than 300 feet out from the shore. The City of Burlington shall designate the no-wake zone with buoys approved by the natural resource commission.

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Date

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Richard A. Leopold, Director

*Motion was made by Commissioner Bird to approve Notice of Intended Action—Chapter 40, Speed and Distance Zoning. Seconded by Commissioner Francisco.*

Commissioner Rettig expressed concern with the way the rule is written with regard to the designated no wake area in the channel.

Steve Dermand explained the petition from the City of Burlington which asked the department to establish a no-wake zone on the Mississippi River between the north city docks/boat ramp and the south docks/boat ramp. He noted that the local Conservation Officer and Supervisor for that area had reviewed the petition and noted the communication between the City of Burlington and our department. Dermand said the Conservation Officer and Supervisor for that area has no problem with the new rule and expect no impediment of barge traffic.

*Motion carried on a 5-1 vote with Commissioner Rettig voting “na.y”*

**NOTICE APPROVED**

### **AGREEMENT WITH IOWA STATE UNIVERSITY – FOREST HEALTH AND EMERALD ASH BORER MONITORING**

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

Commission approval is requested for a \$30,000 contract (\$12,000 for continued and expanded forest entomology education and technical assistance and \$18,000 for expanded emerald ash borer monitoring, education, and technical assistance) between Iowa State University Department of Entomology and the Iowa DNR. The agreement is required for the Forestry Bureau to receive Federal Forest Health Program funding.

The Iowa DNR Forestry Bureau Forest Health Program is closely coordinated with the USDA Forest Service (USFS) Forest Health Program. Through a cooperative agreement with the USFS, Iowa DNR Forestry provides technical forest health monitoring and direct technical assistance to public/private forest landowners and to Iowa communities. The Iowa Forestry Bureau is receiving \$142,000 from the USDA Forest Service for forest health activities during Federal Fiscal Year 2008. As a condition of this funding, the Bureau must either have a Forest Entomologist or Forest Pathologist on staff or contract with an outside entity to have this expertise on retainer.

*Motion was made by Commissioner Kramer to approve a \$30,000 contract between Iowa State University Department of Entomology and the Iowa DNR for continued and expanded forest entomology education and technical assistance and for expanded emerald ash borer monitoring, education and technical assistance. Seconded by Commissioner Moore. Motion carried by unanimous vote of those present.*

**AGREEMENT APPROVED**

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

Ken Herring Administrator, Conservation and Recreation Division, presented the following item.

Commission approval is sought to amend Chapter 61, "State Parks and Recreation Areas." The amendment establishes rental fees for four new camping cabins at Prairie Rose State Park and a new day-use rental lodge at Lake Darling State Park, exempts Honey Creek Resort State Park from rules applicable to other state parks with some exception, and organizes the rules to account for some of these changes. The new facilities at Prairie Rose and Lake Darling were completed as partnership projects with local friends groups and communities and are currently under construction.

**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.

This amendment formally recognizes Honey Creek Resort State Park as a state park, establishes rental fees for four new camping cabins at Prairie Rose State Park and a new day-use rental lodge at Lake Darling State Park, exempts Honey Creek Resort State Park from rules applicable to other state parks with some exception, and organizes the rules to account for some of these changes. The new facilities at Prairie Rose and Lake Darling were completed as partnership projects with local friends groups and communities and are currently under construction.

Any interested person may make written suggestions or comments on the proposed amendments on or before March 4, 2008. Such written materials should be directed to the State Parks Bureau, Department of Natural Resources, 502 East Ninth Street, 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)242-6233 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 March 4, 2008 at 10:00 a.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 amendments.

Any persons who intend to attend a 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.

These rules are intended to implement Iowa Code sections 461A.3, 461A.3A, 461A.35, 461A.47, and 461A.57, and 463C.

The following amendment is proposed.

**ITEM 1.** Amend Subrule 61.2 as follows:

*"Bank"* or *"shoreline"* means the zone of contact of a body of water with the land and an area within 25 feet of the water's edge.

*"Basic unit"* or *"basic camping unit"* means the portable shelter used by one to six persons.

*"Beach"* is as defined in rule 571-64.1 (461A).

*"Beach house open shelter"* means a building located on the beach which is open on two or more sides and which may or may not have a fireplace.

*"Cabin"* means a small, one-story dwelling of simple construction which is available for rental on a daily or weekly basis.

*"Call center"* means a phone center where operators process all telephone reservations, reservation changes and reservation cancellations for camping and rental facilities.

*"Camping"* means the erecting of a tent or shelter of natural or synthetic material or placing a sleeping bag or other bedding material on the ground or parking a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy.

*"Centralized reservation system"* means a system that processes reservations using more than one method to accept reservations. Each method simultaneously communicates to a centralized database at a reservation contractor location to ensure that no campsite or rental facility is booked more than once.

*"Chaperoned, organized youth group"* means a group of persons 17 years of age and under, which is sponsored by and accompanied by adult representatives of a formal organization including, but not limited to, the Boy Scouts of America or Girl Scouts of America, a church, or Young Men's or Young Women's Christian Association. "Chaperoned, organized youth group" does not include families of members of a formal organization.

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

*"Free climbing"* means climbing with the use of hands and feet only and without the use of ropes, pins and other devices normally associated with rappelling and rock climbing.

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

*"Immediate family"* means parents, dependent children and grandparents.

*"Lodge"* means a day-use building which is enclosed on all four sides and may have kitchen facilities such as a stove or refrigerator and which is available for rent on a daily basis. "Lodge" does not include buildings that are open on two or more sides and that contain fireplaces only.

*"Modern area"* means a camping area which has showers and flush toilets.

*"Nonmodern area"* means a camping area in which no showers are provided and which contains only pit-type latrines or flush-type toilets. Potable water may or may not be available to campers.

*"Open shelter"* means a building which is open on two or more sides and which may or may not include a fireplace.

*"Open shelter with kitchenette"* means a building which is open on two or more sides and contains a lockable, enclosed kitchen area.

*"Organized youth group campsite"* means a designated camping area within or next to the main campground where chaperoned, organized youth groups may camp.

*"Persons with disabilities parking permit"* means an identification device bearing the international symbol of accessibility that is issued by the Iowa department of transportation or similar devices that are issued by other states. The device can be a hanging device or on a motor vehicle as a plate or sticker as provided in Iowa Code section 321L.2 or 321L.9.

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

*"Possession"* means exercising dominion or control with or without ownership over property.

*"Prohibited activity"* means any activity other than fishing as defined in this chapter including, but not limited to, picnicking and camping.

*"Property"* means personal property such as goods, money, or domestic animals.

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

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

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

*"Refuse"* means trash, garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquid or solid waste or other discarded material.

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

*"Reservation transaction fees"* means fees as given in this chapter to process a reservation, change a reservation or cancel a reservation.

*"Reservation window"* means a rolling period of time in which a person may reserve a campsite or rental facility.

*"Scuba diving"* means swimming with the aid of self-contained underwater breathing apparatus.

*"Special event"* means any planned event for which attendance is solicited through advertising, invitation, or other solicitation and that may interfere with the general public's normal use of a state park or recreation area and its facilities.

*"State park"* means the following areas managed by the state and designated by action of the natural resource commission:4

Area	County
A. A. Call	Kossuth
Backbone	Delaware
Banner Lakes at Summerset	Warren
Beed's Lake	Franklin
Bellevue	Jackson
Big Creek	Polk
Black Hawk	Sac
Cedar Rock	Buchanan
Clear Lake	Cerro Gordo
Dolliver Memorial	Webster
Elinor Bedell	Dickinson
Elk Rock	Marion/01
Fort Atkinson	Winneshiek
Fort Defiance	Emmet
Geode	Henry and Des Moines
George Wyth	Black Hawk

Green Valley	Union
Gull Point	Dickinson
Honey Creek	Appanoose
Lacey-Keosauqua	Van Buren
Lake Ahquabi	Warren
Lake Anita	Cass
Lake Darling	Washington
Lake Keomah	Mahaska
Lake Macbride	Johnson
Lake Manawa	Pottawattamie
Lake of Three Fires	Taylor
Lake Wapello	Davis
Ledges	Boone
Lewis and Clark	Monona
Maquoketa Caves	Jackson
McIntosh Woods	Cerro Gordo
Mini-Wakan	Dickinson
Nine Eagles	Decatur
Okamanpedan	Emmet
Palisades-Kepler	Linn
Pikes Peak	Clayton
Pikes Point	Dickinson
Pilot Knob	Winnebago
Area	County

Pine Lake	Hardin
Prairie Rose	Shelby
Preparation Canyon	Monona
Red Haw	Lucas
Rice Lake	Winnebago
Rock Creek	Jasper
Shimek Forest Campground	Lee
Springbrook	Guthrie
Stephens Forest Campground	Lucas
Stone	Plymouth and Woodbury
Trapper's Bay	Dickinson
Twin Lakes	Calhoun
Union Grove	Tama
Viking Lake	Montgomery
Walnut Woods	Polk
Wanata	Clay
Wapsipinicon	Jones
Waubonsie	Fremont
Wildcat Den	Muscatine
Yellow River Forest Campground	Allamakee

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

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

<u>Area</u>	<u>County</u>
-------------	---------------

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

Swan Lake

Carroll

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

“State park managed by a management company” means the following area established by Iowa Code chapter 463C:

<u>Area</u>	<u>County</u>
Honey Creek Resort State Park	Appanoose

Use and management of this area is governed by rules established in this chapter, as well as by the indenture of trust entered into by and among the department, the treasurer of state, the honey creek premiere destination park bond authority as established by Iowa Code chapter 463C, and Banker’s Trust Corporation, dated October 26, 2006.

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

<u>Area</u>	<u>County</u>
A. F. Miller	Bremer
Ames High Prairie	Story
Anderson Prairie	Emmet
Behrens Ponds and Woodland	Linn
Berry Woods	Warren
Bird Hill	Cerro Gordo
Bixby	Clayton
Bluffton Fir Stand	Winneshiek
Brush Creek Canyon	Fayette
Brushy Creek	Webster
Cameron Woods	Scott 1/29/00, 9/5/01
Casey's Paha	Tama
Catfish Creek	Dubuque
Cayler Prairie	Dickinson
Cedar Bluffs Natural Area	Mahaska

Cedar Hills Sand Prairie	Black Hawk
Cheever Lake	Emmet
Clay Prairie	Butler
Claybanks Forest	Cerro Gordo
Coldwater Cave	Winneshiek
Crossman Prairie	Howard
Decorah Ice Cave	Winneshiek
Derald Dinesen Prairie	Shelby
Doolittle Prairie	Story
Eureka Woods	Greene
Fallen Rock	Hardin
Fish Farm Mounds	Allamakee
Five Ridge Prairie	Plymouth
Fleming Woods	Poweshiek
Fort Atkinson	Winneshiek
Fossil and Prairie Park	Floyd
Freda Haffner Kettlehole	Dickinson
Gitchie Manitou	Lyon
Hanging Bog	Linn
Hardin City Woodland	Hardin
<u>Area</u>	<u>County</u>
Hartley Fort	Allamakee
Hartman Bluff	Black Hawk

Hayden Prairie	Howard
Hoffman Prairie	Cerro Gordo
Indian Bluffs Primitive Area	Jones
Indian Fish Trap	Iowa
Kalsow Prairie	Pocahontas
Kish-Ke-Kosh Prairie	Jasper
Lamson Woods	Jefferson
Liska-Stanek Prairie	Webster
Little Maquoketa River Mounds	Dubuque
Malanaphy Springs	Winneshiek
Malchow Mounds	Des Moines
Manikowski Prairie	Clinton
Mann Wilderness Area	Hardin
Marietta Sand Prairie	Marshall
Mericle Woods	Tama
Merrill A. Stainbrook	Johnson
Merritt Forest	Clayton
Montauk	Fayette
Mossy Glen	Clayton
Mount Pisgah Cemetery	Union
Mount Talbot	Woodbury and Plymouth
Nestor Stiles Prairie	Cherokee
Ocheyedan Mound	Osceola

Old State Quarry	Johnson
Palisades-Dows	Linn
Pecan Grove	Muscatine
Pellett Memorial Woods	Cass
Pilot Grove	Iowa
Pilot Knob	Hancock
Retz Memorial Woods	Clayton
Roberts Creek	Clayton
Rock Creek Island	Cedar
Rock Island Botanical	Linn
Roggman Boreal Slopes	Clayton
Rolling Thunder Prairie	Warren
Savage Woods	Henry
Searryl's Cave	Jones
Sheeder Prairie	Guthrie
Silver Lake Fen	Dickinson
Silvers-Smith Woods	Dallas
Slinde Mounds	Allamakee
St. James Lutheran Church	Winneshiek
<u>Area</u>	<u>County</u>
Starr's Cave	Des Moines
Steele Prairie	Cherokee
Stinson Prairie	Kossuth

Strasser Woods	Polk
Sylvan Runkel	Monona
Toolesboro Mounds	Louisa
Turin Loess Hills	Monona
Turkey River Mounds	Clayton
White Pine Hollow	Dubuque
Williams Prairie	Johnson
Wittrock Indian Village	O'Brien
Woodland Mounds	Warren
Woodman Hollow	Webster
Woodthrush Woods	Jefferson

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

"Swim" or "swimming" means to propel oneself in water by natural means, such as movement of limbs, and includes but is not limited to wading and the use of inner tubes or beach toy-type swimming aids.

"Walk-in camper" means a person arriving at a campground without a reservation and wishing to occupy a first-come, first-served campsite or unrented, reservable campsite.

"Yurt" means a one-room circular fabric structure built on a platform which is available for rental on a daily or weekly basis.

**ITEM 2.** Amend subrule 61.5(1), paragraph "a" as follows:

a. Cabin rental. This fee does not include tax. Tax will be calculated at time of final payment.

	<u>Per Night*</u>	<u>Per Week</u>
Backbone State Park, Delaware County		
Renovated modern cabins	\$ 50	\$300
Two-bedroom modern cabins	85	510
Deluxe cabins	100	600
Black Hawk, Sac County	100	600
Brushy Creek State Recreation Area, Webster County		
Nonequestrian camping cabins	35	210
Equestrian camping cabins	40	240
Dolliver Memorial State Park, Webster County	35	210
Green Valley State Park, Union County	35	210
Honey Creek State Park, Appanoose County	35	210
Lacey-Keosauqua State Park, Van Buren County	50	300
Lake Darling State Park, Washington County	35	210

Lake of Three Fires State Park, Taylor County	50	300
Lake Wapello State Park, Davis County (Cabin Nos. 1-12)	60	360
Lake Wapello State Park, Davis County (Cabin No. 13)	85	510
Lake Wapello State Park, Davis County (Cabin No. 14)	75	450
Palisades-Kepler State Park, Linn County	50	300
Pine Lake State Park, Hardin County		
Studio cabins (four-person occupancy limit)	65	390
One-bedroom cabins	75	450
Pleasant Creek State Recreation Area, Linn County	25	150
<u>Prairie Rose State Park, Shelby County</u>	<u>35</u>	<u>210</u>
Springbrook State Park, Guthrie County	35	210
Stone State Park, Woodbury County	35	210
Waubonsie State Park, Fremont County		
Two-bedroom modern cabins	85	510
One-bedroom modern cabin	60	360
Two-bedroom camping cabins	50	300
One-bedroom camping cabin	35	210
Camping cabin	25	150
Wilson Island State Recreation Area, Pottawattamie County	25	150
Extra cots, where available	1	

\*Minimum two nights

**ITEM 3.** Amend subrule 61.5(1), paragraph "c" as follows:

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

	<u>Per Weekday</u>	<u>Per Weekend Day</u>
	<u>M-Th***</u>	<u>Fr-Su</u>
A. A. Call State Park, Kossuth County	\$ 40	\$ 80
Backbone State Park Auditorium, Delaware County**	25	50
Backbone State Park, Delaware County	62.50	125
Beed's Lake State Park, Franklin County	40	80
Bellevue State Park-Nelson Unit, Jackson County	50	100
Clear Lake State Park, Cerro Gordo County	50	100
Dolliver Memorial State Park-Central Lodge, Webster County**	30 60	
Dolliver Memorial State Park-South Lodge, Webster County	37.50	75
Ft. Defiance State Park, Emmet County	35	70
George Wyth State Park, Black Hawk County**	35	70
Gull Point State Park, Dickinson County	100	200
Lacey-Keosauqua State Park, Van Buren County	35	70
Lake Ahquabi State Park, Warren County	45	90
<u>Lake Darling State Park, Washington County</u>	<u>100</u>	<u>200</u>
Lake Keomah State Park, Mahaska County	45	90
Lake Macbride State Park, Johnson County		
Beach Lodge	35	70
Lodge	35	70
Lake of Three Fires State Park, Taylor County	35	70
Lake Wapello State Park, Davis County	30	60
Lewis and Clark State Park, Monona County	35	70
Palisades-Kepler State Park, Linn County	87.50	175
Pine Lake State Park, Hardin County	40	80
Pleasant Creek Recreation Area, Linn County**	37.50	75

Stone State Park, Woodbury/Plymouth Counties	62.50	125
Viking Lake State Park, Montgomery County	30	60
Walnut Woods State Park, Polk County	100	200
Wapsipinicon State Park, Jones County		
Heated year-round lodge	35	70
Unheated seasonal lodge	20	40

\*\*Does not contain kitchen facilities

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

**ITEM 4.** Amend rule 61.14, as follows:

571-61.14(461A) Restore the outdoors program. Funding provided through the appropriation set forth in Iowa Code section 461A.3A , and subsequent Acts, shall be used to renovate, replace or construct new vertical infrastructure and associated appurtenances in state parks and other public facilities managed by the department of natural resources.

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

The funds appropriated by Iowa Code section 461A.3A , and subsequent Acts, will be used to renovate, replace or construct new vertical infrastructure through construction contracts, agreements with local government entities responsible for managing state parks and other public facilities, and agreements with the department of corrections to use offender labor where possible. Funds shall also be used to support site survey, design and construction contract management through consulting engineering and architectural firms and for direct survey, design and construction management costs incurred by department engineering and architectural staff for restore the outdoors projects. Funds shall not be used to support general department oversight of the restore the outdoors program, such as accounting, general administration or long-range planning.

~~These rules are intended to implement Iowa Code sections 422.43, 455A.4, 461A.3, 461A.3A, 461A.35, 461A.38, 461A.39, 461A.42, 461A.43, 461A.45 to 461A.51, 461A.57, and 723.4 and Iowa Code chapter 724.~~

**ITEM 5.** Add a new rule 61.15, as follows:

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

These rules are intended to implement Iowa Code sections 422.43, 455A.4, 461A.3, 461A.3A, 461A.35, 461A.38, 461A.39, 461A.42, 461A.43, 461A.45 to 461A.51, 461A.57, and 723.4 and Iowa Code chapters 463C and 724 .

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard Leopold, Director

*Motion was made by Commissioner Francisco to approve Notice of Intended Action—Chapter 61, State Park and Recreation Areas. Seconded by Commissioner Moore.*

Discussions included information regarding the group cabins at Waubonsie and typographical errors were noted. Mention was made about the rules that do not apply to Honey Creek State Park Resort.

*Motion carried by unanimous vote of those present.*

**NOTICE APPROVED**

### **ALCOHOL USE ON STATE PARK BEACHES**

Ken Herring, Administrator, Conservation and Recreation Division, presented the following item.

The following is information regarding alcohol use on State park beaches. Excessive alcohol consumption and all its related problems by young adults are detracting families from enjoying beaches in the Gull Point Complex at the Great Lakes and in Lake Macbride State Park near Solon. The cities that manage beaches on the Okoboji Lakes all prohibit the use of alcohol by their visitors. The Corps of Engineers prohibits the use of alcohol on the beaches it manages on Coralville Reservoir. State Parks in both these areas have the only beaches at which the consumption of alcohol is allowed. As a result, these beaches take on the atmosphere and appearance not consistent with the family friendly image State parks desires to have. Problems at our beaches on Okoboji Lakes is concentrated on Fourth of July holiday. Excessive drinking and public partying have become normal park use every weekend at Lake Macbride State Park. While alcohol consumption occurs at all state park beaches, it has elevated to a serious concern only at the Gull Point Complex and Lake Macbride.

Staff provided information to the Commission on this subject. The intent of the information and subsequent discussion by commissioners was to consider a change to administrative rules in the near future to prohibit the use of alcohol at these beaches, including nearby parking lots and surrounding park grounds.

Kevin Szcodronski, Parks Bureau Chief, reviewed the problem of alcohol use at Gull Point and Lake Macbride and gave a power point presentation showing the problem. He introduced John Maehl, NW Iowa Parks Supervisor and Tom Basten, SE Iowa Parks Supervisor. They reported on their enforcement as well as the problems with enforcement and the safety issues at those beaches.

Szcodronski related that the alcohol abuse at the park beaches has resulted in a decrease of families coming to recreate at the park, which is the activity this department wants to promote. He said the department has increased the presence of officers, but the under-aged drinking and other problems at the beaches continue to increase. Szcodronski went on to point out that the surrounding states have either banned alcohol on all their beaches or have banned alcohol on specific beaches.

Commissioner Rettig stated that she would like to know more about what the department has done to alleviate this problem. She asked how many littering tickets were issued in the last two years and for data on the number of arrests at the beaches. Rettig said she would like to know if there are other situations in Iowa parks where certain parks are singled out for restrictions. She said if those beaches are singled out those people will just go somewhere else. Rettig said she has a problem with singling out specific beaches and asked that more information be provided about the enforcement done for disorderly conduct, littering and underage drinking, etc. so that she may understand the situation better.

Ken Herring stated that staff intends to go forward with a Notice of Intended Action. He said questions and suggestions made will be reviewed by staff and further information will be provided.

Commissioner Francisco said he feels it would be good to go ahead with the Notice of Intended Action.

Commissioner Kramer commented that she feels the alcohol ban should be at all parks, similar to Minnesota.

Commissioner Bird said he worked in state parks for many years and has been on different beaches. He said to say that these are the only two beaches that have a problem is not accurate because there are problems at beaches in every state park. Bird said alcohol should be banned at all state beaches.

Commissioner Garst stated that she would be in favor of voting for a selective approach as the rule is written. She said to restrict law abiding citizens because of a few "bad apples" is too restrictive.

<b>INFORMATION ITEM</b>
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## **HONEY CREEK STATE PARK MONTHLY UPDATE**

A written progress report, along with pictures showing the progress on construction at Honey Creek Resort were distributed. Report was made that there is \$8 million for Honey Creek in the Governor's budget, with \$3.1 million coming out of tobacco settlement funds and \$4.9 million out of the infrastructure fund. The Governor's literature says that Governor Culver and Lt. Governor Judge are committed to completing the development of Iowa's first resort state park located in Rathbun Lake in southern Iowa.

Commissioner Rettig commented that it is important for the commission to reiterate to legislators that the \$8 million is in the Governor's budget and how important that is to the project. She said just because it is in the Governor's budget does not mean it will happen. Discussion continued regarding what the \$8 million will fund at the facility.

Commissioners were asked to contact Terry Montgomery with questions.

<b>INFORMATION ITEM</b>
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Open Records Training was delayed until the February meeting.

## **GENERAL DISCUSSION**

### **Interstate Wildlife Violator Compact**

Steve Dermand, Law Enforcement Bureau, explained that the Interstate Wildlife Violator Compact includes 25 member states, of which Iowa is one. The compact allows those member states, when they have privilege sanctions (hunting, fishing, trapping) on violators for licenses and permits, to record those sanctions into a common data base. A monthly report on those sanctions is sent to the participating states. Information from the new sanction reports may be placed in our ELSI system to bar that person from purchasing a license until that sanction term is over. Dermand further explained that the last legislative session passed an amendment that provides for liquidated damages assessed with a conviction for illegally taking fish or game, and provides that anyone who owes the state of Iowa for restitution shall remain on a full license suspension until that restitution is paid in full, plus interest.

Dermand introduced Jerry Dowell, Executive Secretary for the Turn in Poachers of Iowa, Inc. Board. He explained that Turn in Poachers is a private organization that allows citizen opportunities to anonymously report poaching to the department for investigation. Dermand noted that an Iowa Access Grant has been secured and staff is working on the development of new technology to allow the citizen to report a fish or wildlife violation through the internet.

Mr. Dowell presented a brief power point presentation on the Turn in Poachers Board.

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**IT Presentation**

Rick Hindman, Bureau Chief, Information Technology Bureau, presented information on the department's connectivity to all employees across the state. He distributed the FY07 report on projects worked on as well as what is expected in FY08. Hindman said that through a \$315,000 grant, connectivity for conservation and recreation sites is going to greatly improve through an investment in equipment and dedicated network connections through the ICN for eight sites this year. Those sites will have full access to all network resources, data storage, printing, e-mail, etc. Nine other offices will be connected through a local provider and will be better than what they have now, but not to the same level of performance. In addition, the department is investing in a system that allows any person, if given access, to securely access our network over the internet. The on-going funding for this technology will be provided through each division or bureau's budget.

Management of the security risk was talked about and risk specifically for laptops was discussed. Hindman said staff is in the process of encrypting every laptop in the agency. He said work continues on the process of strengthening the department's security policies.

Commissioner Rettig explained that she first questioned the connectivity of field offices or connectivity to outlying locations. She said the RV park at Honey Creek will offer hi-fi internet service and asked what the status is of hi-fi service at the rest of the parks and campgrounds and how and when will that be addressed.

Linda Hanson explained that funding for information technology or equipment is provided through each division or bureau, so commitments to the current technology are a result of each individual budget. Hanson said staff initiated a couple of attempts at getting general fund money but the IT budget is only for the IT staff and not technology improvements in individual bureaus.

Commissioner Rettig asked about a technology replacement fund similar to what some cities use and asked if the state has some similar type of process. Rick Hindman explained that DOT has a revolving fund for equipment replacement and that money is carried over from year to year. He said there is discussion amongst Chief Information Officers across the agencies that they would like to have that, but currently that luxury is not available. Hindman said that for the most part we do have people on an equipment replacement cycle. He also noted that IT has also negotiated the price of a computer down to \$500.

Hindman reviewed a list of "Pain Points," which included needs for funds for professional development, the lack of mainframe application support, laptop encryption/data classification and hardware deployment.

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Lennis Moore announced that he has submitted his resignation as a member of the Natural Resource Commission to the Governor, effective the end of February. He reported that there have been changes to several aspects of his life that make it difficult to serve the commission at the level such a position requires. He expressed appreciation at being allowed to work with department staff, the commissioners and the concerned citizens of the state toward improving the quality of and protection of our natural resources.  
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## **NEXT MEETING DATES**

The next meeting will be held February 14 in Boone, Iowa.

## **ADJOURNMENT**

*Motion was made by Commissioner Moore to adjourn the January 15, 2008 NRC meeting. Seconded by Commissioner Bird. Meeting adjourned at 4:55 p.m. .*

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Richard A. Leopold, Director

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