

**MINUTES**

**OF THE**

**NATURAL RESOURCE COMMISSION**

**MEETING**

**MARCH 13, 2008**

**ANNETT CONSERVATION EDUCATION CENTER**  
**INDIANOLA, 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 8:30 a.m. on Thursday, March 13, 2008 at the Annett Conservation Education Center, Indianola, Iowa.

Commissioner Garst welcomed the public to the meeting and announced the public comment time at 10:30 a.m.

### MEMBERS PRESENT

Elizabeth Garst  
Carol Kramer  
Gregory Drees  
Janelle Rettig  
William Bird  
Richard (Kim) Francisco

### APPROVE AGENDA

Request was made to move Item 24 up on the agenda to follow Item 4.

*Motion was made by Commissioner Rettig to approve the March 13, 2008 NRC agenda as amended. Seconded by Commissioner Francisco. Motion carried by unanimous vote of those present.*

**AGENDA APPROVED**

### APPROVE MINUTES

*Motion was made by Commissioner Francisco to approve the February 14, 2008 NRC minutes. Seconded by Commissioner Bird.*

Commissioner Rettig noted that on page 33, third paragraph, third sentence, the word “them” should be deleted and the word “alcohol” inserted; on page 39 “Rettig” was misspelled. She also commented on the dialogue about the Honey Creek Construction Item. She said the minutes are reflecting a memo and perhaps editing later that is a summary of everything combined as opposed to what actually happened in the meeting. She said the presentation made to them was not this clear and the minutes do not reflect what was presented to the Commission at the meeting.

Commissioner Francisco related that at the February meeting a utilities construction item was for Brushy Creek cabins and this month Brushy Creek cabins are being removed from the rental fees list in the Chapter 61 rule. He asked for an explanation. Kevin Szcodronski explained that several years ago the RC&D and the community college received a grant to use a new design to create log cabins. The first prototype cabin was constructed on a slab at Brushy Creek, and because it takes several months to promulgate a rule, the cabin fee was put in the rule in advance of the cabin being built. In the meantime, the prototype cabin was determined to be unacceptable for our state park, was torn down and the agreement with the RC&D and the community college was terminated. Szcodronski said that since the cabin is no longer there, that fee is being removed from the rule. Szcodronski went on to explain that the utility construction item approved last month is a completely different project.

*Motion carried by unanimous vote of the commission.*

**APPROVED AS AMENDED**

Commissioner Garst thanked the Parks staff for their part in the tour and presentations. She said Commissioners particularly enjoyed the Parks 2020 presentation and she complimented Parks staff on their vision and initiative for getting that going so well in advance.

### **DIRECTOR'S REMARKS**

--Director Leopold reported that Sustainable Funding legislation, which will allow all Iowans to vote on whether they want 3/8 of a cent to go into a dedicated fund for natural resources, is moving forward. Two separate legislatures need to vote for this bill and then a referendum would go to the people in a general election, hopefully in 2010. Commissioner Garst asked that marketing take place to explain that the constitutional amendment provides 3/8 of a cent for this dedicated fund, only if the legislature increases the sales tax.

--Director Leopold reported that the budget targets for the Governor's budget and the Ag and Natural Resources budgets are out. The Environmental Services side is taking some hits and the department as a whole has taken an approximate \$200,000 hit but the Department is working that out. It is understood that there will be \$8 million in some form for Honey Creek.

--The process of moving the state energy office from the DNR to newly created Office of Energy Independence continues with 28E agreements being prepared for sharing personnel. Staff is actively working to get a position in the Conservation and Recreation Division to coordinate the Department's efforts with mitigation of global warming affects on our environment and also to work with the power fund in the application process.

--The Department is working with the Governor's Office to get appointments for the two new EPC commissioners and a new appointment for the Natural Resource Commission.

--A joint EPC/NRC meeting is being planned for May 12 at the Raccoon River Nature Park in West Des Moines for discussions on policies, the budget and legislation.

--Director Leopold asked Commissioners to contact his office if they have requests, gripes, initiatives or questions that require major time or energy. While routine type questions can go

directly to staff, he said he would delegate major issues or requests to his management staff who will then direct the work out to field personnel. This will allow for prioritization of what employees do for their time allotments and the deadlines they have got to meet. Commissioner Garst expressed that the Director should make every effort to attend the meetings or have staff that are empowered to speak on the Director's behalf about what staff will or will not do at each meeting.

--The process for setting agendas for commission meetings will be accomplished by staff presenting their requests for an agenda item to their division administrator and commissioners presenting their requests through the chairperson. Other possible scenarios, such as 2/3 vote of the commission and as mentioned in Roberts Rules of Order were discussed.

--Rulemaking and the process of how rulemaking takes place were discussed. Rulemaking can be initiated by staff; can come from the commission or through a petition from the public.

## CONSTRUCTION PROJECTS

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

Bids were opened February 21, 2008, for the following projects:

### Palisades Kepler State Park, Linn County -- Leach Field Upgrade

This project consists of the placement of a new septic tank and a new leach field to replace the existing plugged drain field and other related work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% in State Parks Health and Safety funds. DNR estimate is \$36,000. Project was designed by Mike Hameed and will be inspected by Doug Moore. 31 sets of plans were issued. 12 bids were received.

Kayser Plumbing & Heating	Waterloo, IA	\$16,828.00
Ricklefs Excavating Ltd	Anamosa, IA	\$24,150.00
Oberbreckling Construction	Onslow, IA	\$24,553.40
Triple B Construction	Wilton, IA	\$26,451.01
Dostal Construction	Toledo, IA	\$27,313.00
Connolly Construction Inc	Peosta, IA	\$31,652.00
F.L. Krapfl Company Inc	Dyersville, IA	\$32,937.00
Matt Construction Inc	Sumner, IA	\$34,700.00
Dick Doyle Excavating Inc	Illinois City, IL	\$39,045.00
F.J. Meyer Construction Inc	Mount Vernon, IA	\$39,540.00
Tschiegffrie Excavating Co	Dubuque, IA	\$40,494.40
Pirc-Tobin Construction Inc	Alburnett, IA	\$43,960.00

Staff recommends award of contract to Kayser Plumbing & Heating, low bidder.

*Motion was made by Commissioner Bird to approve the low bid of Kayser Plumbing & Heating of Waterloo, Iowa, in the amount of \$16,828.00 for a new septic tank and a leach field update at Palisades Kepler State Park in Linn County. Seconded by Commissioner Francisco. Motion carried unanimously.*

**CONSTRUCTION PROJECT APPROVED**

**Lake Darling State Park, Washington County -- Sediment Control Structures**

This project consists of the construction of two sediment basins and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 75% Federal EPA and 25% Lake Restoration funds. DNR estimate is \$42,500. Project was designed by Iowa NRCS and will be inspected by Doug Moore. 31 sets of plans were issued. Five bids were received.

James Waterhouse Construction	Keota, IA	\$34,964.60
S2 Construction LLC	Bellevue, IA	\$43,954.50
Oberbreckling Construction	Onslow, IA	\$60,539.28
Seaton Construction	Deep River, IA	\$60,662.50
Tschigffrie Excavating Co	Dubuque, IA	\$84,288.40

Staff recommends award of contract to James Waterhouse Construction, low bidder.

*Motion was made by Commissioner Kramer to approve the low bid of James Waterhouse Construction of Keota, Iowa, in the amount of \$34,964.60 for sediment control structures at Lake Darling State Park in Washington County. Seconded by Commissioner Francisco.*

Brief discussion continued regarding the water quality at Lake Darling. Marion Conover related that this is a long-term project with 22 additional sediment control structures planned for the area. Staff will provide an overall map when the next project comes before the commission. Information regarding the abandoned sewage lagoon will be provided by Don Labate.

*Motion carried unanimously.*

**CONSTRUCTION PROJECT APPROVED**

**LAND ACQUISITION**

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

**Kellerton Bird Conservation Area, Ringgold County—Jim and Patricia Hoffman**

The Natural Resource Commission’s approval is requested to purchase a parcel of land located in Ringgold County. The DNR managed Kellerton Bird Conservation Area is adjacent to the west of the property. Jim and Patricia Hoffman offer the 40-acre parcel for the appraised price of \$102,000.

Gary Thien, Licensed Appraiser of Council Bluffs, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in east central Ringgold County, Iowa. The town of Mount Ayr is located 8 miles northwest. Greater Prairie Chickens utilize this land in the winter months picking waste grain. A portion of this tract will remain in row crop to provide a winter food source. The corn suitability rating (CSR) for the entire property is 39.8.

It is recommended that this property be acquired in conjunction with the 40-acre property owned by Jim Hoffman's mother, Marjorie Hoffman. The Marjorie Hoffman land is located adjacent to the east. This acquisition will become part of the 1,120-acre Kellerton Bird Conservation Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be 50% State Wildlife Grant and 50% REAP Non-Game funding. The property will remain on the Ringgold County property tax rolls. Incidental closing costs will be the responsibility of the Department.

*Motion was made by Commissioner Rettig to approve the purchase of a 40-acre parcel at the Kellerton Bird Conservation Area in Ringgold County from Jim and Patricia Hoffman for the appraised price of \$102,000. Seconded by Commissioner Kramer. Motion carried unanimously.*

**LAND ACQUISITION APPROVED**

**Kellerton Bird Conservation Area, Ringgold County—Marjorie Hoffman**

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Ringgold County. The DNR managed Kellerton Bird Conservation Area is located one-quarter mile west of the property. Marjorie Hoffman offers the 40-acre parcel for the appraised price of \$91,000.

Gary Thien, Licensed Appraiser, of Council Bluffs, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in east central Ringgold County, Iowa. The town of Mount Ayr is located 8 miles northwest. Greater Prairie Chickens utilize this land in the winter months picking waste grain. A portion of this tract will remain in row crop to provide a winter food source. The corn suitability rating (CSR) for the entire property is 40.6.

It is recommended that this property be acquired in conjunction with the 40-acre property owned by Jim Hoffman in order to insure contiguous DNR ownership. This acquisition will become part of the 1,120-acre Kellerton Bird Conservation Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be 50% Wildlife Habitat Stamp and 50% REAP Non-Game funding. The property will remain on the Ringgold County property tax rolls. Incidental closing costs will be the responsibility of the Department.

*Motion was made by Commissioner Rettig to approve the purchase of a 40-acre parcel of land at the Kellerton Bird Conservation Area in Ringgold County from Marjorie Hoffman for the appraised price of \$91,000. Seconded by Commissioner Bird. Motion carried unanimously.*

**LAND ACQUISITION APPROVED**

Travis Baker distributed copies of a chart, showing by funding source, the cost and the acres of land acquired from the FY01-07 as Land Acquisition Items approved by the Commission.

**YELLOW RIVER TIMBER SALE**

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

The Natural Resources Commission is asked to approve the sale of an estimated 107,280 board feet of mixed hardwood trees at the Yellow River State Forest. The sale consists of 515 trees.

SPECIES	# TREES	VOLUME
Red Oak	342	78,460
White Oak	53	6,040
Aspen	43	11,760
Hard Maple	22	3,040
White Ash	14	2,620
Basswood	32	4,200
Elm	3	400
Cherry	1	320
Hickory	5	440
<b>Total</b>	<b>515</b>	<b>107,280</b>

The harvest is part of ongoing management of the forest and will encourage oak regeneration. There are no known threatened and endangered species in the harvest area. Oaks in this stand are beginning to decline due to oak wilt. There is some natural oak regeneration in the stand. Oak seedlings will be planted on the site following the harvest to enhance regeneration.

Wildlife den trees will not be marked and will be left standing. Best management practices (BMP's) will apply to the site. No tops or harvesting residue will be left in adjacent waterways. Harvesting is to occur only when ground is firm or frozen to minimize soil disturbance. Skid trails and landing areas will be repaired following the harvest. No skid trails will be allowed in the SMA (within 50 feet of the adjacent waterway) except at designated stream crossings.

All remaining trees not harvested will be felled or killed standing to reduce the shade factor in the stand and allow good regeneration with the exception of wildlife den trees. Any remaining undesirable species will be cut and chemically treated to prevent re-sprouting.

The following bids were received for the sale:

Bidder Name	Company	Location	Amount of Bid
<b>Chris Grau</b>	<b>Grau Logs &amp; Lumber</b>	<b>Elkader, IA</b>	<b>\$47,020.00</b>
William Jandro	Wieland & Sons	Winthrop, IA	\$29,175.00
Jim West	Kendrick Forest Products	Edgewood, IA	\$28,961.00
Todd Jones	Jones Wood Heating	McGregor, IA	\$40,040.00
Dan Jones	D & K Logging	Waterville, IA	\$44,425.00
Jeff Wilson	Wilson Custom Tree	Cresco, IA	\$28,195.20
Gary Halpin	Riverside Sawmill	Muscoda, WI	\$38,815.00
Ron Konkel	Konkel Sawmill	New Albin, IA	\$18,825.00

With Commission approval, a timber sale contract will be executed with Grau Log and Lumber for \$47,020.00.

*Motion was made by Commissioner Francisco to approve the sale of an estimated 107,280 board feet of mixed hardwood trees at the Yellow River State Forest to Chris Grau for the price of \$47,020.00. Seconded by Commissioner Kramer. Motion carried unanimously.*

**TIMBER SALE APPROVED**

### **LOW-HEAD DAM SAFETY COST-SHARE PROGRAM-FY 2008**

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

The Iowa General Assembly in 2007 established a fund for promotion of low-head dam safety. The low-head dam safety cost-share program awards grants to support signage, dam removal, and dam modification for the benefits of safety and aquatic species including game fish. The Commission has adopted a final rule to implement this program. The Department received ten eligible applications requesting a total of \$378,708. For fiscal year 2008, \$200,000 is available to award. The recommended state fiscal year 2008 awards, totaling \$200,000, as determined by scoring committee members including three Department staff and two Iowa citizens, are as follows:

Project Name	Applicant	DNR Funding Recommended	Project Total	Rank	Description
Mon Maq Dam Feasibility Study	Jones CCB	\$20,000	\$300,000	1	Provides cost-share to U.S. Army Corps of Engineers funded removal or safety/fish passage modification study on the Maquoketa River near Monticello.

Vernon Springs Dam Fish Passage Structure	Howard CCB	\$42,000	\$123,000	2	Constructs a rock-arch rapids at a 20:1 slope below an existing dam and mill pond for safety/fish passage on the Turkey River near Cresco.
2008 Fleur Drive Low Head Dam Safety	Des Moines Water Works	\$18,000	\$36,944	3	Establishes signage and portages around a rock dam and a low-head dam on the Raccoon River in Des Moines, studies improved safety and recreation at the rock dam.
Mon Maq Dam Access and Portage	Jones CCB	\$35,315	\$205,290	4	Constructs a portage trail with corresponding landings and launches upstream and downstream of Mon-Maq Dam.
Charles City Riverfront Project - small projects	City of Charles City	\$12,000	\$24,000	5	Studies conversion of a dam into a whitewater play and fish passage facility on the Cedar River.
North Hydroelectric Low-Head Dam Engineering Feasibility Study	City of Fort Dodge	\$20,000	\$40,000	6	Studies removal or safety/fish passage modification at the North Hydroelectric Dam on the Des Moines River.
Cedar River Water Trail-Portage Construction	City of Waterloo	\$50,000	\$227,027	7	Constructs portage trail, landing/launches in urban area along retaining walls around two dams.
North Hydroelectric Low-Head Dam Signage	City of Fort Dodge	\$2,685	\$5,370	8	Provides warning signage and portage options for Hydroelectric Dam.

The Department recommends entering into grant agreements with the above-mentioned parties to accomplish the projects identified in their respective applications.

The lowest-ranked projects include Charles City Riverfront Project – Medium Application (\$50,000), and Charles City Riverfront Project – Large Application (\$128,708). In the event any of the ten approved projects listed above are not able to utilize all or part of the funding awarded, the Department requests that the Commission approve entering into an agreement to fund all or a portion of these lower-ranked projects.

*Motion was made by Commissioner Kramer to approve entering into grant agreements with the above-mentioned parties to accomplish the low-head dam safety cost-share program grant projects as identified in their respective applications. Seconded by Commissioner Rettig.*

Commissioner Rettig requested that all applicants for the cost-share program be listed in the future. Nate Hoogeveen reviewed that the Water Trails Advisory Committee rules state how the scoring committee is selected. The ranking criteria were developed by staff in coordination with

the Water Trails Advisory Committee and is in the Administrative Rules. Project descriptions were talked about.

*Motion carried unanimously.*

**GRANTS APPROVED**

**WATER TRAILS GRANT PROJECTS – FY 2009**

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

The Iowa DNR water trails development program was developed to support linear, on-water trail projects on Iowa waterways. The Commission has adopted a final rule, 571 Iowa Administrative Code chapter 30, to implement this program. The Department received eight applications requesting \$135,415. The Department's annual water trails development budget is \$50,000. This year, the program will support the development of \$96,981 worth of total projects. The recommended state fiscal year 2009 awards, totaling \$50,000, as determined by scoring committee members including three Department staff and two Iowa citizens, are as follows:

<b>Water Trail</b>	<b>Sponsor</b>	<b>Description</b>	<b>DNR funding recommended</b>	<b>Project total cost</b>	<b>Rank</b>
Maquoketa River Water Trail -- Jackson County	Jackson CCB	This project will construct and/or refurbish 8 canoe accesses on the 53.1-mile Maquoketa River Water Trail through Jackson County.	\$10,980	\$23,450	1
West Nishnabotna Water Trail	Pottawattamie CCB	This project will construct 5 new canoe accesses on the 25-mile West Nishnabotna Water Trail through Pottawattamie County.	\$22,200	\$37,590	2
North Skunk River Water Trail	Jasper CCB	Constructs a low-impact canoe access in Kellogg, and creates a 13.2-mile mile water trail, including signage.	\$8,374	\$11,164	3
Iowa River Water Trail (Iowa City to	Tri-Rivers Conservation Foundation	Develops water trail using existing accesses with signage, kiosks,	\$7,640	\$10,583	4

Mississippi)		maps, and online information.			
Clear Creek Water Trail	City of Coralville	Develops water trails signage for a 4.9-mile water trail on Clear Creek. A portion requested that is not eligible under administrative rules (brush clearing) will not be funded.	\$806	\$14,194	5

The Department recommends entering into grant agreements with the above-mentioned parties to accomplish the projects identified in their respective applications.

The lowest-ranked projects include Maple River Access at Grays Landing (\$10,427), Maple River Access at Schoenjahns Wildlife Area (\$10,793), and Charles City Kayak Park (\$50,000). In the event any of the ten approved projects listed above are not able to utilize all or part of the funding awarded, the Department requests that the Commission approve entering into an agreement to fund all or a portion of these lower-ranked projects in the order listed.

*Motion was made by Commissioner Rettig to enter into grant agreements as determined by the scoring committee members for the water trails grant projects. Seconded by Commissioner Drees. Motion carried on a 5-0 vote with Commissioner Kramer abstaining because of her connection with the Jasper County project.*

**GRANTS APPROVED**

**FINAL RULE—CHAPTER 31, PUBLICLY OWNED LAKES**

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

The Commission is requested to adopt a final rule to amend Chapter 31, Publicly Owned Lakes. This rule will update the Code of Iowa requirement that the “commission shall each year establish a priority list of watersheds which are of highest importance based on soil loss to be used for the allocation of moneys set aside in annual appropriations from the general fund to the department of agriculture and land stewardship for permanent soil conservation practices under chapter 161A on watersheds above publicly owned lakes”. In the current fiscal year, \$350,000 is available from the Department of Agriculture and Land Stewardship (IDALS) for these priority watersheds.

The current rule spells out a complex formula that includes four factors which are largely reliant upon the subjective judgment of the Department. The new rules will bring the selection process into conformity with the Department’s activities associated with lake restoration, impaired

waters, and watershed improvement projects and simplify the process. The primary changes include:

- Soil and Water Conservation Districts will be asked to apply for funding;
- 
- Watersheds of lakes that are on the priority list for lake restoration will be given additional consideration; and
- Watersheds of lakes that have a watershed plan focused upon sediment delivery issues will be given additional consideration.

The Department accepted comments through February 8, 2007, but received none.

The Department will utilize this rule for watershed selection in 2008 in order to deliver a list of priority lake watersheds to IDALS for funding to be made available in July 2008.

#### NATURAL RESOURCE COMMISSION [571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 456A.33A, the Natural Resource Commission hereby amends Chapter 31, “Publicly Owned Lakes” of the Iowa Administrative Code.

This amendment brings the evaluation of proposals for this program into conformity with the Department’s activities associated with lake restoration, impaired waters, and watershed improvement projects; they also simplify the process for applicants.

Notice of Intended Action was published in the Iowa Administrative Bulletin on January 16, 2008 as ARC 6540B. No public hearing was requested and no comments were received.

This amendment is intended to implement Iowa Code chapters 456A.33A.

The amendment will become effective on May 14, 2008.

The following amendment is adopted:

**ITEM 1.** Rescind 571—Chapter 31 and adopt the following **new** chapter in lieu thereof:

#### CHAPTER 31 PUBLICLY OWNED LAKES PROGRAM

**571—31.1(456A) Purpose.** The purpose of this chapter is to set forth the policy and procedures to be utilized by the department of natural resources to establish and maintain a priority list of watersheds above publicly owned lakes and reservoirs where private landowners are eligible to receive cost sharing to provide state funding of up to 75 percent of the cost of approved permanent soil and water conservation practices from funds set aside in appropriations for the department of agriculture and land stewardship, division of soil conservation.

**571—31.2(456A) Definitions.**

“Commission” means natural resource commission.

“Department” means the department of natural resources.

“Priority list for lake restoration” means the list of lakes developed by the department based on feasibility for restoration funding pursuant to Iowa Code section 456A.33B.

“Program” means the publicly owned lakes program.

“Publicly owned lake” means any constructed or natural lake having a watershed acreage to lake surface area ratio of less than 80 to 1 and is owned by an Iowa state, county or municipal government.

“Sediment delivery calculator” means a formula for calculating the sediment delivery reduction from proposed or constructed best management practices by comparing known pre-construction rates of sediment delivery to proposed post-construction rates of sediment delivery based on models, as developed and maintained by the department.

“Soil and Water Conservation District” means a governmental subdivision of the state as set forth in Iowa Code section 161A.3.

“Watershed” means those lands that naturally drain into a publicly owned lake.

“Watershed planning protocol” means a planning process developed and published by the department to assist soil and water conservation districts to develop watershed plans and projects that will improve water quality in lakes and streams.

**571—31.3(456A) Priority of Watersheds.** The commission shall annually establish a priority list of watersheds above publicly owned lakes. This list shall take into account the priority list for lake restoration so as best to protect and enhance fish and wildlife habitat, public recreation and the natural environment and the public’s investment therein; and increase community commitment to watershed health, with the financial resources available.

**571—31.4(456A) Application.** To apply for the program, the following procedures and conditions shall be met:

**31.4 (1) Eligible Applicant.** An applicant must be a soil and water conservation district. Applications where a watershed is located in more than one county must be submitted jointly by all soil and water conservation districts occupied by that watershed.

**31.4 (2) Application period.** Applications shall be submitted annually in writing to the department of agriculture and land stewardship, division of soil conservation no later than April 1 and forwarded to the department by April 15 for eligibility beginning the following July 1 and ending the following June 30.

**31.4 (3) Content of application.** The following shall be included in the application:

- a. A map of the watershed identifying the sources of significant sediment delivery to the lake.
- b. Documentation of the existence of a watershed plan that targets significant sources of sediment delivery to the lake. All applications submitted after April 1, 2010 must include documentation of the existence of a watershed plan based on the watershed planning protocol.

**31.4(4) Renewal application.** Renewal applications must be submitted for continued program eligibility and must include the same information required by subrule 31.4(3). Renewal applications shall be submitted annually in writing to the department of agriculture and land stewardship, division of soil conservation no later than April 1 and forwarded to the department by April 15 for eligibility beginning the following July 1 and ending the following June 30. The renewal application must include a report of any changes to the watershed plan, the practices completed during the past period of program eligibility with estimates of the reduced delivery of eroded sediment using the sediment delivery calculator, and the projected practices planned to be completed during the following year. Renewal applications are not guaranteed funding and are subject to the review and approval of the department.

**31.4(5) Newly constructed lakes.** Applications may be submitted for watersheds of proposed publicly owned lakes, provided the publicly-owned lake is listed as a part of a priority watershed.

**571—31.5(456A) Application review.** Upon receipt, the department will review the applications based on compliance with application requirements; adequacy of watershed plans to reduce the delivery of sediment to the publicly owned lake, as demonstrated by using the sediment delivery calculator; presence on the priority list for lake restoration; and available funding.

**571—31.7(456A) Commission approvals.** All publicly owned lakes eligible under the program must be approved by the commission.

These rules are intended to implement Iowa Code section 456A.33A.

\_\_\_\_\_

Date

\_\_\_\_\_

Richard Leopold, Director

*Motion was made by Commissioner Francisco to approve Final Rule—Chapter 31, Publicly Owned Lakes. Seconded by Commissioner Drees.*

Director Leopold pointed out that this is an outgrowth of the Conservation and Recreation Division and the Environmental Services Division working cooperatively to make sure that our water policy is totally engrained. He noted that Bill Ehm, the Water Quality Coordinator has done a great job and is now reaching out to Iowa Department of Agriculture and Land Stewardship and the NRCS to make sure that we are prioritizing and getting the criteria down and working collaboratively on these projects.

*Motion carried unanimously.*

**FINAL RULE APPROVED**

## **HONEY CREEK RESORT STATE PARK MONTHLY UPDATE**

Terry Montgomery distributed new construction photos of the Honey Creek lodge. Construction continues ahead of schedule despite the weather. Updated construction information will be posted on [www.honeycreekresort.com](http://www.honeycreekresort.com). Mr. Montgomery further reported:

- silt fencing along the lake has basically eliminated sediment going into the lake
- have been very pleased with the Central Group partnership.
- first six weeks following opening of the resort are incredibly busy. Will soft open the resort on August 14.
- department statewide meetings will be held at the resort during the off seasons.

Staffing obligations (two naturalists) were talked about. Central Group will staff a naturalist, a new ranger being hired to cover both Honey Creek State Park and Honey Creek Resort, one of two current managers will be primary interpreter/naturalist for Resort Park, and seasonal interpreters will accomplish the interpretive goal and the staffing.

Commissioner Rettig asked about the wording in the bond document with regard to staffing naturalists. She said she is adamant about building the resort right and staffing it right and the naturalist/interpreter is key to the success of the park. Kelley Myers offered to provide the specific wording in the document.

Director Leopold reported that a formative objection has been filed against Honey Creek Resort waste lagoon system by the Iowa Environmental Council. That is being challenged as a test case to object to and to illustrate the state's lack of an antidegradation policy. He added that the lagoon system is legal and has nothing to do with Honey Creek, but is an objection related to a philosophy that the Clean Water Act has not been properly implemented in Iowa.

<b>INFORMATION ITEM</b>
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### **BRASS BLUEGILL AWARD**

Barb Gigar, Aquatic Education Coordinator, briefly reviewed the Aquatic Education Program and the *Fish Iowa!* Program.

Each year the DNR sponsors an award honoring an individual for their efforts in helping our citizens become skilled anglers and advocates of fishing and natural resource conservation. This year we are recognizing Brad Freidhof, a naturalist with the Johnson County Conservation Board.

Brad was first trained in *Fish Iowa!* in 1995 and has worked with thousands of youth over the years. He became a *Fish Iowa!* mentor in 2005 and has trained 20 other instructors who have reached more than 5,400 youth.

In 2005, he partnered with the Johnson County Park and Recreation Departments to provide family specific fishing opportunities in urban settings. He has established programs in Iowa City, Coralville, and North Liberty. Last year he worked with 90 urban youth from Iowa City through a week-long "survivor" day camp at F.W. Kent Park

The Brass Bluegill Award has been sponsored by the Iowa Department of Natural Resources Aquatic Education Program since 1997.

Ms. Gigar introduced Brad Freidhof, a naturalist with the Johnson County Conservation Board and presented him with a plaque for his outstanding service and accomplishments. He was presented with 24 rods and reels from Pure Fishing for use in his teaching programs.

Mr. Freidhof thanked DNR staff for their assistance and support in getting more kids out fishing.

<b>INFORMATION ITEM</b>
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**LICENSE PLATE AGREEMENT WITH DUCKS UNLIMITED**

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

The Commission is requested to approve an agreement between the Department and the national and local chapters of Ducks Unlimited for the Department's support of a special license plate, issued by the Iowa Department of Transportation.

Iowa DU has asked the DNR to apply for a state agency sponsored license plate from DOT, which will allow the Department and DU to raise funds for wetland conservation work in Iowa. This plate would feature the duck head logo of DU. Provisions for state agency sponsored plates are outlined in the Code of Iowa and DOT administrative rules.

To compensate for the likely small percentage of Iowans who may chose to purchase a DU plate instead of one of the three natural resource license plates currently offered, the agreement calls for the DNR to retain 20% of the income from these plates for equal distribution to REAP and the Wildlife Diversity program, both of which are partially funded by the natural resource plates. The REAP Alliance and the Wildlife Diversity Coordinator support this agreement. DU shall agree to use the 80% of the remaining income to establish and maintain conservation work in the state of Iowa.

Competition between natural resource plates and DU plates is expected to be slight because the DU plate will feature that organization's logo as opposed to the more publicly desired goldfinch, pheasant and eagle. Still, it is presumed, and hoped, that many DU members will buy the DU plate, perhaps more than 1,000 within two years. At that sales figure, the \$35 purchase price would generate \$35,000, with \$7,000 of that to coming to the Department, as well as \$2.00 for each annual renewal.

The Department is enacting a two-year moratorium for additional Department-sponsored plates for other conservation organizations to see how the DU plate agreement works. If successful, the Department may recommend other organizations do the same. These organizations have a 'captive membership' to whom they can economically market and, with the resultant financial resources going to conservation programs in Iowa, it is felt that such plates will be of benefit by generating additional fundraising capabilities of these organizations.

Mr. Herring introduced Mike Heller, Regional Director, Ducks Unlimited and Eric Lindstrom, State Biologist for Ducks Unlimited, who will be working with wetland development and restoration in Iowa.

*Motion was made by Commissioner Drees to approve an agreement between the Department and the national and local chapters of Ducks Unlimited for the Department's support of a special license plate, issued by the Iowa Department of Transportation. Seconded by Commissioner Bird.*

Note was made that Commissioners Francisco, Bird and Rettig are members of Ducks Unlimited but consensus was that should have no effect on the vote for this agreement.

*Motion carried unanimously.*

**AGREEMENT APPROVED**

**DONATIONS**

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

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

Donation to:	Amount	Donation Provided by (Name/Org):	Description
Fisheries Bureau	\$4888.00	Tom Gengerke	Donation of personal library of reference materials (books, journals, literature) related to natural resources with an emphasis on fisheries related topics.

The following is information for the Commission regarding land related agreements previously approved during land acquisition presentations.

Land Related Agreements to:	Amount	Donation Provided by (Name/Org):	Description
PALO ALTO Dewey's Pasture Wildlife Management Area	\$24,000.00	Iowa Natural Heritage Foundation	Land Sale Below Appraised Value

*Motion was made by Commissioner Kramer to approve the donations to the Conservation and Recreation Division. Seconded by Commissioner Francisco. Motion carried unanimously.*

**DONATIONS APPROVED**

**ENDANGERED AND THREATENED PLANT AND ANIMAL SPECIES—BALD EAGLE**

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

Iowa's Endangered Plants and Wildlife law protecting endangered plants and animals was passed in 1975. The goal of the law is to recover species to the level where the additional protection of the act is no longer necessary. The first state list of threatened and endangered species was established by administrative rule in 1977. Department staff conducts investigations, collects existing published and unpublished information, and reviews information provided by the public relating to species distribution, population dynamics, habitat requirements, and threats for plant and animal species. Based on this information and consultation with scientists that have expertise with individual species or groups of species, the Department provides recommendations to the NRC concerning possible changes to the state list. The NRC then adopts these recommendations by amending the rules regulating such. Amendments to the list follow the administrative rulemaking process, allowing for public input for proposed changes.

On August 8, 2007, the bald eagle was removed from the federal list of threatened species due to the improved status of the species. Nationally, the number of nesting pairs has increased from 417 in 1963 to an estimated 9,789 in 2007. Because of this dramatic comeback, the U.S. Fish and Wildlife Service determined the bald eagle has recovered to the extent that it no longer requires the protection of the Endangered Species Act.

Department staff will review available information and consult with various experts concerning the biological status of the bald eagle in Iowa and provide a recommendation regarding the bald eagle's status in Iowa as a threatened species to the NRC at a future meeting.

Mr. Herring stated that this is an informal notice to the commission and the public that the department is considering de-listing the bald eagle from the state list of endangered and threatened plants and animals. He introduced Daryl Howell, endangered species coordinator, who talked about the differences in the protection acts.

Commissioner Rettig requested that a comparison chart be prepared for the Endangered Species Act and the Bald and Golden Protection Act and what protections and penalties would remain under other acts.

Commissioner Garst asked for follow-up information on lead poisoning of eagles.

<b>INFORMATION ITEM</b>
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### **AGREEMENT BETWEEN IOWA DNR AND WISCONSIN DNR**

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

The Department requests Commission approval of an agreement between the Iowa DNR and the Wisconsin DNR to extend specific police powers to one another, as allowed by law. The Iowa DNR and Wisconsin DNR have police powers in their respective states authorized by law and the parties share common boundaries while exercising those police powers (Mississippi River).

The purpose of this Agreement is to extend specified police powers from the Iowa DNR to Wisconsin Conservation Wardens, and from the Wisconsin DNR to Iowa Conservation Officers, while on duty in counties bordering their respective home states and as those specified police powers relate to activities occurring or arising from counties bordering their respective states as authorized by the Iowa Code. These police powers will include: protection of public safety, private property, and public property; regulation of firearm safety, boating, snowmobiling, all-terrain vehicles, fishing, hunting, fur-harvesting, floating and affixed docks and platforms, and other recognized types of regulated recreational activities and associated fixtures/equipment; protection of flora and fauna, in particular: wildlife and fishery resources, non-game species, endangered and threatened species, timber and trees, and wild ginseng and other related plants; and investigation and response to spills.

This agreement provides legal protection of officers while enforcing laws on the common boundary with existing concurrent jurisdictional authority while simultaneously providing for additional public safety benefits.

This agreement has been reviewed and approved by the Iowa Attorney General's Office and the Iowa Department of Public Safety, as required by law.

*Motion was made by Commissioner Rettig to approve an agreement between the Iowa DNR and the Wisconsin DNR to extend specific police powers to one another, as allowed by law. Seconded by Commissioner Drees. Motion carried unanimously.*

**AGREEMENT APPROVED**

## **BIG CREEK CONCESSION CONTRACT RENEWAL**

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

Commission approval is requested for renewal of the concession contract to Mark Crawford, dba Big Creek Marina, for Big Creek State Park.

The Department has received a request for renewal of the concession contract at Big Creek State Park near Polk City in Polk County, as permitted under Chapter 571 - 14 of the Administrative Code. Notice of intent to renew was published in the Sunday statewide edition of the *Des Moines Register* on December 30, 2007. No comments were received regarding the renewal request.

The operation is a full service concession, offering snack-type and short order food service, limited catering, convenience store items, souvenirs, bait sales, boat rental, rental dock space, bicycle rental, firewood sales, winter concession operation, limited boat dealership (pontoons and sailboats), hunting/fishing license sales, and operation of the open shelter rentals.

The concessionaire will pay the following fees to the State for the concession operation (excluding open shelter rentals):

2008 - \$13,000  
2009 - \$13,500  
2010 - \$14,000  
2011 - \$14,500  
2012 - \$15,000

The concessionaire will pay the State fifty percent (50%) of the gross rental revenue generated from open shelter rentals each year of the contract.

This renewal will extend the contract to the year 2012.

*Motion was made by Commissioner Francisco to approve the renewal of the concession contract to Mark Crawford, dba Big Creek Marina, for Big Creek State Park. Seconded by Commissioner Drees.*

Commissioner Garst commented that in cases where the department has had trouble getting concessionaires that may be because many people do not understand the word “concession.” She said there needs to be a clearer or more commonly understood vocabulary word.

Commissioner Francisco reported that he had requested information about garbage collection by the concessionaires and he was told that the contract says “all rubbish, garbage and debris that may accrue due to the operation of the concession shall be collected from the concessionaire unit adjacent parking lots and placed in containers by the concessionaire. Containers shall be emptied and refuse taken to approved landfill by the department. I was curious what the garbage rules were.”

Commissioner Rettig noted that this concessionaire has a bicycle rental. She suggested finding out how they are doing on that and let the other concessionaires know that it is an opportunity to expand their business. She said this could be a positive activity in many of our state parks.

*Motion carried unanimously*

**CONCESSIONAIRE CONTRACT APPROVED**

## **NOTICE OF INTENDED ACTION—CHAPTER 52, WILDLIFE REFUGES**

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

The Commission is requested to approve this Notice of Intended Action to amend Chapter 571 – 52, Wildlife Refuges. Chapter 571 – 52 establishes state-owned lands and water under the jurisdiction of the Commission and the Department for the purpose of preserving the biological balance pursuant to the provisions of Iowa Code section 481A.39; for the protection of public

parks, public health safety and welfare; and to effect sound wildlife management. This amendment changes the dates restricting public access to refuges from September 10 through December 31 to September 1 through January 31, and redefines the Rathbun Area to apply to all the counties that include Rathbun Lake: Appanoose, Lucas, and Wayne Counties. The rule also modifies the implementation paragraph to reflect the code sections that it implements.

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 52, "Wildlife Refuges," Iowa Administrative Code.

This amendment changes the dates restricting public access to refuges from September 10 through December 31 to September 1 through January 31 and redefines the Rathbun Area to apply to Appanoose, Lucas, and Wayne Counties; all the counties that include the reservoir. The rule also modifies the implementation paragraph to reflect the code sections that it implements.

Any interested person may make written suggestions or comments on the proposed amendment on or before April 29, 2008. Written comments may be directed to the Wildlife Bureau's website at [www.iowadnr.gov](http://www.iowadnr.gov) or may be sent to the Wildlife Bureau Chief, 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 Wildlife Bureau at (515) 281-5034 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 29, 2008. Interested persons should contact the Department at (515) 281-5918 for a list of hearing locations or go to the Department's website at [www.iowadnr.gov](http://www.iowadnr.gov). At the hearings, persons may present their views either orally or in writing. At the hearings, 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.

This amendment is intended to implement Iowa Code sections 481A.5, 481A.6, 481A.8 and 481A.39.

The following amendments are proposed.

**Item 1.** Amend subrule 571 – 52.1(2)"a", as follows:

**52.1(2) Wildlife refuges.**

a. Restrictions. The following areas under the jurisdiction of the department of natural resources are established as game refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, between the dates of September ~~10~~ 1 and ~~December~~ January 31 of each year, both dates inclusive, except that department personnel and law enforcement officials may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter when specifically authorized by the department of natural resources.

Area	County
Lake Icaria . . . . .	Adams
Pool Slough Wildlife Area . . . . .	Allamakee
Rathbun Area . . . . .	Appanoose, <u>Lucas, Wayne</u>
Sedan Bottoms . . . . .	Appanoose
Wildlife Exhibit Area . . . . .	Boone
Sweet Marsh . . . . .	Bremer
Big Marsh . . . . .	Butler
South Twin Lake . . . . .	Calhoun
Round Lake . . . . .	Clay
Allen Green Refuge . . . . .	Des Moines
Henderson . . . . .	Dickinson
Jemmerson Slough Complex . . . . .	Dickinson
Spring Run . . . . .	Dickinson
Ingham Lake . . . . .	Emmet
Forney Lake . . . . .	Fremont
Riverton Area . . . . .	Fremont
Dunbar Slough . . . . .	Greene
Bays Branch . . . . .	Guthrie
Green Island Area . . . . .	Jackson
Hawkeye Wildlife Area . . . . .	Johnson
Muskrat Slough . . . . .	Jones
Colyn Area . . . . .	Lucas
Red Rock Area . . . . .	Marion, Polk, Warren
Badger Lake . . . . .	Monona
Tieville/Decatur Bend . . . . .	Monona
Five Island Lake . . . . .	Palo Alto
Big Creek-Saylorville Complex . . . . .	Polk
Chichaqua Area . . . . .	Polk
Smith Area . . . . .	Pottawattamie
McCausland . . . . .	Scott
Princeton Area . . . . .	Scott
Prairie Rose Lake . . . . .	Shelby
Otter Creek Marsh . . . . .	Tama
Green Valley Lake . . . . .	Union
Three Mile Lake . . . . .	Union
Lake Sugema . . . . .	Van Buren
Rice Lake Area . . . . .	Winnebago
Snyder Lake . . . . .	Woodbury
Elk Creek Marsh . . . . .	Worth
Lake Cornelia . . . . .	Wright

**ITEM 2.** Amend 571—Chapter 52, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 481A.5, 481A.6, ~~481A.8,~~ 481A.9, and 481A.39.

*Motion was made by Commissioner Bird to approve Notice of Intended Action—Chapter 52, Wildlife Refuges. Seconded by Commissioner Drees. Motion carried unanimously.*

**NOTICE APPROVED**

**NOTICE OF INTENDED ACTION—CHAPTER 91, WATERFOWL AND COOT HUNTING SEASONS**

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

The Commission is requested to approve this Notice of Intended Action to amend Chapter 571 – 91 Waterfowl and Coot Hunting Seasons. Chapter 571 – 91 provides the regulations for hunting waterfowl and coot, and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Season dates are adjusted annually to comply with federal law and to ensure that seasons open on a weekend.

The amendments adjust season dates for calendar date changes; remove the statewide two-day September Canada goose season; add an urban Canada goose zone around Cedar Falls and Waterloo; add parents and grandparents to the list of people eligible to hunt Canada geese on a landowner's farm in areas closed to Canada geese hunting in Clay, Dickinson, Emmet, Jackson, and Butler Counties; and clarify the definition of who is eligible to hunt during the youth waterfowl season.

**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 571 –91 “Waterfowl and Coot Hunting Seasons,” Iowa Administrative Code.

This rule gives the regulations for hunting waterfowl and coot and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Season dates are adjusted annually to comply with federal law and to ensure that seasons open on a weekend.

The amendments adjust season dates for calendar date changes, remove the statewide 2 day September Canada goose season, adds an urban Canada goose zone around Cedar Falls and Waterloo, adds parents and grandparents to the list of people eligible to hunt Canada geese on a landowner's farm in areas closed to Canada geese hunting in Clay, Dickinson, Emmet, Jackson, and Butler Counties, and clarifies the definition of who is eligible to hunt during the youth waterfowl season.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 29, 2008. Written comments may be directed to the Wildlife Bureau's website at [www.iowadnr.gov](http://www.iowadnr.gov) or may be sent to the Wildlife Bureau Chief, 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 Wildlife Bureau at (515) 281-5034 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office

Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 29, 2008. Interested persons should contact the department at (515) 281-5918 for a list of hearing locations or go to the department's website at [www.iowadnr.gov](http://www.iowadnr.gov). At the hearings, persons may present their views either orally or in writing. At the hearings, 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 the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

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

The following amendments are proposed.

**ITEM 1.** Amend subrule 571 –91.1(2) as follows:

91.1(2) Season dates - north zone. For all ducks: September ~~22~~ 20 through September ~~26~~ 24 and October ~~13~~ 18 through December ~~6~~ 11.

**ITEM 2.** Amend subrule 571 –91.1(3) as follows:

91.1(3) Season dates - south zone. For all ducks: September ~~22~~ 20 through September ~~26~~ 24 and October ~~20~~ 18 through December ~~13~~ 11.

**ITEM 3.** Amend subrule 571 –91.3(2) as follows:

91.3(2) Season dates - north zone. Canada geese and brant: September ~~29~~ 27 through ~~December 9~~ October 5 and October 18 through December 21 and December ~~15~~ 27 through January ~~1~~ 11, 2008 2009. White-fronted geese: September ~~29~~ 27 through December ~~9~~ 7. Light geese (white and blue-phase snow geese and Ross' geese): September ~~29~~ 27 through January ~~13~~ 11, 2008 2009.

**ITEM 4.** Amend subrule 571 –91.3(3) as follows:

91.3(3) Season dates - south zone. Canada geese and brant: September ~~29~~ 27 through October ~~7~~ 5 and October ~~20~~ 18 through December 21 and December 27 through January 8 11, 2008 2009. White-fronted geese: September ~~29~~ 27 through December ~~9~~ 7. Light geese (white and blue-phase snow geese and Ross' geese): September ~~29~~ 27 through January ~~13-11, 2008 2009~~.

**ITEM 5.** Amend subrule 571 – 91.3(7) as follows:

91.3(7) Light goose conservation order season. Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January ~~14~~ 12, 2008 2009, through April 15, ~~2008 2009~~.

**ITEM 6.** Amend subrule 571 –91.3(8 )"b", as follows:

- 91.3(8) ~~Early Canada goose season. Reserved.~~
- a. ~~Zone boundary. Statewide.~~
  - b. ~~Season dates. September 8 and September 9.~~
  - c. ~~Bag limit. Daily bag limit is 2 Canada geese, except in the Cedar Rapids/Iowa City and Des Moines goose hunting zones.~~
  - d. ~~Possession limit. Twice the daily bag limit.~~

**ITEM 7.** Amend subrule 91.3(481A) - Goose hunting by adding the following:

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

a. Season dates. September 1 through September 15.

b. Bag limit. Daily bag limit is 5 Canada geese.

c. Possession limit. Twice the daily bag limit.

d. Zone boundary. The Cedar Falls/Waterloo goose hunting zone includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, thence south along County Road V49 to County Road D38, thence west along County Road D38 to State Highway 21, thence south along State Highway 21 to County Road D35, thence west along County Road D35 to Grundy Road, thence north along Grundy Road to County Road D19, thence west along County Road D19 to Butler Road, thence north along Butler Road to County Road C57, thence north and east along County Road C57 to U.S. Highway 63, thence south along U.S. Highway 63 to County Road C66, thence east along County Road C66 to the point of beginning.

**ITEM 8.** Amend subrule 91.5(1) “b”, section “9”, as follows:

91.5(1) Clay County, Dickinson County, Emmet County, Jackson County, and Butler County closed areas.

b. Criteria.

(9) Permits will be issued only to individual landowners or tenants; however, permit holders must specify, when requesting a permit, the names of all other individuals qualified to hunt on the permit. Individuals qualified to hunt on the permit shall include the landowners or tenants and their spouses, parents, grandparents, children, children’s spouses, grandchildren, siblings and siblings’ spouses only.

**ITEM 9.** Amend subrule 571--91.6(481A) as follows:

571--91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held on October ~~6 4~~ and ~~7 5, 2007~~ 2008, in the north duck hunting zone and October ~~6 4~~ and ~~7 5, 2007~~ 2008, in the south duck hunting zone. Youth hunters must be residents of Iowa as defined in 483.1A and less than 16 15 years old or younger. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

*Motion was made by Commissioner Francisco to approve Notice of Intended Action—Chapter 91, Waterfowl and Coot Hunting Seasons.. Seconded by Commissioner Drees.*

*Motion was made by Commissioner Rettig to amend the rule by inserting the words “domestic partner” following the word “spouses” in the last sentence of Item 8. Seconded by Commissioner Kramer.*

Commissioner Rettig distributed copies of the state’s definition of domestic partner as determined by the State Department of Administrative Services and the affidavit that individuals go by to prove that they have a domestic partner. She suggested that DNR follow the same affidavit if a request is made for a domestic partner to receive one of the special permits.

Kelley Myers suggested the wording “domestic partner, as defined by the Department of Administrative Services” be inserted so that the wording is very clear.

Director Leopold stated that unless it is explicitly prohibited somewhere, this change should take place as a standard operating procedure.

*There was agreement to correct the amendment by inserting the words “domestic partner, as defined by the Department of Administrative Services”. Motion carried unanimously.*

Dale Garner reported that Guy Zenner had just returned from the Flyway Council and reported that it appears there will be no changes in dates.

*Motion to approve the motion, as amended carried unanimously.*

**NOTICE APPROVED, AS AMENDED**

## **NOTICE OF INTENDED ACTION—CHAPTER 95, GAME HARVEST REPORTING AND LANDOWNER-TENANT REGISTRATION**

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

The Commission is requested to approve this Notice of Intended Action to amend Chapter 571 – 95, Game Harvest Reporting and Landowner-Tenant Registration. This rule outlines how the harvest reporting system and landowner-tenant registration system work.

The proposed amendments change the reporting deadline to midnight of the day after the animal is tagged rather than the day it is killed to provide adequate time to report the harvest if a hunter recovers an animal the day after it is killed. The amendments clarify the language in the rule to reflect that the transportation tag and harvest report tags are two separate tags. The amendments also add online registration through the Electronic Licensing System of Iowa as a method for tenants to register for free licenses.

NATURAL RESOURCE COMMISSION [571]  
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 571 – 95, “Game Harvest Reporting and Landowner-Tenant Registration,” Iowa Administrative Code.

This rule describes the requirements for the harvest reporting system and landowner-tenant registration system.

The proposed amendments change the reporting deadline to midnight of the day after the animal is tagged rather than the day it is killed to provide adequate time to report the harvest if a hunter recovers an animal the day after it is killed. The amendments clarify the language in the rule to reflect that the transportation tag and harvest report tags are two separate tags. The amendments also add online registration through the Electronic Licensing System of Iowa as a method for tenants to register for free licenses.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 29, 2008. Written comments may be directed to the Wildlife Bureau's website at [www.iowadnr.gov](http://www.iowadnr.gov) or may be sent to the Wildlife Bureau Chief, 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 Wildlife Bureau at (515) 281-5034 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 29, 2008. Interested persons should contact the department at (515) 281-5918 for a list of hearing locations or go to the department's website at [www.iowadnr.gov](http://www.iowadnr.gov). At the hearings, persons may present their views either orally or in writing. At the hearings, 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 the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1 and 483A.7.

The following amendments are proposed:

**ITEM 1.** Amend rule 571--95.1(1)(483A) as follows:

95.1(1) Reporting deadlines for deer and turkey.

a.—~~Deer.~~ A harvest report must be made by midnight on the day after the ~~day of the kill,~~ animal is tagged or before the ~~deer~~ animal is taken to a locker or taxidermist, ~~before the deer~~ is processed for consumption, or ~~before the deer~~ is transported out of state, whichever occurs first.

b.—~~Wild turkey.~~ A harvest report must be made ~~no later than midnight on the day after the turkey is killed,~~ before the ~~turkey is taken to a locker or taxidermist,~~ before the ~~turkey is processed for consumption,~~ or before the ~~turkey is transported out of state,~~ whichever occurs first.

**ITEM 2.** Amend rule 571--95.1(3)(483A) as follows:

95.1(3) Report confirmation. After the report is made, the hunter will be given a ~~coded~~ confirmation number to write on the ~~license and transportation~~ harvest report tag to verify that the hunter has reported the kill. The harvest report tag and confirmation number ~~must remain on~~

~~the transportation tag, and the tag~~ must remain attached to the deer or wild turkey until the deer or turkey is processed for consumption.

**ITEM 3.** Amend subrule 571--95.2(3)(483A) as follows:

95.2(3) Method of registration. A landowner or tenant may register in one of the following ways:

a. Landowners. Persons who own at least one parcel of qualifying land may register on the Internet through ELSI or by mailing or faxing an affidavit obtained from DNR. The online system is available 24 hours a day, seven days a week. An online registrant may immediately obtain a free license once the registration process is complete. A person who registers through the mail or by fax may have to wait up to ten business days after the form is received by DNR to obtain a free license.

b. Tenants. A person who qualifies as a tenant but does not own any qualifying land ~~shall~~ may register on the Internet through ELSI or by mailing or faxing an affidavit obtained from DNR. A tenant may have to wait up to ten business days after the affidavit is received by DNR before obtaining a free license.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

*Motion was made by Commissioner Francisco to approve Notice of Intended Action—Chapter 95, Game Harvest Reporting and Landowner-Tenant Registration. Seconded by Commissioner Drees.*

Commissioner Garst requested that staff consider finding a different word or to better define the word “tagged.” She said there are parts of the rule where it is clear there are two different tags but the word “tagged” is very confusing. Suggestion was that “transportation tag” may be appropriate.

*Motion carried unanimously.*

**NOTICE APPROVED**

**NOTICE OF INTENDED ACTION—CHAPTER 98, WILD TURKEY SPRING HUNTING**

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

The Commission is requested to approve this Notice of Intended Action to amend Chapter 571 – 98, Wild Turkey Spring Hunting. Chapter 571 – 98 provides the regulations for hunting wild turkeys during the spring and include season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements.

The proposed amendments clarify the language that defines who is eligible for free landowner tenant licenses and makes them the same for both the turkey and deer seasons.

NATURAL RESOURCE COMMISSION [571]  
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 571 – 98, “Wild Turkey Spring Hunting,” Iowa Administrative Code.

This rule provides the regulations for hunting wild turkeys during the spring and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements.

The proposed amendments clarify the language that defines who is eligible for free landowner tenant licenses and makes them the same for both the turkey and deer seasons.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 29, 2008. Written comments may be directed to the Wildlife Bureau's website at [www.iowadnr.gov](http://www.iowadnr.gov) or may be sent to the Wildlife Bureau Chief, 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 Wildlife Bureau at (515) 281-5034 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 29, 2008. Interested persons should contact the department at (515) 281-5918 for a list of hearing locations or go to the department's website at [www.iowadnr.gov](http://www.iowadnr.gov). At the hearings, persons may present their views either orally or in writing. At the hearings, 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 the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1 and 483A.7.

The following amendments are proposed.

**ITEM 1.** Amend rule 571--98.5(1) as follows:

~~98.5(1) Who qualifies for a free turkey hunting license. Owners or tenants of a farm unit, or a member of an owner or tenant's family who resides with the owner or tenant, are eligible for free wild turkey spring hunting licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify. For purposes of obtaining a free wild turkey spring hunting license, all the land under the lawful control of a landowner and eligible family members or a tenant and eligible family members shall be considered as one farm unit, regardless of how that land is subdivided for agricultural or business purposes.~~

a. Owners and tenants of a farm unit and the spouse and juvenile child of an owner or tenant who reside with the owner or tenant are eligible for free turkey licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

b. Juvenile child defined. "Juvenile child" means a person less than 18 years of age or a person who is 18 or 19 years of age and is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma or a high school equivalency diploma. A person 18 years of age or older who has received a high school diploma or high school equivalency diploma does not qualify.

**ITEM 2.** Amend subrule 571--98.5(6) as follows:

98.5(6) Where free licenses are valid. A free license is valid only on the farm unit of the landowner or tenant. "Farm unit" means all parcels of land that are at least two contiguous acres in size, that are operated as a unit for agricultural purposes and ~~that~~ are under lawful control of the landowner or tenant regardless of how that land is subdivided for business purposes. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. "Agricultural purposes" includes but is not limited to field crops, livestock, horticultural crops (e.g., from nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

*Motion was made by Commissioner Bird to approve Notice of Intended Action—Chapter 98, Wild Turkey Spring Hunting. Seconded by Commissioner Drees.*

*Motion was made by Commissioner Rettig to amend 98.5(a) by inserting the words "or domestic partner, as defined by the Iowa Department of Administrative Services" following the word "spouse." Seconded by Commissioner Bird. Motion on the amendment carried unanimously.*

Discussion continued regarding the words "Nonresident landowners do not qualify." Commissioner Garst commented that she feels a nonresident landowner means a lot of things other than they do not live in Iowa.

*Motion to approve Notice of Intended Action, Chapter 98, as amended carried unanimously.*

**NOTICE APPROVED, AS AMENDED**

## **NOTICE OF INTENDED ACTION—CHAPTER 99, WILD TURKEY FALL HUNTING**

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

The Commission is requested to approve this Notice to amend Chapter 571 – 99, Wild Turkey Fall Hunting for Residents. Chapter 571 – 99 give the regulations for hunting wild turkeys during the spring and include season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements.

The proposed amendments clarify and make the language that defines who is eligible for free landowner tenant licenses the same for both the turkey and deer seasons.

NATURAL RESOURCE COMMISSION [571]  
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 571 – 99, “Wild Turkey Fall Hunting by Residents,” Iowa Administrative Code.

This rule gives the regulations for hunting wild turkeys during the fall and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements.

The proposed amendments clarify and make the language that defines who is eligible for free landowner tenant licenses the same for both the turkey and deer seasons.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 29, 2008. Written comments may be directed to the Wildlife Bureau's website at [www.iowadnr.gov](http://www.iowadnr.gov) or may be sent to the Wildlife Bureau Chief, 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 Wildlife Bureau at (515) 281-5034 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 29, 2008. Interested persons should contact the department at (515) 281-5918 for a list of hearing locations or go to the department's website at [www.iowadnr.gov](http://www.iowadnr.gov). At the hearings, persons may present their views either orally or in writing. At the hearings, 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 the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1 and 483A.7.

The following amendments are proposed.

**ITEM 1.** Amend rule 571--99.11(1)(483A) as follows:

~~99.11(1) Who qualifies for free turkey hunting license. Owners or tenants of a farm unit, or a member of an owner's or tenant's family that resides with the owner or tenant, are eligible for free turkey licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.~~

a. Owners and tenants of a farm unit and the spouse and juvenile child of an owner or tenant who reside with the owner or tenant are eligible for free turkey licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

b. Juvenile child defined. "Juvenile child" means a person less than 18 years of age or a person who is 18 or 19 years of age and is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma or a high school equivalency diploma. A person

18 years of age or older who has received a high school diploma or high school equivalency diploma does not qualify.

**ITEM 2.** Amend subrule 571--99.11(6)(483A) as follows:

99.11(6) Where free licenses are valid. ~~Free licenses are valid only on that portion of the farm unit that is in a zone open to turkey hunting. "Farm unit" means all parcels of land that are operated as a unit for agricultural purposes and are under lawful control of the landowner or tenant.~~ A free license is valid only on the farm unit of the landowner or tenant. "Farm unit" means all parcels of land that are at least two contiguous acres in size, that are operated as a unit for agricultural purposes and ~~that~~ are under lawful control of the landowner or tenant regardless of how that land is subdivided for business purposes. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. ~~For purposes of obtaining a free turkey hunting license, all the land under the lawful control of a landowner and eligible family members or a tenant and eligible family members shall be considered as one farm unit, regardless of how that land is subdivided for agricultural or business purposes.~~ "Agricultural purposes" includes but is not limited to field crops, livestock, horticultural crops (e.g., nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Richard A. Leopold, Director

*Motion was made by Commissioner Bird to approve Notice of Intended Action—Chapter 99, Wild Turkey Fall Hunting. Seconded by Commissioner Francisco.*

*Motion was made by Commissioner Rettig to amend the rule by inserting “or domestic partner, as defined by the Department of Administrative Services” following the word “spouse” under a in Item 1. Seconded by Commissioner Kramer. Motion carried unanimously.*

Commissioner Francisco noted that the earlier comment regarding nonresident applies to this rule also. He said if the wording is changed in Chapter 98, it should be changed in Chapter 99 as well.

*Motion to approve Chapter 99, as amended carried unanimously.*

**NOTICE APPROVED, AS AMENDED**

**NOTICE OF INTENDED ACTION—CHAPTER 106, DEER HUNTING BY RESIDENTS**

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

The Commission is requested to approve the Notice of Intended Action to amend chapter 571 – 106. This rule sets the season dates, shooting hours, licenses types, quotas and restrictions,

method of take and tagging and reporting requirements for resident deer hunting. It also includes rules for issuing depredation licenses and shooting permits.

The proposed amendments clarify that it is illegal to carry someone else's license while hunting and changes the closing date for the late muzzleloader season to January 10th. The amendments clarify that youth hunters can continue to use their license if they are unsuccessful as specified in Iowa code 483A.8(7). The amendments implement the changes suggested from a Kaizen event that was held to improve the deer depredation process. The amendments also remove the season extension that was established by emergency rule after the ice storms in 2007, and modify the implementation paragraph.

Based on data survey data received after the publication of this notice, the quotas provided for in the rules may be slightly modified to account for the results of those surveys.

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 571 – 106, “Deer Hunting by Residents,” Iowa Administrative Code. This rule sets the season dates, shooting hours, licenses types, quotas and restrictions, method of take and tagging and reporting requirements for resident deer hunting. It also includes rules for issuing depredation licenses and shooting permits.

The proposed amendments clarify that it is illegal to carry someone else's license while hunting and changes the closing date for the late muzzleloader season back to January 10<sup>th</sup>. The amendments clarify that youth hunters can continue to use their license if they are unsuccessful as specified in Iowa code 483A.8(7). The amendments implement the changes suggested from a Kaizen event that was held to improve the deer depredation process. The amendments also remove the season extension that was established by emergency rule after the ice storms in 2007. They also update the implementation paragraph of the rules.

Based on data survey data received after the publication of this notice, the quotas provided for in the rules may be slightly modified to account for the results of those surveys. Any interested person may make written suggestions or comments on the proposed amendments on or before April 29, 2008. Written comments may be directed to the Wildlife Bureau's website at [www.iowadnr.gov](http://www.iowadnr.gov) or may be sent to the Wildlife Bureau Chief, 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 Wildlife Bureau at (515) 281-5034 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 29, 2008. Interested persons should contact the department at (515) 281-5918 for a list of hearing locations or go to the department's website at [www.iowadnr.gov](http://www.iowadnr.gov). At the hearings, persons may present their views either orally or in writing. At the hearings, 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 the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

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

The following amendments are proposed.

**ITEM 1.** Amend rule 571 – 106.1 as follows:

571-106.1(481A) Licenses. When hunting deer, all hunters must have in their possession a valid deer hunting license and a valid resident hunting license and must have paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person. No one who is issued a deer hunting license and transportation tag shall allow another person to use or possess that license or transportation tag while deer hunting or tagging a deer.

**ITEM 2.** Amend subrule 571 – 106.2(3) as follows:

106.2(3) Muzzleloader seasons . Deer may be taken in accordance with the type, season and zone designated on the license from the Saturday closest to October 14 and continuing for nine consecutive days (early muzzleloader season) or from the Monday following the third Saturday in December through January ~~13~~ 10 of the following year (late muzzleloader season).

**ITEM 3.** Amend subrule 571 – 106.7(8) as follows:

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

**ITEM 4.** Amend subrule 571 – 106.10(2) as follows:

106.10(2) Season dates. Deer of either sex may be taken statewide for 16 consecutive days beginning on the third Saturday in September. A person who is issued a youth deer hunting license and does not take a deer during the youth deer hunting season may use the deer hunting license and unused tag during the early muzzleloader, late muzzleloader and one of the shotgun seasons. The license will be valid for the type of deer and in the area specified on the original license. A youth hunting in one of these other seasons must obtain a hunting license and habitat stamp or hunt with a licensed adult if required by Iowa Code section 483A.24 . If the tag is filled during one of the seasons, the license will not be valid in subsequent seasons.

**ITEM 5.** Amend subrule 571 – 106.11(4) as follows:

106.11(4) Depredation permits. Two types of permits may be issued under a depredation management plan.

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for the regular deer license fee for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) Depredation licenses will be issued ~~in blocks of five licenses~~ up to the number specified in the management plan.

(2) A producer who enters into a depredation agreement will be issued a set of authorization numbers. Each authorization number allows a resident hunter to obtain a depredation license. Depredation licenses will only be valid for the taking of antlerless deer. The depredation license is valid only on the land designated in the depredation plan. The producer may transfer the authorization number to a resident hunter that has permission to hunt. The authorization number can be used to obtain a license in any season. The landowner or an eligible family member may obtain one depredation license for each season established by the commission. Depredation licenses may be sold to individuals designated by the producer as having permission to hunt. No other individual may initially obtain more than three depredation licenses per management plan. When a deer is reported harvested on one of these licenses then another license may be obtained. Licenses will be sold by designated department field employees.

(3) Depredation licenses will be valid only for hunting antlerless deer, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

(4) Hunters may keep any deer legally tagged with a depredation license.

(5) All other regulations for the hunting season specified on the license will apply.

(6) Depredation licenses will be valid only on the land where damage is occurring and the immediately adjacent property unless the land is within a designated block hunt area as described in subparagraph

(7). Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

(7) Block hunt areas are areas designated and delineated by wildlife biologists of the wildlife bureau to facilitate herd reduction in a given area where all producers may not qualify for the depredation program or in areas of persistent deer depredation. Depredation permits issued to producers within the block hunt zone are valid on all properties within the delineated boundaries. Individual landowner permission is required for hunters utilizing depredation licenses within the block hunt boundaries. Creation of a given block hunt area does not authorize trespass.

b. Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers who have an approved DNR deer depredation plan, and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued at no cost to the applicant.

(2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.

(3) Permits available to producers of high-value horticultural crops or agricultural crops may be valid for taking deer outside of a hunting season depending on the nature of the damage. The number and type of deer to be killed will be determined by a department depredation biologist and will be part of the deer depredation management plan.

(4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion which could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved ~~maintains a deerproof fence and~~ signs an agreement with the department.

(5) Disposal of deer killed under these permits shall be coordinated with the local conservation officer. All deer killed must be recovered and processed for consumption. A person who harvests a deer with a shooting permit issued pursuant to this section shall utilize the deer harvest reporting system and shall not be subject to different disposal or reporting requirements than are applicable to the harvest of deer pursuant to other deer hunting licenses except that all antlers from any deer taken must be turn over to a conservation officer to be disposed of according to department rules.

(6) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.

(7) ~~Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.~~

(8) For out-of-season shooting permits there are no shooting hour restrictions; however, taking deer with an artificial light is prohibited by Iowa Code section 481A.93 .

c. Depredation licenses and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.

d. Depredation licenses and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to control the deer herd. This restriction does not apply in situations where permits are issued for public safety concerns.

**ITEM 6.** Strike subrule 571 – 106.11(5):

~~106.11(5) Disposal. It shall be the producer's responsibility for shooting permits to see that all deer are field dressed and removed immediately from the field. Dead deer must be handled for consumption, and the producer must coordinate through the local conservation officer the disposal of deer offered to the public. Charitable organizations will have the first opportunity to take deer offered to the public. No producer shall keep more than two deer taken under depredation shooting permits. By express permission from a DNR enforcement officer, the landowner may dispose of deer carcasses through a livestock sanitation facility.~~

**ITEM 7.** Strike rule 571 – 106.14 :

~~106.14(481A) Extension to the regular gun seasons. To obtain an adequate deer harvest, the 2007 regular gun seasons are extended. Hunters with deer licenses that were valid for the 2007 regular gun seasons are allowed to hunt deer from December 21, 2007, through December 23, 2007. All licenses, no matter the type originally issued, are valid for taking antlerless deer only. No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person. Shooting hours, limits, areas closed to hunting, method of take, and tagging and reporting requirements are the same as during the regular gun seasons.~~

**ITEM 8.** Amend 571 – 106 implementation paragraph, as follows:

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, ~~and~~ 483A.24, 483A.24B, and 483A.24.

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Date

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Richard A. Leopold, Director

*Motion was made by Commissioner Rettig to approve Notice of Intended Action—Chapter 106, Deer Hunting by Residents. Seconded by Commissioner Bird.*

Commissioner Bird related that he received a question from a deer hunter about the feasibility of the late doe seasons including high powered rifles as a weapon of use. Ken Herring responded that did take place in the two southern tiers of counties and it did stimulate some additional interest in getting hunters to travel to those areas of the state, but staff is reluctant to do that on the rest of the state where there isn't the same level of need to attract people.

Commissioner Rettig noted that 106.11(4)a2 says the landowner or an eligible family member may obtain one depredation license for each season established by the commission, but there is nothing that defines eligible family member in the rule. She asked if the Director's Office could adopt a definition of family or whether every rule would need to be changed to include "domestic partner as defined by the Department of Administrative Services" if the rule includes spouse in the definition of family.

Director Leopold instructed staff to initiate rulemaking to define family to include domestic partner as defined by the Department of Administrative Services and if there are specific pieces of Code that need to be changed, to bring that forward when we talk about DNR policy for next year.

Discussion continued with questions and answers regarding illegal use of transportation tags and consistency in the use of "depredation management plan" and "depredation agreement."

Commissioner Garst expressed safety concerns about hunting in ditches south of Highway 30 and asked if that could be incorporated into this rule. She said she would ask for this every year because it is extremely dangerous there every year. Ken Herring indicated he would check with Law Enforcement to get a clear understanding of the situation and provide information.

*Motion carried unanimously.*

**NOTICE APPROVED**

## **IOWA NATURAL HERITAGE FOUNDATION – DNR PARTNER**

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

The Department would like to acknowledge the important partnership between the Iowa Natural Heritage Foundation (INHF) and the Department of Natural Resources, as well as the contributions INHF provides for Iowa's natural resources. Mark Ackelson, President of the

INHF, has information to present to the Commission regarding the Foundation's mission, with specific emphasis on ways it has partnered with the Iowa Department of Natural Resources.

The Iowa Natural Heritage Foundation was founded in 1979 by three people who recognized that Iowa could not protect its natural resources through government alone: then-Governor Robert D. Ray; Gerry Schnepf of the Iowa Conservation Commission (now the Iowa DNR); and Robert Buckmaster, an avid outdoorsman from Waterloo. Frustrated by lost conservation opportunities, they created a private, nonprofit organization that could act quickly to purchase and protect important natural lands "for those who follow."

Twenty-eight years later, the first generation of "those who follow" is now here — and INHF has protected nearly 100,000 acres of Iowa's prairies, wetlands woodlands, greenways, trails, and river corridors. Nearly 1/3 of this land is now part of the DNR's system.

INHF reports that, together, INHF and the DNR have partnered on 164 land protection projects, adding 29,282 acres to the lands that are under DNR ownership and management. Some of INHF largest projects have become treasured DNR sites—including the 1,260-acre Mines of Spain area in Dubuque (INHF's first big project) and Anglers Bay with 2/3 mile of natural shore line on Big Spirit Lake (a current project, and INHF's most expensive to date). Numerous wetland complexes within the Prairie Pothole Region of north central Iowa have been protected through INHF.

INHF has also partnered with DNR on securing conservation easements, including those at River Bend on the Upper Iowa River and Forest Legacy easements. This partnership also extends to planning efforts, including the Iowa Wildlife Action Plan. INHF has also helped establish the REAP program, and is active in current efforts to provide more, sustainable state funding for natural resources.

INHF works with a wide array of partners ranging from private landowners, businesses and other nonprofits, to all levels of government. Partners are most likely to request INHF assistance when they need either immediate action or help with complex, long-term projects.

Ken Herring introduced Mark Ackelson, President of the Iowa Natural Heritage Foundation (INHF) who presented information on the mission of the INHF and their current priority of permanent land protection. Ackelson noted many of the ways they have partnered with our department and gave a power point presentation on many of the projects, as well as additions made to areas such as parks, wildlife areas, trout streams, wetland complexes, and other large projects such as the Mines of Spain, Iowa Great Lakes complex, Upper Iowa River, etc. Mr. Ackelson complimented staff on the State Wildlife Action Plan and efforts toward protecting special areas.

Ackelson announced that the INHF had reached a major milestone of having protected 100,000 acres in Iowa. These 40 acres will be conveyed to the state and will be a new addition to Stone State Park in Sioux City. Ackelson presented a picture award to the Director and NRC Chair in recognition of the partnership between the INHF and the DNR over the past 29 years.

Commissioner Garst thanked the INHF for the many ways their organization has helped so many throughout the state. She complimented them on their ambition on the many projects.

<b>INFORMATION ITEM</b>
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### **NOTICE OF INTENDED ACTION—CHAPTER 108, FURBEARER SEASONS**

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

The Commission is requested to approve this Notice of Intended Action to amend Chapter 571 – 108 “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf and Spotted Skunk Seasons.” Chapter 571 – 108 sets the season dates, bag limits, possession limits and areas open to hunting or trapping furbearers.

The amendments add Harrison, Monona, Pottawattamie and Woodbury counties to the counties open for taking bobcat. The amendments also increase the quota from 400 to 500 for river otters and from 150 to 200 for bobcats. The amendments eliminate the restrictions on beaver trapping in Linn County. The amendments clarify that all furbearers must be immediately dispatched or released back into the wild. Wild furbearers can not be kept in pens or enclosures.

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 571 – 108 “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf and Spotted Skunk Seasons,” Iowa Administrative Code.

This rule sets the season dates, bag limits, possession limits and areas open to hunting and trapping furbearers.

The amendments add Harrison, Monona, Pottawattamie and Woodbury counties to the area open for taking bobcat. The amendments also increase the quota from 400 to 500 for river otters and from 150 to 200 for bobcats. The amendments eliminate the restrictions on beaver trapping in Linn county. The amendments clarify that all furbearers must be immediately dispatched or released back into the wild. Wild furbearers can not be kept in pens or enclosures.

Any interested person may make written suggestions or comments on the proposed amendments on or before April 29, 2008. Written comments may be directed to the Wildlife Bureau's website at [www.iowadnr.gov](http://www.iowadnr.gov) or may be sent to the Wildlife Bureau Chief, 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 Wildlife Bureau at (515) 281-5034 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 29, 2008. Interested persons should contact the department at (515) 281-5918

for a list of hearing locations or go to the department's website at [www.iowadnr.gov](http://www.iowadnr.gov). At the hearings, persons may present their views either orally or in writing. At the hearings, 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 the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These amendments are intended to implement Iowa Code sections 481A.6 481A.38, 481A.39, 481A.87 and 481A.90.

The following amendments are proposed.

**ITEM 1.** Amend subrule 571 – 108.7(2) as follows:

108.7(2) Open area. River otters may be taken statewide. Bobcats may be taken in the following counties: Adams, Appanoose, Clarke, Davis, Decatur, Des Moines, Fremont, Harrison, Henry, Jefferson, Lee, Lucas, Mills, Monona, Monroe, Montgomery, Page, Pottawattamie, Ringgold, Taylor, Union, Van Buren, Wapello, ~~and Wayne, and Woodbury.~~

**ITEM 2.** Amend subrule 571 – 108.7(3) as follows:

108.7(3) Quotas and seasonal bag limit.

- a. Seasonal bag limit. The seasonal bag limit is 2 river otters and 1 bobcat per person.
- b. Quotas. The quota for the number of river otters that may be taken is ~~400~~ 500 statewide. The quota for the number of bobcats that may be taken is ~~150~~ 200 in the open area. The season shall end for river otters when the number of river otters trapped, as determined by the harvest reporting system, reaches ~~400~~ 500. The season shall end for bobcats when the number of bobcats taken, as determined by the harvest reporting system, reaches ~~150~~ 200. Trappers shall be allowed a 48-hour grace period after the quota is reached to clear their traps of river otters or bobcats. River otters or bobcats found in traps during the grace period may be kept even though the quota is exceeded provided that the trapper has not reached the trapper's personal bag limit. River otters or bobcats trapped after the grace period or in excess of the seasonal bag limit must be turned over to the department; the trapper shall not be penalized.

**ITEM 3.** Strike subrule 571 – 108.9(2):

~~108.9(2) Trapping near beaver lodges and dens. There will be no trapping within ten yards of active or inactive beaver lodges or dens in certain areas described as those portions of the Cedar River and Indian Creek floorplains enclosed by Highways 30, 151, Business 151 and I-380 in Linn County.~~

**ITEM 4.** Add paragraph 571 – 108.10:

108.10- Euthanasia or release of fur-bearing animals. All furbearing animals whether trapped or hunted shall either be reduced to the hunter or trappers bag by euthanasia upon taking possession of the animal or released immediately back into the wild unless acting under the direction of the Department of Natural Resources.

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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 108, Furbearer Rule. Seconded by Commissioner Francisco.*

Note was made that an updated item that added Item 4 was distributed.

Willie Suchy gave a power point presentation on information obtained from last years' seasons that helped staff formulate the recommendations. He noted that the collected information and observations of the increased population support the recommendation for an increase in quotas for bobcats and river otters.

Ken Herring stated that the cooperation of trappers as the populations of both otters and bobcats grew has been important. He acknowledged they patiently supported the department's research and the collection of information through the carcass collections. He added that biologists are conservative by nature and have been conservative in setting these seasons, and it is evident that these animals are continuing to expand. Herring said this rule change is allowing for a very reasonable limited growth in four additional counties.

Kim Francisco asked for justification for reducing the beaver season. Herring replied that very little trapping was occurring those two weeks and the beaver reduction may help reduce the incidental taking of otters.

### **Ed Woolsey**

Mary Ann Hynes indicated that Ed Woolsey had not returned from an appointment at the Capitol but read a statement prepared by Ed Woolsey. He said that he was raised two counties south and came from at least five generation of hunters, trappers and fishermen. He said he always enjoyed the outdoors, and now spends many days and nights on Iowa rivers every year and last summer had the opportunity to watch a mother otter and her four kids jump, play, frolic, and slide along the river banks.

Mr. Woolsey's statement went on to say that: "In all the miles of canoeing and kayaking on Iowa rivers I have never seen an otter or a bobcat and I am sure few Iowan's have had that opportunity. Imagine my surprise when I saw that the DNR was opening a season on both. Having a lot of experience in politics and government I wanted to look at the data and not just take things superficially. Long story short, I have enough statistics and quantitative methods from graduate school to feel comfortable evaluating the raw data and methodology. In my opinion there is no evidence in the data to justify management decision, no less an increase in trapping numbers. I therefore recommend to the commission that 1) place a suspension on all otter and bobcat trapping and hunting until you have a scientifically valid estimate of animal numbers. The data you are using shows a crash in the recent numbers of otters. 2) Certainly not raise the kill numbers due to the following unique situations: a) \$5 corn and \$12 beans will reduce habitat among streams and likely reduce water quality and global warming will impact eco systems. We should err on the conservative side at this time."

**Cody Hutton**

Cody Hutton, Iowa Trappers Association, expressed thanks for the informative discussion. He said the trappers have been working intensively with the biologists and represent the 15,000 fur harvesters that purchased licenses and habitat stamps. Hutton distributed pictures from recent skinning operations. He said he is very impressed with DNR biologists and enjoyed working with them skinning and processing carcasses. He added that trappers have been waiting a long time for trapping seasons.

Ken Herring explained that bobcats that are inadvertently caught or killed are picked up by an officer or biologist and then held in a freezer until there is an annual skinning session. The trappers come down and together with our staff skin the cats or otters over a couple of days. The research people analyze the carcasses for age and numbers of young the animals have had. Director Leopold pointed out that we are stepping up trying to market the furs because there is a cost to storing them.

**Tracy Hutton**

Tracy Hutton, Madison County, stated that she is from a trapping family with three young boys. She said the excitement in her boy's faces when they check their trap lines is amazing and her oldest can lecture on how trapping completes the circle of life. She added that they caught a bobcat on their grandparents' farm this year and they would like the opportunity to trap bobcats on their own farm next year. Hutton went on to say: "There have been several sightings of bobcats in Madison County as reported by bow and deer hunters. My husband and boys also have seen several separate tracks in the trap lines this winter in the fresh snow. Seeing first hand my father-in-law's fur shed with all the additional bobcats and otters turned over after the quotas by the honest sportsmen, makes me wonder if we are utilizing beautiful animals to the fullest extent possible. If we give more animals to the trappers, the furs are more likely to be skinned and processed immediately. The gland and meat used to make baits and lures are truly appreciated by trappers or hunters. Many trappers will be likely to give carcasses to the DNR for biology studies if they know they can keep the furs. I personally believe this will give you a more accurate account of how many have been caught and the ones who may not have been following the rules may start to. If you see the charts on the sightings and roadkills of trapped animals, it is clear that there are plenty of bobcats in the lower three tiers of counties to support a conservative harvest season. I personally cannot think of anything I would rather see than my boys running up from their trap line."

**Roger Hutton**

Roger Hutton, St. Charles, Iowa, invited the commissioners to his facilities where they process the otters and bobcats. He said there is scientific data to prove that we have a sustainable bobcat population in Iowa and suggested that the proposal include Marion, Madison and Warren County in this bobcat season. Mr. Hutton also said that "here in America we have freedom of choices and when people say they don't agree with hunting or don't agree with trapping because they don't feel it is right, I don't have a problem with that. What I have a problem with them doing is saying they don't want me to do it. I feel I have a right to do it and as long as we have scientific data and it is not hurting the wildlife. I don't like to see my rights stepped on because it is something they don't want to do themselves."

Mr. Hutton went on to explain the skinning operation he has each year and the service they provide the DNR. He said his building, his services and time is free to the DNR and they have had university classes of biology students helping with the operation. He invited the commissioners to come next year to see what is involved in their skinning operation.

Commissioner Garst thanked Mr. Hutton for his volunteer service and help provided to the DNR.

### **Mary Ann Hynes**

Mary Ann Hynes, stated that the 2005 number of otters observed by bowhunters was 153, and in 2006 there were 84, which is about a 50% drop. She asked that be taken into account. Hynes explained that she is a volunteer at Blank Park Zoo, does education programs, fundraising and is a photographer to help out conservation. She said she can stand in front of the otter exhibit and talk to people and they can watch the otters but the zoo should not be the only place to see them. She added that hunting and trapping is fine but leave some for the rest of us. Hynes asked commissioners to not pass the rule.

Dale Garner noted that otters and bobcats are under CITES (Convention on Trade in Endangered Species) permits and these seasons could not be proposed if the Fish and Wildlife Service was not in agreement with the data that we give them. He said they are an oversight committee to us to allow us to bring this forward.

Commissioner Francisco disclosed that he is a member of the Iowa Trappers Association and that he buys a fur harvesters license, but has not sold fur in Iowa. Francisco said that over the past three years he has had a steady increase of landowners complaining about otters, indicating there is an increase in otters.

Commissioner Bird expressed he had earlier reservations with these seasons but added that he is comfortable with where we are right now. Bird asked staff to continue to be conservative in the seasons and numbers.

Commissioner Kramer said she is bothered if otters are being trapped just for the sport of it. She said, however, that if the quota was filled in only a week, perhaps the rule should remain as it is for another year to see if the numbers are really true.

Commissioner Rettig commented that initially she was apprehensive about the bobcat season and wanted to see the population grow. She said she is all for people who trap, hunt and fish but it has to be balanced with the population growth. She said how quickly the quota was gotten to is important. Rettig said that if the quota for bobcats was reached in one week and the quota for otters took three weeks, perhaps the otter population is not quite there to sustain that amount.

Dale Garner responded that there is a difference because water level fluctuations come into play when trapping otters and does not have anything to do with populations.

Director Leopold stated that we have some excellent wildlife biologists and he looked at the numbers, saw the maps, saw the numbers of incidental take, and is now comfortable that there is not only a sustainable population but a growing population. He said he feels this population will continue to grow across the entire state. Leopold said he is comfortable that the biologists are watching closely for any impacts on these species.

Commissioner Francisco commented that Item 4 was put on at the last minute and noted that the new dangerous animal bill passed by the legislature indicated that they are not interested in seeing wild animals, including coyotes, kept as practice for hounds. He said there may be some discussion of this at the final decision and commissioners should be aware that one of the markets the trappers have is selling live coyotes to hound training facilities.

*Motion carried unanimously.*

**NOTICE APPROVED**

### **ALCOHOL BAN ON STATE PARK BEACHES RULEMAKING PROCESS**

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

The Natural Resource Commission will discuss public input on rule-making relative alcohol ban on beaches and the process and timing of rulemaking from Notice of Intended Action to implementation.

Commissioner Garst related that at the last meeting she had hoped that staff was going to do further work on reaching out to people to figure out a less restrictive way to deal with this issue than simply banning alcohol. She said she was informed that staff was not going to do that and asked if the commissioners feel that the way to get more discussion is to pass a Notice of Intended Action. She asked for commissioner's understanding of what it means to pass a Notice of Intended Action.

Discussion continued with several commissioners indicating they feel that to approve a Notice is to put it out for discussion or notice to the public for comment, not necessarily a vote for the proposal. Commissioner Garst said she does not think a NIA needs to pass if you think it is wrong. Commissioner Rettig commented that by its name you are notifying the public that you intend to do something. She said it is a personal decision and up to your conscience whether you want to vote for a rule just to see if it happens or not. She added that she feels it is a bad departmental policy to put a rule out just to see how the public reacts. Rettig said the department should have done all the research, have gotten all the controversy, and have an understanding of all sides of the issue before the intended action.

Commissioner Francisco related there have been some issues that came to the commission as an informational item before rulemaking started; examples were the Parks Reservation System and

the current agenda on eagles. Francisco noted that Parks held public hearings all around the state and then came up with a Notice of Intended Action based on the results of those public hearings.

Director Leopold explained that NIA's are sometimes caused through federal or state statutory requirements, some are for seasons such as deer, turkey, etc. that are standard operating processes. He said that if there is a major change proposed, pre-formal rulemaking information can be presented.

Kelley Myers cautioned against significant changes in the rule between the Notice and the Final Rule. She said often times staff is working with stakeholders vetting the rules before it is even brought to the commission. She also explained that there is a 180 day time limit between the publishing of the Notice and the final resolution or that rule dies and we have to start all over again.

Garst said that to her knowledge there was no information item on the rule in question before the NIA and that her understanding is it will not go out for public outreach unless there is a Notice of Intended Action.

Ken Herring related that the Director has been clear that this agency operates with "clear sunlight" on our rules. He said staff has done that, but that he failed to convey that to the commissioners very well in consideration of this rule. Herring noted that parks staff worked on this issue for a long time and they pride themselves on collaboration and working with stakeholders. Staff had done two and a half years of diligent work before the rulemaking. Herring emphasized that staff would never say, nor would the director allow us to say that we are not going to talk to the public on an issue.

Garst asked the commission to discuss the process of reconsidering votes. Commissioner Rettig said that in general, she feels if something is voted on, in order to bring it up again, one of two things should happen; the facts should change or time should pass. If not, precedence is allowed to be set. Note was made that the NRC has seven commissioners and there has to be a majority of the seven, or four votes to pass an issue whether all commissioners are present or not. Discussion continued about whether a split vote or a vote where there was not a majority that stopped a rule is clear direction from the commission to the department. Scenarios of a few circumstances where reconsideration could be considered were talked about.

Director Leopold announced that he has a Public Affairs Coordinator that will be working with the Director's Office. One of her duties will be to set up more public meetings across the state to talk about these types of issues. He said a series of meetings are being scheduled for later this summer and commissioners will be invited to those meetings.

Discussion continued with questions of whether staff had considered all options; organizing friends groups, establishing recycling, looking at staffing, or looking at neighborhood watch type issues before bringing the alcohol on beaches rule to the commission. Director Leopold advised that this issue will be discussed at the local public meetings. He said the rule may come back in some fashion again next fall.

<b>INFORMATION ITEM</b>
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**FINAL RULE—CHAPTER 61, STATE PARKS AND RECREATION AREAS (CABIN RENTAL FEES)**

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

Commission approval is requested for notice of adopted and filed amendments to Chapter 571--61, State Parks and Recreation Areas.

Notice of Intended Action was approved by the Commission on January 15, 2008. Notice of Intended Action was published in the Iowa Administrative Code Bulletin on February 13, 2008, as ARC 6600B. A public hearing was held on March 4, 2008. No written or oral comments were received. Staff did make one change to the final rule based on comments received at the January Natural Resource Commission meeting. The cabin rental fees for Brushy Creek State Recreation Area are being removed from the cabin rental fee subrule. The cabin project never materialized and no cabins have been constructed at Brushy Creek State Recreation Area.

**NATURAL RESOURCE COMMISSION [571]**

Adopted and Filed

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

These amendments formally recognize Honey Creek Resort State Park as a state park, establish rental fees for four new camping cabins at Prairie Rose State Park and a new day-use rental lodge at Lake Darling State Park, exempt Honey Creek Resort State Park from rules applicable to other state parks with some exception, and organize 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.

Notice of Intended Action was published in the February 13, 2008, Iowa Administrative Bulletin as ARC 6600B. A public hearing was held on March 4, 2008. No public comments were received. A member of the Natural Resource Commission inquired about the cabin rental fees for Brushy Creek State Recreation Area. The cabin project did not materialize and the cabins were never constructed. The Commission asked to have the subrule updated and remove the cabin fees for Brushy Creek State Recreation Area since there are no cabins at this park.

The adopted amendments are identical to those published under Notice with one change which is to remove the cabin rental fees for Brushy Creek State Recreation Area.

These amendments will become effective on May 14, 2008.

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

The following amendments are adopted.

**ITEM 1.** Amend rule 571--61.2(461A) by adopting the following new definition in alphabetical order:

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

Area	County
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 1, 2006.

**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.

	Per Night*	Per Week
Backbone State Park, Delaware County		
Renovated modern cabins	\$ 50	\$300
Two-bedroom modern cabins	85	510
Deluxe cabins	100	600
Black Hawk State Park, Sac County	100	600
<del>Brushy Creek State Recreation Area, Webster County</del>		
<del>    Nonequestrian camping cabins</del>	<del>35</del>	<del>210</del>
<del>    Equestrian camping cabins</del>	<del>40</del>	<del>240</del>
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.

	Per Weekday	Per Weekend Day
	M-Th***	Fr-Su
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
Lake Darling State Park, Washington County	100	200
Lake Keomah State Park, Mahaska County	45	90
Lake Macbride State Park, Johnson County		
Beach Lodge	35	70
Lodge	35	70
Lake of Three Fires State Park, Taylor County	35	70
Lake Wapello State Park, Davis County	30	60
Lewis and Clark State Park, Monona County	35	70
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 571—Chapter 61 by adopting the following new rule:

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(461A) 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.

**ITEM 5.** Amend 571—Chapter 61, implementation sentence as follows:

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~~ chapters 463C and 724.

\_\_\_\_\_  
Date

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

*Motion was made by Commissioner Rettig to approve Final Rule—Chapter 61, State Parks and Recreation Areas. Seconded by Commissioner Francisco. Motion carried unanimously.*

**FINAL RULE APPROVED**

**GENERAL DISCUSSION**

Kim Francisco noted that an invitation had been received regarding the Association of Fish and Wildlife Agencies Conference on September 7-12 in Saratoga Springs, New York. Commissioners were asked to express their interest in attending this conference at the next meeting.

Commissioner Rettig reported she had dinner at the same location that a southern Iowa Chapter of the National Wild Turkey Federation was having their monthly meeting. They extended an invitation to commissioners to attend their annual banquet on March 29. Rettig said they were interested in sending the Governor an invitation to do a turkey hunt with them. An invitation may also be sent to commissioners and the director.

**Information For Prospective Appointees.**

Chairperson Garst distributed a draft copy of information for prospective NRC Commission Appointees. Listed below is the approved information.

**Natural Resource Commission  
Information for Prospective Appointees**

The Natural Resources Commission (NRC) is one of two Commissions associated with the Iowa Department of Natural Resources (IDNR). The NRC works with the “Conservation and Recreation Division” of the IDNR and it has policy, rule making and budgetary responsibility for numerous Iowa Code Chapters. Some of the substantive work of the NRC includes approving 1) the purchase of public lands and conservation easements; 2) park facilities construction

contracts and rules; 3) hunting and fishing rules; 4) boat, snowmachine and ATV rules; and 5) boat dock and barge leases. The NRC also has responsibility regarding wildlife, endangered species, open spaces, State Preserves, commercial fishing, hunting preserves, REAP grants and other related programs.

The other Commission associated with the IDNR is the Environmental Protection Commission (EPC) which oversees issues such as groundwater protection, sewage treatment facilities, landfills, household hazardous waste, animal agriculture compliance, the bottle deposit bill and other regulatory issues. The two Commissions meet jointly 1-2 times each year.

The NRC has seven Commissioners and the term is 6 years. Regular meeting attendance is expected.

The formal NRC meetings are typically held the second Thursday of each month. The meetings generally begin at 8:30 a.m. and last until at least noon, sometimes into early afternoon. Dress is business casual. In addition, the Commission often meets at 1 p.m. on the Wednesday before each formal meeting to tour IDNR facilities and meet with local IDNR staff. Dress is casual. The Commission meets at various locations around the state, so Commissioners travel on Wednesday morning and Thursday afternoon, and stay in a motel on the Wednesday night. In short, the regular monthly meetings typically take 2 full days each month.

As additional time commitments, Commissioners are expected to read in advance substantial written materials provided before each Commission meeting. Extra Commission meetings are occasionally scheduled. Commissioners may also receive requests to attend other organization's meetings or events, and while there is no formal obligation, Commissioners typically try to attend at least a few of these meetings each year, especially if in their geographic region of the state. Commissioners can expect to receive communications (letters, phone, email) from citizens and even legislators on controversial issues. Commissioners are also expected to keep their e-mail and paper files in order in order to comply with the State Open Records laws. In summary, the time commitment as an NRC Commissioner is substantial.

To better understand the work of the NRC, please see minutes, agendas and meeting schedules available at [www.iowadnr.com/nrc/index.html](http://www.iowadnr.com/nrc/index.html). When appointed, INDR staff will provide documents including a Commissioners Handbook, Roberts Rules of Order, Iowa Code Chapters and other written policies. Both staff and fellow Commissioners are eager to answer questions and help prospective or new appointees get "up to speed" as quickly as possible.

This information was reviewed and approved by the NRC on March 13, 2008.

*Motion was made by Commissioner Garst to approve the document of information for prospective NRC Commissioners. Seconded by Commissioner Francisco. Motion carried unanimously.*

**COMMISSIONER INFORMATION APPROVED**

Commissioner Garst related that the Governor's appointment secretary would also welcome input on the geographic location of a new commissioner. Discussion indicated that both the western area of Iowa and northeast Iowa is unrepresented on the commission. Director Leopold stated that some big decisions will be made in the next year or two with regard to the Missouri River and recommended that a good conservationist from the Missouri River Valley be appointed.

Commissioner Rettig noted that she grew up on the Mississippi so has a passion for the Mississippi River but that she is not located in the northern area.

Commissioner Francisco related that he is the commission's representative on the Mississippi River Parkway Commission but lives quite a ways from the river. He suggested it may be more appropriate for Rettig to be the representative and perhaps that could be voted on that at the next meeting.

### **Election of Officers - Tabled**

Commissioner Garst said that she is advocating that a nominating committee be appointed and that a chair be elected each year rather than the take turn approach now used.

Commissioner Kramer suggested continuing with the rotation of officers and to start this year with the "new class."

*Motion was made by Commissioner Garst to change the election of officer system from a rotation-type system to nomination and election. Seconded by commissioner Drees. Motion failed to pass on a 3 to 3 vote.*

*Commissioner Rettig made a motion to nominate Bill Bird as Chair of the commission beginning with the May meeting. Seconded by Commissioner Kramer.*

Discussion continued and it was consensus that Greg Drees would be nominated to serve as vice-chair and Janelle Rettig would be nominated to serve as secretary at the next election in May.

### **PROCEDURE FOR MAY ELECTION OF OFFICERS DECIDED**

Commissioner Rettig displayed a new DNR publication with the nondiscrimination statement included. She said she understands that because DNR presented that to the Governor's Office, this statement will start appearing on all state publications. Rettig thanked the department and staff for advancing that proposal.

**NEXT MEETING DATES**

The next meeting will be held on April 10 in Ringgold County.

**ADJOURNMENT**

*Motion was made by Commissioner Bird to adjourn the March 13, 2008 NRC meeting. Seconded by Commissioner Francisco. Meeting adjourned at 1:55 p.m.*

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Richard A. Leopold, Director

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