



**STATE OF IOWA**

CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**  
RICHARD A. LEOPOLD, DIRECTOR

**MINUTES**  
**OF THE**  
**NATURAL RESOURCE COMMISSION**  
**MEETING**  
**JUNE 11, 2009**

**IOWA DEPARTMENT OF NATURAL RESOURCES**

**Waubonsie State Park Nature Center**  
**2585 Waubonsie Park Road**  
**Hamburg, IA 51640**

## **Call to Order**

The meeting of the Natural Resource Commission was called to order by the NRC Commission Chairperson, Greg Drees on Thursday, June 11, 2009 at 8:30am. Commissioner Drees welcomed the public to the meeting and reviewed the public speaking forum guidelines. Commissioner Drees went on to thank the DNR Wildlife and Fisheries staff for the prior day's informative session including; a tour of the Missouri River, presentation on the Missouri River Initiative Program, and tour of Waubonsie State Park that included the newly renovated cabins.

## **Members Present**

Gregory Drees  
Richard (Kim) Francisco  
Elizabeth Garst  
Tammi Kircher  
Janelle Rettig

## **Members Absent**

William Bird  
Carol Kramer

## **Other in Attendance**

Deb Kozel – Legislative Services Agency

## **Public Participation**

- Ken Smith – Shenandoah, IA - Trapping Limitations
- Mary Scalf – Ottumwa, IA - Trapping Limitations
- George Scalf – Ottumwa, IA - Trapping Limitations

## **1. Approve Agenda**

**Moved** – Commissioner Kircher moved to approve the meeting agenda with the exception of proceeding with construction items 5.1 - 5.5 until Directors Leopold arrives to complete the Director's Remarks (item #3) and Honey Creek Destination State Park Update (item #4).

**Seconded** - Commissioner Francisco

**Motion** – Carried by Unanimous Vote

**Moved** – Commissioner Rettig moved to cover item 27 after item 19

**Seconded** – Commissioner Kircher

**Motion** – Carried by Unanimous Vote

## **2. Approve Minutes of 05/14/09**

**Moved** - Commissioner Kircher

**Seconded** - Commissioner Francisco

**Motion** – Carried by Unanimous Vote

## **3. Director's Remarks**

- **Drainage** – As stated in the construction item 5.5; drainage in the state is an issue. The DNR are in discussions with IDALS and EPA in relation to drainage improvement projects. Together a pilot project started from funding from IDALS and partially from the DNR State Revolving Fund (approx. \$200k); this projects basis is to take a small watershed that has farmed wetlands and enhancing drainage from those and placing strategic wetland on the bottom of 3-4 acres.
  - Commissioner Garst made comment on vast difference of opinions in relation to tile drainage systems and encouraged substantial research soon.

- **General Fund** – 15% across the board cut and because of this; there will be cut backs on inspections of animal feeding operations because this is one of the few programs funded by the state general fund. There will also be some defunding in the geological survey bureau that will affect the models driven by those surveys.
- **Parks & Forestry** – Forestry has done a great job moving programs from general funded to being federally funded via grants. The Parks area has struggled with the flood damages from last year coupled with the budget cuts they have to make this year. AmeriCorps Volunteers are being utilized to substitute a large portion of the parks seasonal help. Parks has also adjusted their management plan and implemented decrease mowing and maintenance in the parks. The good news is that ALL State Parks are still open.
  - Commissioner Garst made comment that there should be a public relations effort to educate the public about the budget issues. She suggested placing informational pieces (FAQ) throughout the park system in highly visible places such places as restrooms.
- **Other Monies** - Water Quality Standards are starting to be implemented for bacteria nutrients standards are still pending.
- **Hunting & Fishing Fees** – During the last legislative session the increase on non-resident hunting & fishing fees was passed, which will translate to approximately \$2M additional revenue per year.
- **Glenwood Preserve** – Ownership has been transferred to the DNR with the directions to assess for a State Preserve. Staff is working with the local RD&D to get grants to complete archeological surveys.
- **Climate Change** – Director Leopold has been doing a lot of work on Climate Change on a national level with Waxman-Markey Bill going through House of Representatives. There is a lot in the bill that has to do with utilities, allowances for low-income, natural gas, price vitality, etc.; but no funding for natural resources adaptation. This is a package bill on what to do about climate change.
- **Emerald Ash Borer (EAB)** – One larva was found in Clinton County at the Osborn Nature Center. Iowa DNR is working in partnership with the Department of Agriculture and Land Stewardship (IDALS) on a grant for public awareness. At this point a quarantine has not been issued. Animal and Plant Health Inspection Service (APHIS) is a federal agency that has authority to declare a statewide quarantine. If a quarantine is issued this would mean that no wood would be allowed to be transported anywhere. Iowa DNR is working in partnership with the Department of Agriculture and Land Stewardship (IDALS) on a grant for public awareness.
  - Commissioner Garst suggested that a higher level of public relations about transporting wood across state lines. All commissioners agreed that more needs to be done to educate the public.
  - There is a possibility of creating an AmeriCorps EAB swat team to work on succession planning.
- **Joint EPC/NRC meeting** – July 14<sup>th</sup> 10am-3pm at Wallace State Office Building
- **Director's Schedule** - Director Leopold will be unavailable most of June for vacation and speaking engagement in Washington, DC.

#### **4. Honey Creek Resort State Park Monthly Update**

Director Leopold gave an update to the NRC Commission about the Honey Creek State Park Resort. Basically April revenues were not good, May was better and June outlook is even better. Marketing is still an issue and DNR is putting a lot of pressure on Central Group the operating company to get a fulltime marketing manager in place as soon possible.

- Pet policy -
  - Starting July 1<sup>st</sup> there will be 3 cabins (one cabin of each type) available for reservations in which pets will be allowed. There will be a flat \$50 pet fee charged for one pet and an additional \$5 per pet up to three total allowed in a cabin. Cabins will be inspected after guest departure for damages, there will be a disclaimer added to the bill at the time of check that will notify guests of additional fees that may be charged to the credit card up to \$100 if excessive damages are incurred.
  - Commissioner Rettig commented that she is glad to see the policy in place but does not think that three cabins is sufficient and would like to see more cabins added.
  - Commissioner Garst commented that she would like to see a similar pet policy implemented in all cabins throughout the state park system.

Don Labate presented a short slide show of pictures to update the commission on construction at the resort and recently completed cabins.

#### **Discussion**

##### **Construction**

- Commissioner Rettig asked for clarification on the variance of information between the Honey Creek Resort construction budget and the information reflected on the Capitals Budget Plan information (item 26).
- Ken Herring, Conservation & Recreation Division Administrator explained that the Capitals Budget Plan is a fluid planning budget which reflects everything the department would like to do in fiscal year 2010, but can be adjusted as additional need changes happen throughout fiscal year 2010.
- Commissioner Rettig asked about planning for the projects that have been promised to complete with a budget shortfall of \$336,000. She also wanted to know about the projects that have been indefinitely delayed; RV shelter/restroom, golf cart storage building and park shelter house.
- Commissioner Garst asked if REAP money was being utilized to supplement the operating budget at Honey Creek Resort. She stated that in light of the current operating budget deficit that the legislature needs to know that the DNR is suffering appropriately; as it was the intent not to impact the state park system with this project, the REAP allocation of \$220,000 being used towards the resort it is indeed impacting other parks.

##### **Operations**

- Commissioner Rettig commented that she believed the month of April was bad for several reasons:
  - Occupancy
  - Daily average room rates
  - Food – budget missed by \$33,000
  - Beverage – budget missed by almost \$8,000

Commissioner Rettig expressed concern about the current contract with the operating company (Central Group) and the fact that the contract does not give a lot of leverage to the department besides harsh words. There are still enough reoccurring issues of concern after being open for six full months; the reservation system is still not operating correctly, there is still no room service income reflected because there are still no room service menus in guest rooms, and not being charged for drinks while in the restaurant.

- Commissioner Drees concurred with Commissioner Rettig's comments about the Food & Beverage issues. He commented that the new menu analysis was to be out over a month ago and it seems as though the operating company does not have a handle on the operating expenses in the food & beverage area.
- Commissioner Garst commented on the Honey Creek Resort budget update email received from Deputy Director Pat Boddy. In this update was information on the projected fiscal year loss which went from \$300,000 to \$600,000; and therefore the ability to meet the bond payment (assuming the summer season goes well) will now be short \$609,000.
- Commissioner Rettig requested that a closer look be taken at the budget to assure that enough monies are set aside for bond payments.

## **5. Construction Projects**

### **5.1. Black Hawk Lake, Sac County -- Ice House Point and Marina Boat Ramp**

Black Hawk Lake, Sac County -- Ice House Point and Marina Boat Ramp

The scope of this project includes the removal and replacement of concrete boat ramps at two separate locations on Black Hawk Lake. The Ice House Point and Marina Boat Ramps have cracks, severe spalling, exposed reinforcement, and are deteriorating. Both ramps will be removed and replaced with new 6 inch thick reinforced concrete slabs. The Marina Ramp will be a single 14-foot-wide by 54-foot-long ramp, which is approximately 9 feet longer than the existing ramp and should prevent prop wash issues that have eroded the end of the ramp in the past. The Ice House Point Ramp will be two (2) 14-foot-wide by 50-foot-long ramps that are separated by 6 feet, which will provide space for a single boat dock. Currently there are two boat docks at the Ice House Point Ramp as it does not have a space to be installed between the ramps. This change will allow the extra dock from the Ice House Point Ramp to be moved to the Marina Ramp. The current Marina Ramp dock is in need of replacement and this will allow that to be accomplished at a significantly lower cost than purchasing a new dock. The dock move will also reduce the amount of time required for Parks staff to install and remove the docks each year.

This project was designed by and will be inspected by Jeff Felts, DNR District Engineer. DNR estimate is \$47,000. Funding will be provided by 100% Marine Fuel Tax. 6 sets of plans were issued and 2 bids were received.

KP Construction	Sergeant Bluff, IA	\$52,821.50
Richards Construction Co. Inc.	Sac City, IA	\$62,498.00

Staff recommends the award of contract to KP Construction, low bidder.

<p><b>Moved</b> – Commissioner Francisco  <b>Seconded</b> - Commissioner Garst  <b>Discussion</b> – None  <b>Motion</b> – Carried by Unanimous Vote</p>
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**5.2. Stephens State Forest, Lucas County – Fishing Access Construction**

Stephens State Forest, Lucas County – Fishing Access Construction

This project consists of the construction and crushed stone surfacing of a new fishing access roadway and other related work as required by the Plans and the DNR Construction Inspector. This project will provide a fishing access roadway to allow anglers a much closer access point to the pond site than currently exists, and will allow DNR personnel to more easily maintain the area.

This project was designed by Ken Jackson, DNR Engineer, and will be inspected by Jason Kruse, District Inspector. DNR estimate is \$57,500. Funding will be provided by Parks and Institutional Road Fund and REAP Land Management (Capital Link #85 and #154). 25 sets of plans were issued. 9 bids were received.

Kinman Company Inc.	Oskaloosa, IA	\$36,007.12
Hatch Grading & Contracting Inc.	Dysart, IA	\$49,851.75
Joiner Construction Co. Inc.	Plano, IA	\$51,260.00
TK Concrete Inc.	Pella, IA	\$55,482.00
C.L. Carroll Company Inc.	Des Moines, IA	\$63,150.00
Cole Construction Company Inc.	Keosauqua, IA	\$66,367.00
Jay & Garrett Inc.	Leon, IA	\$72,127.75
Grimes Asphalt & Paving Corporation	Grimes, IA	\$79,720.00
Keller Excavating	Boone, IA	\$115,528.00

Staff recommends the award of contract to Kinman Company Inc., low bidder.

**Moved** – Commissioner Rettig  
**Seconded** - Commissioner Kircher  
**Discussion** – Commissioner Rettig asked why this item was being presented to the commission if it is under \$50,000. Don Labate, Engineering Bureau Chief explained that because the estimated cost was above the threshold and to expedite the project for work bids it was decided to present to the commission now.  
**Motion** – Carried by Unanimous Vote

**5.3. Bellevue Research Station, Jackson County – Siding, Windows & Roofing Replacement**

Bellevue Research Station, Jackson County – Siding, Windows & Roofing Replacement

This project consists of the removal and replacement of siding, windows, doors, soffit, fascia and roof at the Bellevue Research Station. During the design of this project, we paid particular attention to sustainability, and vandal resistance. The project only includes the replacement of building skin, including siding, roofing windows and doors. The building is designed to be heated and the new material was selected with energy conservation in mind. The siding will be replaced with vinyl siding that requires less maintenance. A layer of rigid insulation along with house wrap will be added below the siding. The doors will be insulated and the windows will be vinyl, with argon filled insulated glass.

Project was designed by Thierry Amice, DNR Engineer, and will be inspected by David Heer, District Inspector. DNR estimate is \$40,000. Funding will be provided by 100% REAP Land Management (Capital Link #156). 38 sets of plans were issued. 11 bids were received. 2 bids were returned as incomplete.

Greiner Buildings Inc.	Washington, IA	\$39,673.41
Buddas 3M Construction	Cascade, IA	\$44,143.00
Thola Electric	Charlotte, IA	\$44,650.78
Complete Exteriors & Interiors	North Liberty, IA	\$50,145.50
Stumpf General Construction	Dubuque, IA	\$50,681.46
Kluck Construction	Dubuque, IA	\$51,677.35
Haxmeier Construction	Bellevue, IA	\$54,895.09
Steven Ruff Construction	Bellevue, IA	\$56,003.60
Portzen Construction	Dubuque, IA	\$57,366.67
Marty Jess Construction	Bellevue, IA	\$57,814.62
Conlon Construction	Dubuque, IA	\$60,981.30

Staff recommends the award of contract to Greiner Buildings Inc., low bidder.

**Moved** – Commissioner Rettig

**Seconded** - Commissioner Garst

**Discussion** – Commissioner Garst asked what type of roofing materials would be used.

Don Labate responded that it would be an asphalt material with a 40-year lifespan.

Commissioner Garst commented that she had recently read that metal roofing was the most sustainable product available and asked for feedback. Don Labate responded that metal roofing would not sustain as much hail damage as asphalt roofing and that they had been using metal for maintenance areas because of tree and leaf damage in those areas. Mark Johnson from the Engineering Bureau commented about asphalt shingle vs. metal materials and agreed that metal has a longer life span but does cost more upfront. Commissioner Rettig asked if there was a way to measure energy savings from sustainable products utilized. Don Labate responded that they are always looking for ways to be more conservation minded but due to some factors such as building age it may not be the best use of funds to use that type of materials. Commissioner Francisco asked if there were measures being taken to deter vandalism; in some cases there is not anything hard between the vinyl siding and the building itself. Don Labate responded that usually siding is placed on a wood-sided building or at least there is wood sheathing.

**Motion** – Carried by Unanimous Vote

#### **5.4. Green Valley State Park, Union County – Campground Improvements**

Green Valley State Park, Union County – Campground Improvements

This project consists of grading and granular surfacing for camp pads and installation of sewer and water lines, electrical hookups, and other related work as required by the Drawings and the DNR Construction Inspector. In our design of RV pads layout, we made an extra effort to save the existing trees and tried to work around them. Knowing the archeological sensitivity of the area, archeological survey was done and a clearance was obtained from SHPO for construction.

Project was designed by Mike Hameed, DNR Engineer, and will be inspected by Mark Johnson, District Inspector. DNR Estimate is \$554,864. Funding will be provided by 100% REAP Open Spaces Acquisition and Development. 36 sets of plans were issued. 9 bids were received, with 1 returned as an incomplete bid.

McPeak Trenching Inc.	LuVerne, IA	\$316,529.63
TK Concrete Inc.	Pella, IA	\$383,497.40
Hymbaugh Construction	Mt Ayr, IA	\$385,637.31
AGE, LLC	Earlham, IA	\$390,734.57
Jackson Creek Enterprise LC	Allerton, IA	\$394,998.80
Schoon Construction Inc.	Cherokee, IA	\$397,480.73
C.L. Carroll Company Inc.	Des Moines, IA	\$429,303.30

Pirc-Tobin Construction Inc.	Alburnett, IA	\$443,171.08
Young Mechanical & Plumbing	Greenfield, IA	\$460,860.64

Staff recommends the award of contract to McPeak Trenching Inc., low bidder.

**Moved** – Commissioner Kircher  
**Seconded** - Commissioner Francisco  
**Discussion** – None  
**Motion** – Carried by Unanimous Vote

**5.5. Springbrook State Park, Guthrie County – Riprap and Flood Repair**

Springbrook State Park, Guthrie County – Riprap and Flood Repair

This project consists of stream bank shaping, bank protection with riprap, tree and debris removal and boat ramp protection by riprap. Areas to be reinforced and protected were damaged and eroded from the flooding of 2008. Repair of these areas is critical to the operations of the campground and boat ramp areas and to the stability of the stream and river banks.

The project was designed and will be inspected by Mark Johnson, District Inspector. DNR and FEMA estimate is \$81,000. Funding will be provided by REAP Land Management and Federal-FEMA. 5 sets of plans were issued. 2 bids were received.

Richards Construction Co. Inc.	Sac City, IA	\$69,591.10
TEK Builders Inc.	Mt Ayr, IA	\$90,451.00

Staff recommends the acceptance of the low bidder, Richards Construction Co. Inc.

**Moved** – Commissioner Rettig  
**Seconded** - Commissioner Francisco  
**Discussion** – Commissioner Garst asked what the status of CCC Bridge was. Mark Johnson responded that project had been completed last fall. Commissioner Garst asked if FEMA money was being used for the damage. Mark Johnson responded yes, that was correct. It was all damage resulting from the floods last year. Commissioner Francisco commented that he understood there had been damage due to changes in the drainage district rules and asked if there had been any progress on that issue as well as asked if it was a band-aid. Mark Johnson responded that was correct and the damages were a direct result of waters coming from upstream, and it was a band-aid. Commissioner Drees asked what stream it was that entered the Middle Raccoon River. Mark Johnson responded that he believed it was Springbrook Creek. Commissioner Rettig asked if there was anything that could be done to slow the waters down coming from that area. Director Leopold commented that this is a prime example of what is wrong with how drainage issues are being handled in the state, and remarked that the department is currently working with the Department of Agriculture (IDALS) on developing better plans for systematic drainage throughout the state.  
**Motion** – Carried by Unanimous Vote

## **6. Small Construction Projects Contracts – INFORMATION ITEM ONLY**

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

<b>BID DATE</b>	<b>PROJECT</b>	<b>COUNTY</b>	<b>AREA</b>	<b>DESCRIPTION</b>	<b>BIDS</b>
4/02/09	09-02-94-03	Webster	Brushy Creek	Flood damage repair	\$23,423.00 \$51,512.91
4/23/09	09-02-94-04	Webster	Dolliver State Park	Silt & Debris removal	\$19,549.00 \$19,985.00
4/30/09	09-04-78-02	Pottawattamie	Lake Manawa State Park	Shingle repair	\$13,930.50 \$18,315.00 \$19,425.00
4/30/09	09-04-88-09	Union Co.	12-Mile Lake WMA	Jetty Repair	\$20,624.24 \$22,659.00 \$24,242.40
4/30/09	09-03-28-05	Delaware	Backbone State Park	Lodge door replacement	\$9,026.07 \$11,755.00 \$12,836.00
4/30/09	09-03-07-10	Blackhawk	George Wyth State Park	Floating dock/shoreline	\$15,820.00 \$35,730.00
4/30/09	09-03-55-01	Hancock	Pilot Knob State Park	Replace roof shingles	\$5,010.00 \$5,786.00 \$7,303.00
5/11/09	05-06-44-04	Henry	Lake Geode State Park	Lagoon repair	\$11,420.00 \$6,597.50 \$7,990.00
5/14/09	09-02-94-05	Webster	Brushy Creek	East Ramp Terrace	\$8,387.00 \$26,872.00
5/21/09	08-05-04-17	Appanoose	Honey Creek Park	PCC pavement testing	\$34,000.00 \$13,751.00
5/21/09	09-05-93-01	Wayne	Bobwhite State Park	Fence Replacement	\$17,491.50 \$18,837.00 \$17,125.00
5/21/09	09-04-87-02	Taylor	Lake of Three Fires	Reclaiming Rock on Spillway	\$21,400.00 \$22,200.00 \$24,900.00
5/21/09	09-04-15-01	Cass	Lake Anita WMA	Sediment Dam Repair	\$13,690.00

## **7. Land Acquisition Projects**

### **7.1 Angler Access Easement, Fayette County -- Will Ogle**

The Natural Resource Commission's approval is requested for the acceptance of a donated permanent angler access easement on land in Fayette County. The farm that includes the area to be encumbered is located about two miles northeast of Wadena. Will Ogle is offering to donate this angler access easement as part of a stream bank improvement project to be completed this summer.

Dan Kinsinger negotiated the donation agreement.

The proposed easement involves approximately a quarter mile long segment of Mink Creek, a State stocked trout fishery. The easement is designed to allow the DNR to stock Mink Creek with trout; to effectively manage the stream as a trout fishery; and to post signs in order to delineate authorized public use. The public will have the right to enter the property from along the county road and approach the stream by foot only. The public will be allowed to utilize the access for fishing only.

Once the easement is recorded, at the request of the property owner the DNR will provide a certified real property appraisal to establish the donated value of the easement. The proposed conservation easement is permanent and will run with the land.

Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the angler access easement.

**Moved** – Commissioner Francisco  
**Seconded** - Commissioner Rettig  
**Discussion** – Commissioner Francisco commented that he believes these are great programs.  
**Motion** – Carried by Unanimous Vote

## **7.2 Angler Access Easement, Fayette County -- Mikel Yauk**

The Natural Resource Commission's approval is requested for the acceptance of a donated permanent angler access easement on land in Fayette County. The property that includes the area to be encumbered is located about two miles northeast of Wadena. Mikel Yauk is offering to donate this angler access easement as part of a stream bank improvement project to be completed this summer.

Dan Kinsinger negotiated the donation agreement.

The proposed easement involves approximately a quarter mile long segment of Mink Creek, a State stocked trout fishery. The easement is designed to allow the DNR to stock Mink Creek with trout; to effectively manage the stream as a trout fishery; and to post signs in order to delineate authorized public use. The public will have the right to enter the property from along the county road and approach the stream by foot only. The public will be allowed to utilize the access for fishing only.

Once the easement is recorded, at the request of the property owner the DNR will provide a certified real property appraisal to establish the donated value of the easement. The proposed conservation easement is permanent and will run with the land.

Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the angler access easement.

**Moved** – Commissioner Garst  
**Seconded** - Commissioner Kircher  
**Discussion** – None  
**Motion** – Carried by Unanimous Vote

### **7.3 US Highway 65 Bypass Wildlife Management Area -- Polk County Conservation Board**

The Natural Resource Commission's approval is requested for the recommendation to the Executive Council to approve the Polk County Conservation Board's (Polk CCB) request. The Polk CCB has approved a resolution requesting that title to US Highway 65 Bypass Wildlife Management Area be conveyed to the County for no consideration. Upon approval by the Executive Council, the title will be conveyed to Polk County by patent.

US Highway 65 Bypass Wildlife Management Area contains approximately 231 acres located immediately south of the Des Moines River in southeastern Polk County. The area is located both east and west of US Highway 65. It was acquired by the DNR in May 2008 through a transfer of jurisdiction from the Iowa Department of Transportation as excess right-of-way used for borrow and wetland mitigation for construction of the highway. The area consists of crop fields, wetlands and some river plain timber and has approximately three-eighths of a mile of river frontage.

The DNR was approached by the DOT in May 2005 to determine the Department's willingness to accept jurisdiction of the property. After careful consideration, the DNR determined that the land should remain in public ownership and managed for conservation purposes. The property presents many management challenges which would require significant resources. The DNR believes that the Polk CCB is in a much better position to manage the property. Some of the management challenges include: proximity to the Great Ape Trust, the four-lane Highway 65 dividing the property, lack of access and the propensity of illegal activities occurring due to the location.

Because of the land's classification (excess right-of-way, wetland mitigation and floodplain mitigation) the DOT has two options: offer the land to adjacent landowners or convey to another state agency. In order for the land to remain in conservation the DNR agreed to obtain jurisdiction. Polk CCB has requested DNR convey title to them prior to their long-term investment of resources toward the property. Polk CCB intends to implement bottomland forest restoration and wetland restoration activities as well as control illegal ATV usage.

The County will manage the area for wildlife habitat, hunting (limited) and fishing access and plans to provide parking areas for public use.

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

Staff recommends approval of the land conveyance.

**Moved** – Commissioner Francisco

**Seconded** - Commissioner Kircher

**Discussion** – Director Leopold commented that to his understanding if DOT could have given directly to Polk County they would have. Commissioner Garst asked why being next to Great Ape Trust is an issue. Travis Baker, Reality Services Supervisor explained that the Great Ape Trust has expressed concerns about the public accessing the land in question for hunting purposes. It may pose a potential security risk for them. Commissioner Rettig asked if Polk County currently owns any adjacent land. Travis Baker advised no, not adjacent but they do own land within one mile. Commissioner Rettig expressed concerned that this is setting precedence and asked for clarification why a 28E Agreement is not being utilized instead of transferring ownership or selling state-owned lands. Travis Baker advised that there is no set policy because these issues are looked at on a case-by-case basis. A 28E Agreement would allow Polk County to manage the area as if they own it but because of the resources that they will be putting into it.

This is a comfort level for them to own it and have an ownership position and because they are willing to take this on the department feels it is merited. Ken Herring made comments that Polk County is in a better position to manage the property. The department does not have the resources to maintain this particular piece of land. Commissioner Rettig stated that she feels that the state is in a better position to look at the big picture of state-owned lands. Commissioner Garst stated that she is in support of turning over lands as an incentive to local city governments to invest in infrastructure of their areas. Commissioner Francisco stated that if this land would have remained as a DOT orphan it would become a real issue. It already had issues going on such as ATV & inappropriate activities taking place on public land. It is important for this land to be managed because of its remote location.

**Motion –**

Roll Call Vote:

Rettig - No

Garst - Yes

Kircher - Yes

Drees - Yes

Francisco – Yes

**Motion –** Passed with a 4 to 1 vote

## **8. Land Management Projects**

### **8.1 Easement, Ocheyedon WMA, Clay County**

The Natural Resource Commission's approval is requested for the issuance of an easement to Clay County, for road purposes on 0.27 acres in Ocheyedon Wildlife Management Area, located three miles west of the City of Spencer. The proposed easement conveys an additional 10 feet of right of way needed for widening County Highway B24.

As consideration for the easement, Clay County has proposed to deliver and place 105 tons of gravel and black dirt to enlarge the parking area and repair shooting range backstops located on the wildlife area. The total estimated cost of the parking area improvement and backstop repair is \$627.50, which is equal to the value of the easement. The Clay County Engineer's office provided an estimate of the value of the easement and the value of improvements and repairs. Department staff reviewed and approved the estimates. The local wildlife biologist developed the plan for the parking area improvement in cooperation with the county engineer.

Staff recommends approval of the easement issuance.

**Moved –** Commissioner Garst

**Seconded -** Commissioner Kircher

**Discussion –** Commissioner Francisco asked why the road was being made wider to the creek but not beyond. Travis Baker explained that the grade was down deep in the area so the extra support was needed.

**Point of Order:** Commissioner Rettig exited the building for a moment before vote was taken and due to this there was not a quorum, so the commission had to wait to continue with the motion of this item. Once she returned voting proceeded.

**Motion –** Carried by Unanimous Vote

## **8.2 Easement, Fawn Island WMA, Harrison Co. -- U.S. Army Corps of Engineers**

The Natural Resource Commission's approval is requested to issue a fifty year easement to the U.S. Army Corps of Engineers to construct and maintain wetland habitat improvements and expand the backwater area in Fawn Island Wildlife Management Area in Harrison County. Fawn Island Wildlife Management Area is located on the Missouri River one mile upstream of Deer Island Wildlife Management Area and approximately 11 miles south of the city of Onawa.

The easement will cover approximately 17 acres of public owned land accreted to the sovereign bed of the river as a result of Corps of Engineers improvement projects constructed along the river since the late 1930's. Federal funding under the Missouri River Bank Stabilization and Navigation, Fish and Wildlife Mitigation Project will be used for construction. Estimated cost for construction is 2.5 million dollars. Construction is scheduled to begin in summer, 2009. DNR Wildlife and Fisheries Bureau staffs have participated in the project review and concur with the proposed project plan.

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

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

Staff recommends approval of the easement issuance.

<p><b>Moved</b> – Commissioner Francisco <b>Seconded</b> - Commissioner Kircher <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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## **8.3 Chapter 18 Lease, Five Island Lake Access, Palo Alto Co. -- Rick Reed**

The Natural Resource Commission's approval is requested to recommend approval to the Executive Council of a revised Chapter lease with Rick Reed of Emmetsburg, Iowa at Five Island Lake Access in Palo Alto County.

The state acquired Five Island Lake Access in 1946. The 4.4-acre area is comprised of an approximately 1,800 foot length east-west corridor occupied by a public road and at its east end about 700 feet of shoreline access with a parking area.

The existing lease allows a 30 foot wide by 55 foot wide access drive to the Reed property over Five Island Lake Access. The lease was first issued in 1993 as a condition to a construction permit issued by the DNR. The existing annual lease fee is \$150.00. The lease expires September 30, 2013.

In October 2008, the boundary of the access was surveyed for the DNR by a private licensed land surveyor as one of a number of DNR managed areas surveyed around Five Island Lake. The survey disclosed that a portion of the Reed garage, the concrete garage approach, a retaining wall and a number of landscape trees and shrubs are located on state property. A revised lease is proposed to accommodate the additional area occupied by Mr. Reed.

The revised lease will utilize the standard DNR lease, with an annual fee of \$300.00 and a term of five years. In the event the IAC 571, Chapter 18 fee schedule is amended during the term of this lease, the fee shall be adjusted to meet the revised schedule.

Staff recommends approval of the revised lease.

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Garst

**Discussion** – Commissioner Garst asked when Chapter 18 would be revised. Travis Baker responded that he was unsure; he knew Kelley Myers, DNR Attorney had been working on them prior to her maternity leave. Tamara Mullen, DNR Attorney stated that she will find out where that revision is in the process.

**Motion** – Carried by Unanimous Vote

### **REOPENED - 7.3 US Highway 65 Bypass Wildlife Management Area -- Polk County Conservation Board**

**Motion was made after item 8.3 to reopen item 7.3** – Commissioner Rettig moved to reopen item 7.3 due to possible violation of Roberts Rules of Order due to Chairperson, Gregory Drees ending the discussion before all commissioners were completed with their questions.

**Second** – Commissioner Francisco

**Discussion** – Tamara Mullen, DNR Legal Council commented that according to Robert’s Rules of Order of debate each commissioner is allowed to speak twice for no more than ten minutes each time. She agreed that there were grounds to reopen item 7.3 discussion if Commissioner Rettig so chose to. Commissioner Rettig noted article 5 sections 34 and 37 of Robert’s Rules of Order and stated that she believed that Chairperson, Gregory Drees had violated Robert’s Rules of Order.

**Motion** – Carried by Unanimous Vote to reopen debate of item 7.3

**Motion:** Strike previous vote from record

**Moved** – Commissioner Francisco

**Seconded** - Commissioner Kircher

**Discussion** – Commissioner Rettig asked if the DNR owned any other land in the area. Travis Baker responded that the department did not own any surrounding land, but that Polk County did own land in the area not adjacent but in the immediate vicinity. Commissioner Rettig then asked for confirmation that there were no boundaries with any land the DNR owns and that the closest land the department does own is several miles away. Travis Baker confirmed this to be correct. Commissioner Rettig then asked about plans for conservation in Polk County and if the property in question played into the broader strategic plan in Polk County. Travis Baker responded that after careful consideration the DNR has determined that the land should remain in public ownership and management for conservation purposes. Ken Herring commented that there was not a future strategic plan to utilize the land for any park, fisheries or wildlife area.

**Motion** –

Roll Call Vote:

Rettig – Yes

Garst – Yes

Kircher - Yes

Drees – Yes

Francisco - Yes

#### **8.4 Boundary Agreement, Clay-Buckle WMA, Buchanan Co. -- Wilson, Duroe**

The Natural Resource Commission's approval is requested for a boundary agreement recognizing the title to Parcel "I" of Section 7-89-10, Buchanan County in Merle Wilson and title to Parcel "J" of Section 7-89-10, Buchanan County in Albert Duroe by issuance of a state patent to each.

The Clay-Buckles Wildlife Management Area, containing approximately 114 acres, is located four miles north of the city of Jesup in Buchanan County. The area was acquired by the state in 2001. In late 2007, the department had the boundary surveyed by a private, licensed land surveyor that established the state's property boundary by legal description as Parcel "H" in the North Half of Section 7-89-10. The survey of Parcel "H" included a 1.93-acre portion that is isolated from the balance of the wildlife area. Additional surveying of the 1.93 acre area has been completed to describe the existing uses of the area. The additional survey established Parcel "I" containing 0.43 acre, occupied by a private road maintained by Merle Wilson that provides access to his residence. The additional survey also established Parcel "J" containing 1.5 acres occupied by a cropped agricultural field farmed by Albert Duroe.

The areas occupied by Wilson and Duroe were not recognized nor intended by the department as being included in land acquisition. Department staff has established that both of the adjacent landowners have possessed and used the area as it now exists long before state ownership. The boundary as defined by current use has been accepted for many years. Quieting title in the state under these circumstances is judged very difficult. Due to its configuration and isolation from the balance of the wildlife area, department staff judges that use by the public or for wildlife management of the parcel is undesirable.

The adjacent landowners have paid the survey costs associated with this agreement. The department will incur no survey cost associated with approval of this agreement.

Staff recommends approval of the boundary agreement.

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Francisco

**Discussion** – Commissioner Francisco asked if the survey adjustments were due to improved technology in surveying or inaccurate surveying the first time. Travis Baker explained it was a renewed effort to accurately determine and post where the department boundaries are. Commissioner Garst asked if the current policy was to complete a survey when acquiring new lands. Travis Baker responded that only when a survey is required to acquire the land and to generate a new legal description. Commissioner Garst restated the question asking if there was always a survey in the file when lands are acquired and whether it was done previously or done at the time of the acquisition. Travis Baker explained that it is usual to only have a text legal description.

**Motion** – Carried by Unanimous Vote

#### **8.5 Management Agreement, Matsell Bridge WMA and Be-Ne-A WMA, Linn County**

The Natural Resource Commission's approval is requested for a new management agreement between the Linn County Conservation Board and the DNR to authorize continued County management of Matsell Bridge Wildlife Management Area and Be-Ne-A Wildlife Management Area through December 31, 2034.

Combined with 1,352 acres of contiguous County owned land, the Matsell Natural Resource Area is located approximately 10 miles northeast of Cedar Rapids along the Wapsipinicon River. The area is managed for wildlife habitat, hunting and fishing. Separate management agreements with Linn County were issued for the original 36 acre Matsell Bridge parcel acquired by the DNR in

1956, an additional 237 acres acquired by the DNR in 1975 and the 144 acre Be-Ne-A Wildlife Management Area (the Mesquaki word for turkey) acquired by the DNR in 1980. The proposed agreement will consolidate management of the three parcels under a single agreement and extend County management for another 25 years. The agreement will be according to the terms and conditions of the standard DNR management agreement.

Staff recommends approval of the management agreement.

<p><b>Moved</b> – Commissioner Garst <b>Seconded</b> - Commissioner Kircher <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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### **8.6 Management Agreement, Three Mile Recreation Area, Union County**

The Natural Resource Commission's approval is requested for a new management agreement between the Union County Conservation Board and the DNR to authorize County management of a 350 acre portion of Three Mile Recreation Area through March 31, 2033.

Three Mile Recreation Area is a 3,248 acre area located northeast of Creston acquired by the state in 1999 and 2000. Three Mile Lake, occupying 810 acres, is located within the recreation area. The proposed agreement transfers to Union County management of 350 acres located on the east side of the lake immediately north of the dam. Facilities provided include boat ramps, 80 camping sites, 8 modern rental cabins and a modern rental lodge. The DNR will continue to manage the balance of the area for fishing and hunting. The agreement will be according to the terms and conditions of the standard DNR management agreement.

Staff recommends approval of the management agreement.

<p><b>Moved</b> – Commissioner Francisco <b>Seconded</b> - Commissioner Kircher <b>Discussion</b> – Commissioner Francisco commented that he had been in the area recently and that the Union County CCB was doing a very good job managing the area. <b>Motion</b> – Carried by Unanimous Vote</p>
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### **8.7 Management Agreement, Snively Access Campground, Louisa County**

The Natural Resource Commission's approval is requested for the renewal of a management agreement with the Louisa County Conservation Board to manage Snively Access Campground for a period of 25 years. Louisa County has managed the area since 1980s. This management agreement covers approximately 11 acres acquired by the state in the 1960s. The property is located adjacent to Lake Oddessa, a backwater of the Mississippi River, four miles east of the City of Wapello. Louisa County desires to continue to manage this access. It is managed as a campground providing 34 campsites, day use picnicking and fishing. The agreement will be according to the terms and conditions of the standard DNR management agreement.

Staff recommends approval of the management agreement.

<p><b>Moved</b> – Commissioner Garst <b>Seconded</b> - Commissioner Kircher <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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## **9. Parks Commercial Concession Contracts**

Pursuant to 571 IAC 14.3(2)a, placement of vending machines in state parks and recreation areas shall not be subject to advertising and bidding processes established in IAC Chapter 14 "Concessions". Soft drink distributors must obtain a letter/permit from the director of the department stating where and under what conditions the machines may be placed. Any fees or commissions to be paid by the vendor to the state shall be paid directly to the department's central office in Des Moines, Iowa. Staff received requests from four bottling companies to place machines in a number of state parks.

Pursuant to 571 IAC 14.3(2)f, persons selling only firewood may do so with a letter/permit from the director provided the park or recreation area has not other concessionaire or provided the concessionaire has declined the opportunity to sell firewood. Staff received requests from two state park friends groups to sell firewood since no other vendor is selling firewood in those two parks.

### **9.1 - Vending Machine Concession Contract – Gull Point State Park Complex – Pepsi Americas**

Commission approval is requested for a one year-service contract with PepsiAmericas of Estherville, Iowa. The contract will terminate on December 31, 2009. The proposed commission rate is 20% of the gross collected minus Iowa sales tax and deposit, approximately \$5.34 for each case sold and will be paid monthly. The machine locations are as follows: one machine at the boat landing at Emerson Bay State Recreation Area, one machine at the campground at Gull Point State Park, one machine at the restrooms at Pikes Point State Park and one machine at the campground at Marble Beach State Recreation Area.

### **9.2 - Vending Machine Concession Contract – Clear Lake and McIntosh Woods State Parks – Dr. Pepper Snapple Group**

Commission approval is requested for a one year-service contract with Dr Pepper Snapple Group of Clear Lake, Iowa. The contract will terminate on December 31, 2009. The proposed commission rate is \$6.00 for each case sold and will be paid monthly. The machine locations are as follows: one machine at the Ritz Unit Boat Ramp (Clear Lake State Park) and one machine at the boat ramp at McIntosh Woods State Park.

### **9.3 - Vending Machine Concession Contract – Clear Lake and McIntosh Woods State Parks – PepsiAmericas, Inc.**

Commission approval is requested for a one year-service contract with PepsiAmericas, Inc. of Mason City, Iowa. The contract will terminate on December 31, 2009. The proposed commission rate is \$4.00 for each case sold. The commission will be paid out when the amount reaches \$50. At the end of the contract, any remaining commission, regardless of amount will be paid to the department. The machine locations are as follows: up to two machines each at the beach and campground at Clear Lake State Park, one machine at the Harbor Inn area (McIntosh Woods) and up to two machines at the campground at McIntosh Woods State Park.

### **9.4 - Vending Machine Concession Contract – Lewis & Clark and Black Hawk State Parks – Chesterman Company**

Commission approval is requested for a one year-service contract with Chesterman Company (Coca Cola) of Sioux City, Iowa. The contract will terminate on December 31, 2009. The proposed commission rate is \$4.50 for each case sold and will be paid monthly. The machine locations are as follows: one machine at the campground at Black Hawk State Park and one machine each at the beach and campground at Lewis & Clark State Park.

### **9.5 - Firewood Concession Contract – Ledges State Park – Friends of the Ledges, Inc.**

Commission approval is requested for a one year-service contract with Friends of the Ledges, Inc of Boone, Iowa. The contract will terminate on December 31, 2009. All proceeds from the sale of firewood by the friends group will be spent on repair, replacement or enhancement of facilities within the park.

### **9.6 - Firewood Concession Contract – Wilson Island State Recreation Area**

Commission approval is requested for a one year-service contract with Friends of Wilson Island State Recreation Area, Inc. The contract will terminate on December 31, 2009. All proceeds from the sale of firewood by the friends group will be spent on repair, replacement or enhancement of facilities within the park.

**Moved** – Commissioner Kircher moved to consolidate all items (9.1- 9.6) into one item to be voted on.

**Seconded** - Commissioner Francisco

**Discussion** – Commissioner Rettig asked about the new process of approving such contracts. Ken Herring responded for consistency purposes. Tamara Mullen responded to also streamline the contract process.

**Motion** – Carried by Unanimous Vote

## **10. Contract with Center for Agriculture and Rural Development, ISU for Iowa Rivers and River Corridors Recreation Survey**

Commission approval is requested for a two year-service contract with Center for Agriculture and Rural Development, ISU (Joe Herriges) of Ames, IA. The contract will begin on June 17, 2009 and terminate on December 31, 2010. The total amount of this contract shall not exceed \$120,000. DNR shall have the option to renew this contract as long as this contract and any extensions do not exceed a six-year period.

This contract will be funded through authority provided in 455B.103, and USEPA Sect. 319 CWA NPS Grant C9007404-11; 456A.11 Water Trails & Lowhead Dam Public Hazard Statewide Plan; 455A.10 & 456A.17 State Fish & Game Protection Fund; and cooperation with Iowa Department of Economic Development Tourism.

The Center for Agriculture and Rural Development is an Iowa State University center devoted to economic issues of rural Iowa. Since 2000, it has conducted economic studies with DNR and the USEPA on the economic value of Iowa lakes. This helped Iowa begin DNR's Lake Restoration Program. Their research results and our collaboration with CARD researchers also allowed CARD to document the benefits of natural resource to Iowa development in relation to sustainable funding. The current contract will begin to develop economic data to document the economic benefits of our Iowa rivers.

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide data on the recreational use of Iowa's rivers. The contractor will conduct a population weighted survey to identify and quantify the recreational uses of Iowa's rivers and the associated immediate river corridors so that economic benefits of these uses may be calculated. The DNR intends to utilize the information gathered and analyzed in through this contract to prioritize rivers and river reaches for restoration, protection, and river trail development. In addition, the information will be used to help local communities understand the benefits and potential benefits they may receive from encouraging local river restoration, protection and development activities.

The Center for Agriculture and Rural Development, ISU was chosen using the special authority to contract with our state universities (455B.103). The Center for Agriculture and Rural Development was chosen for this project because of their expertise in this type of study, their expertise in the

economics of natural resources, DNR's desire for CARD to gain further expertise in the economics of natural resources, and DNR's need to gain this valuable information while enhancing our continuing collaboration.

**Moved** – Commissioner Garst

**Seconded** - Commissioner Kircher

**Discussion** – Commissioner Francisco asked if Iowa State University (ISU) would be doing in-kind funding and if the DNR would be paying for all. Bernie Hoyer explained the project funding break down; \$25,000 would come from Department of Economic Development, \$35,000 from The River Trails Plan, \$35,000 from the Nonpoint Source Pollution Program, \$25,000 from the DNR Fish & Wildlife Trust Fund.

**Motion** – Carried by Unanimous Vote

## **11. 2009 Deer Management Zone Hunts**

A list of special hunts to be held in Deer Population Management Zones in 2009 is attached. The commission is requested to approve the list as required in department administrative rules 571-Chapter 105. The list includes zones to be open to hunting, season dates, legal weapons, license types and quotas and other information required in chapter 105. Representatives from all of the cities on the list have indicated by letter that they do want to be included in the list of special hunts.

Two new areas (Creston and Marshalltown) were added for the 2009-2010 season and the hunt at Lake Darling will not be held this year due to construction activities planned.

Table 1. The number of licenses, reported kill and type of deer killed on all of the special hunts in 2008-2009.

Licenses	Reported Harvest	Success Rate	Percent Does	Percent Antlerless
6,764	3,222	48%	82%	98%

Attachment: 2009 Deer Management Zone Hunts

### **2009 Deer Management Zone Hunts**

<b>Zone Name</b>	<b>Zone #</b>	<b>Season Name</b>	<b>Season Number</b>	<b>Season Begin</b>	<b>Dates End</b>	<b>License Quota</b>	<b>Any Deer</b>
Amana Colonies Zone	1	Youth	1	9/19/2009	10/4/2009	1000	
Amana Colonies Zone	1	Disabled	2	9/19/2009	10/4/2009		
Amana Colonies Zone	1	Bow Early	3	10/1/2009	1/10/2010		
Amana Colonies Zone	1	Muzzle	4	10/17/2009	10/25/2009		
Amana Colonies Zone	1	Reg Gun 1	5	12/5/2009	12/9/2009		
Amana Colonies Zone	1	Reg Gun 2	6	12/12/2009	12/20/2009		
Amana Colonies Zone	1	Late Muzzle	7	12/21/2009	1/10/2010		
Amana Colonies Zone	1	January	8	1/11/2009	1/31/2010		
Amana Colonies Zone	1	November	9	11/27/2009	11/29/2009		
Ames (City)	2	Bow	3	9/12/2009***	1/31/2010	100	
Ames (Perimeter)	3	Youth	1	9/19/2009	10/4/2009	100	
Ames (Perimeter)	3	Disabled	2	9/19/2009	10/4/2009		
Ames (Perimeter)	3	Bow Early	3	10/1/2009	1/10/2010		
Ames (Perimeter)	3	Muzzle	4	10/17/2009	10/25/2009		
Ames (Perimeter)	3	Reg Gun 1	5	12/5/2009	12/9/2009		
Ames (Perimeter)	3	Reg Gun 2	6	12/12/2009	12/20/2009		

Ames (Perimeter)	3	Late Muzzle	7	12/21/2009	1/10/2010		
Ames (Perimeter)	3	January	8	1/11/2009	1/31/2010		
Ames (Perimeter)	3	November	9	11/27/2009	11/29/2009		
Backbone State Park	4	Reg Gun 1	5	12/5/2009	12/6/2009	200	
Bellevue State Park	5	Bow	3	10/1/2009	1/31/2010	100	1
Bettendorf & Riverdale (City)	7	Bow	3	9/12/2009	1/31/2010	300	6
Cedar Rapids (City)	8	Bow	3	9/12/2009	1/31/2010	700	36
Clinton (City)	9	Bow	3	9/12/2009	1/31/2010	300	4
Coralville (City)	10	Bow	3	9/12/2009	1/31/2010	400	20
Council Bluffs (City)	69	Bow	3	9/12/2009	1/31/2010	200	3
Creston (City)	77	Bow	3	9/12/2009	1/31/2010	50	
Davenport (City)	11	Bow	3	9/12/2009	1/31/2010	500	30
Denison (City)	12	Bow	3	11/1/2009	1/31/2010	50	
DeSoto NWR	13	Early Muzzle	4	10/17/2009	10/18/2009	120	
<b>OPEN ZONE NUMBER</b>	<b>14</b>						
DeSoto NWR	15	Late Muzzle	8	1/2/2010	1/3/2010	100	
Dubuque (City)	16	Bow	3	9/12/2009	1/31/2010	400	20
Dubuque County	17	Youth	1	9/19/2009	10/4/2009		
Dubuque County	17	Disabled	2	9/19/2009	10/4/2009		
Dubuque County	17	Bow	3	10/1/2009	1/10/2010		
Dubuque County	17	Early Muzzle	4	10/17/2009	10/25/2009		
Dubuque County	17	Reg Gun 1	5	12/5/2009	12/9/2009	500	
Dubuque County	17	Reg Gun 2	6	12/12/2009	12/20/2009		
Dubuque County	17	Late Muzzle	7	12/21/2009	1/10/2010		
Dubuque County	17	January	8	1/11/2009	1/31/2010		
Dubuque County	17	November	9	11/27/2009	11/29/2009		
Elk Rock State Park	18	Late Muzzle	7	1/9/2010	1/10/2010	50	
Geode State Park	62	Bow	3	10/1/2009	1/31/2010	200	2
Green Valley State Park	20	Early Muzzle	4	11/21/2009	11/22/2009	60	
IAAP	21	Youth	1	9/19/2009	10/4/2009		
IAAP	21	Disabled	2	9/19/2009	10/4/2009		
IAAP	21	Bow	3	10/1/2009	1/10/2010		
IAAP	21	Early Muzzle	4	10/17/2009	10/25/2009		
IAAP	21	Reg Gun 1	5	12/5/2009	12/9/2009	950	
IAAP	21	Reg Gun 2	6	12/12/2009	12/20/2009		
IAAP	21	Late Muzzle	7	12/21/2009	1/10/2010		
IAAP	21	January	8	1/11/2009	1/31/2010		
IAAP	21	November	9	11/27/2009	11/29/2009		
IAAP	22	Early Muzzle	4	10/10/2009	10/18/2009	50	
IAAP Perimeter Hunt	23	Youth	1	9/19/2009	10/4/2009		
IAAP Perimeter Hunt	23	Disabled	2	9/19/2009	10/4/2009		
IAAP Perimeter Hunt	23	Bow	3	10/1/2009	1/10/2010		
IAAP Perimeter Hunt	23	Early Muzzle	4	10/17/2009	10/25/2009		
IAAP Perimeter Hunt	23	Reg Gun 1	5	12/5/2009	12/9/2009	400	

IAAP Perimeter Hunt	23	Reg Gun 2	6	12/12/2009	12/20/2009		
IAAP Perimeter Hunt	23	Late Muzzle	7	12/21/2009	1/10/2010		
IAAP Perimeter Hunt	23	January	8	1/11/2009	1/31/2010		
IAAP Perimeter Hunt	23	November	9	11/27/2009	11/29/2009		
Iowa Falls (City)	24	Bow	3	9/12/2009	1/31/2010	50	
Iowa Lake County Park	70	Bow	3	10/24/2009	12/27/2009	100	2
Iowa Lake County Park	71	Late Muzzle	7	12/28/2009	1/31/2010	100	1
Jefferson County Park	64	Bow	3	10/1/2009	1/31/2010	100	1
Johnson County	25	Youth	1	9/19/2009	10/4/2009		
Johnson County	25	Disabled	2	9/19/2009	10/4/2009		
Johnson County	25	Bow Early	3	10/1/2009	1/10/2010		
Johnson County	25	Muzzle	4	10/17/2009	10/25/2009	750	
Johnson County	25	Reg Gun 1	5	12/5/2009	12/9/2009		
Johnson County	25	Reg Gun 2	6	12/12/2009	12/20/2009		
Johnson County	25	Late Muzzle	7	12/21/2009	1/10/2010		
Johnson County	25	January	8	1/11/2009	1/31/2010		
Johnson County	25	November	9	11/27/2009	11/29/2009		
Jones County Central Park	65	Bow	3	10/17/2009	1/31/2010	50	
Kent Park	26	Bow	3	10/1/2009	1/31/2010	100	3
Kent Park	27	Reg Gun 1	5	12/5/2009	12/6/2009	60	
Knoxville (City)	75	Bow	3	9/12/2009	1/31/2010	50	
Lacey-Keosauqua State Park	28	Bow	3	10/1/2009	1/31/2010	150	2
Lake Aquahbi State Park	29	Mentor	4	11/14/2009	11/15/2009	30	
<b>Lake Darling State Park</b>	<b>30</b>	<b>Cancelled due to construction</b>					
Lake Keomah State Park	31	Bow	3	10/1/2009	1/31/2010	50	1
Lake Macbride State Park	32	Bow	3	10/1/2009	1/31/2010	150	4
Lake Manawa State Park	33	Bow	3	10/1/2009	1/31/2010	50	1
Lake of Three Fires State Park	34	Firearms	7	1/9/2010	1/10/2010	45	
Lake Panorama	35	Bow Early	3	10/1/2009	1/10/2010	130	3
Lake Panorama	36	Muzzle	4	10/17/2009	10/25/2009	25	
Lake Panorama	37	Late Muzzle	7	12/21/2009	1/10/2010	75	
Lake Wapello State Park	38	January	8	1/16/2010	1/17/2010	200	
Ledges State Park	39	Bow	3	10/1/2009	12/31/2009	50	
Linn County	40	Youth	1	9/19/2009	10/4/2009		
Linn County	40	Disabled	2	9/19/2009	10/4/2009		
Linn County	40	Bow Early	3	10/1/2009	1/10/2010		
Linn County	40	Muzzle	4	10/17/2009	10/25/2009		
Linn County	40	Reg Gun 1	5	12/5/2009	12/9/2009	750	
Linn County	40	Reg Gun 2	6	12/12/2009	12/20/2009		
Linn County	40	Late Muzzle	7	12/21/2009	1/10/2010		
Linn County	40	January	8	1/11/2009	1/31/2010		
Linn County	40	November	9	11/27/2009	11/29/2009		
Maquoketa Caves State Park	41	Bow	3	10/1/2009	1/31/2010	25	
<b>OPEN ZONE NUMBER</b>	<b>42</b>						
Marshalltown (City)	78	Bow	3	9/19/2009	1/31/2010	75	
Marshalltown (Perimeter)	79	Youth	1	9/19/2009	10/4/2009		

Marshalltown (Perimeter)	79	Disabled	2	9/19/2009	10/4/2009	100	
Marshalltown (Perimeter)	79	Bow	3	10/1/2009	1/10/2010		
Marshalltown (Perimeter)	79	Early Muzzle	4	10/17/2009	10/25/2009		
Marshalltown (Perimeter)	79	Reg Gun 1	5	12/5/2009	12/9/2009		
Marshalltown (Perimeter)	79	Reg Gun 2	6	12/12/2009	12/20/2009		
Marshalltown (Perimeter)	79	Late Muzzle	7	12/21/2009	1/10/2010		
Muscatine (City)	43	Bow	3	9/12/2009	1/31/2010	200	4
Ottumwa (City)	44	Bow	3	9/12/2009	1/31/2010	300	18
Palisades Kepler State Park	45	Bow	3	10/1/2009	1/10/2010	100	1
Pella (City)	60	Bow	3	9/12/2009	1/31/2010	50	
Pella Perimeter	72	Youth	1	9/19/2009	10/4/2009	100	
	72	Disabled	2	9/19/2009	10/4/2009		
	72	Bow	3	10/1/2009	1/10/2010		
	72	Early Muzzle	4	10/17/2009	10/25/2009		
	72	Reg Gun 1	5	12/5/2009	12/9/2009		
	72	Reg Gun 2	6	12/12/2009	12/20/2009		
	72	Late Muzzle	7	12/21/2009	1/10/2010		
	72	January	8	1/11/2009	1/31/2010		
	72	November	9	11/27/2009	11/29/2009		
Pikes Peak State Park/McGregor	46	Bow	3	10/1/2009	1/10/2010	150	3
Pine Lake State Park	47	Bow	3	10/1/2009	1/10/2010	50	1
Polk-Dallas Archery-only Zone <i>Licenses valid within POLK/DALLAS Urban deer management zone in urban areas, Polk CCB properties and cetrain Saylorville Federal lands. Local ordinances or rules apply.</i>	48	Bow	3	9/12/2009*	1/31/2010	1200	100
Polk-Dallas Rural Zone <i>Licenses valid within POLK/DALLAS deer management zone, outside controlled/permit-only areas.</i>	61	Youth	1	9/19/2009	10/4/2009	400	
	61	Disabled	2	9/19/2009	10/4/2009		
	61	Bow	3	10/1/2009	1/10/2010		
	61	Early Muzzle	4	10/17/2009	10/25/2009		
	61	Reg Gun 1	5	12/5/2009	12/9/2009		
	61	Reg Gun 2	6	12/12/2009	12/20/2009		
	61	Late Muzzle	7	12/21/2009	1/10/2010		
	61	January	8	1/11/2009	1/31/2010		
	61	November	9	11/27/2009	11/29/2009		
Reichelt Area	73	Mentor	1	11/14/2009	11/15/2009	20	
Reichelt Area	74	Firearms	7	1/16/2010	1/17/2010	20	
Roberts Creek County Park	76	Bow	3	10/1/2009	12/13/2010	30	
Rock Creek State Park	49	Late Muzzle	7	1/16/2010	1/17/2010	25	
Rock Creek State Park	58	Mentor Hunt	1	11/14/2009	11/15/2009	25	
Scott County Park	50	Reg Gun 1	5	12/5/2009	12/6/2009	75	
Smith Wildlife Area	66	Reg Gun 1	5	12/5/2009	12/9/2009	3	
Smith Wildlife Area	67	Reg Gun 2	6	12/12/2009	12/20/2009	3	
Smith Wildlife Area	68	Late Muzzle	7	12/21/2009	1/10/2010	3	
Springbrook State Park	51	Mentor	1	11/21/2009	11/22/2009	30	

Springbrook State Park	52	Reg Gun 2	6	12/12/2009	12/13/2009	75	
Springbrook State Park	64	Bow	3	11/2/2009	12/20/2009	30	
Squaw Creek Park	53	Bow	3	10/1/2009	1/31/2010	100	4
Viking Lake State Park	54	Firearms	4	11/21/2009	11/22/2009	50	1
Wapsi Environmental Center	55	Reg Gun 1	5	12/5/2009	12/9/2009	20	
Waterloo & Cedar Falls (City)	56	Bow	3	10/12/2009	1/10/2010	290	16
Washatee	57	Bow	3	10/1/2009	12/4/2009	50	3
Washatee	59	Late Muzzle	7	12/21/2009	1/10/2010	50	
Wildcat Den State Park	63	Bow	3	10/1/2009	1/31/2010	50	

**Moved** – Commissioner Kircher  
**Seconded** - Commissioner Francisco  
**Discussion** – Commissioner Francisco asked how many hunts were conducted. Willie Suchy responded that there had been 62. Commissioner Rettig asked why the Iowa City hunt was separate from the other special zone hunts. Willie Suchy replied that Iowa City uses paid sharpshooters so it is not considered a hunt.  
**Motion** – Carried by Unanimous Vote

## **12. Agreement with Iowa State University - Research Studies**

The Commission is requested to approve the annual agreement with Iowa State University for base funding and for research studies to be conducted through the Cooperative Fish and Wildlife Research Unit in FY 2010.

### Wildlife Component

1) Base Funding	<u>\$20,000</u>
Total Wildlife Component	\$20,000

### Fisheries Component

1) Occurrence & Abundance of Topeka Shiners in In-Channel & Off-Channel Habitats of Streams in Central Iowa (pending approval of SSP grant by U.S. Fish and Wildlife Service)	\$78,682
2) Fish Species of Greatest Conservation Need in Iowa's Nonwadeable Rivers: Distribution, Relative Abundance, and Relations with Instream Habitat and Potential Movement Barriers (SWG-funded)	\$150,560
3) Base Funding	<u>\$20,000</u>
Total Fisheries Component	\$229,242

### Summary of projects:

Occurrence and Abundance of Topeka Shiners and Other Fishes in In-Channel and Off-Channel Habitats of Streams in Central Iowa

### Objectives

1. Describe the occurrence and estimate the abundance of Topeka shiners and associated fishes in in-channel and off-channel habitats of streams in central Iowa.
2. Identify factors (e.g., physical and chemical habitat, species associations) related to the occurrence and abundance of Topeka shiners and associated fishes in in-channel and off-channel habitats of streams in central Iowa.

This project represents a collaboration between the Iowa Department of Natural Resources (Iowa DNR), U.S. Fish and Wildlife Service (USFWS), and Iowa State University (ISU). The proposed project will provide a number of benefits to Topeka shiners and other SGCN. A major benefit of

the research is that it will provide current information on the distribution and abundance of Topeka shiners and other members of the fish assemblage in central Iowa streams. Previous research has largely ignored off-channel habitats, even though such habitats may be important for many SGCN; therefore, another major benefit is that the research will provide unique information on fish assemblages in both in-channel and off-channel habitats (i.e., backwaters, small oxbows). Habitat information collected at small spatial scales (i.e., instream habitat, riparian conditions) will be used to refine models aimed at predicting the occurrence of Topeka shiners in Iowa. Predictive models will provide managers with tools for conserving critical habitat for Topeka shiners. Lastly, the project will provide detailed information on habitat characteristics important in the conservation and management of all fishes.

Fish Species of Greatest Conservation Need in Iowa's Nonwadeable Rivers: Distribution, Relative Abundance, and Relations with Instream Habitat and Potential Movement Barriers

Objectives:

1. Describe the distribution and estimate the relative abundance of fish SGCN,
2. Examine the potential influence of instream barriers on fish distributions, and
3. Evaluate the effects of habitat and fish assemblage characteristics on the occurrence and relative abundance of fish SGCN in Iowa's nonwadeable river systems.

A major benefit of this project is that it will provide a much better understanding of the distribution and abundance of fishes in Iowa's larger rivers and streams, including both SGCN and non-SGCN, and native and nonnative species. Another major benefit is that the proposed project will provide needed insight on the ecology of high-priority SGCN. Specifically, describing associations of fish occurrence and abundance with physical (e.g., substrate composition, proximity to dams) and chemical habitat conditions will provide managers with information that can be used to conserve critical habitat characteristics. These benefits, along with many others not discussed here, will greatly contribute to fulfilling the objectives described in the Iowa Wildlife Action Plan and help managers to meet resource management goals.

**Moved** – Commissioner Francisco

**Seconded** - Commissioner Kircher

**Discussion** – Commissioner Garst asked for clarification about what nonwadeable meant. Mike McGhee, Fisheries responded that it meant small streams. Director Leopold explained Class A had to do with recreation and Class B with aquatic life species; these streams did not fall under either category but would still be protected under general use.

**Motion** – Carried by Unanimous Vote

### **13. Chapter 51, Game Management Areas - Final**

The Commission is requested to adopt a final rule to amend Chapter 51, "Game Management Areas". Chapter 51 establishes state-owned lands and water under the jurisdiction of the department of natural resources as game management areas for the purpose of preserving the biological balance and for the protection of public parks, public health, safety and welfare, and to effect sound wildlife management.

These amendments add all of Pool 15 and the portion of Pool 14 below the National Wildlife and Fish Refuge to those pools of the Mississippi River where the use of stationary blinds and waterfowl decoys is allowed. This makes the regulations consistent for waterfowl hunters on the Mississippi river below the Upper Mississippi River National Wildlife and Fish Refuge. The U.S. Fish and Wildlife Service does not allow stationary blinds on the Upper Mississippi River National Wildlife Refuge.

**Moved** – Commissioner Garst

**Seconded** - Commissioner Francisco

**Discussion** – None

**Motion** – Carried by Unanimous Vote

#### **14. Chapter 52, Wildlife Refuges - Final**

The Commission is requested to adopt a final rule to amend Chapter 52 "Wildlife Refuges". This amendment adds 4 areas to the list of areas on which game refuges can be posted. These areas are the Crystal Hills, Eagle Lake and Eagle Flats Wildlife Management areas in Hancock County and the Ventura Marsh WMA in Cerro Gordo County.

**Moved** – Commissioner Kircher  
**Seconded** - Commissioner Francisco  
**Discussion** – None  
**Motion** – Carried by Unanimous Vote

#### **15. Chapter 95, Game Harvest Reporting and Landowner-tenant Registration - Final**

The Commission is requested to adopt a final rule to amend Chapter 95, "Game Harvest Reporting and Landowner-tenant Registration". This chapter gives the regulations for reporting deer and turkey harvest and for registering for landowner-tenant licenses. The proposed change removes the three-year eligibility period limit and requires registered landowners and tenants to notify the DNR if their information or eligibility status changes. Eligibility will be periodically verified by DNR staff.

**Moved** – Commissioner Garst  
**Seconded** - Commissioner Francisco  
**Discussion** – Commissioner Garst asked how much time was spent verifying that stated landowners are accurate. Mark Warren responded that last year three temporary staff verified 60,000 landowners, finding several discrepancies. Willie Suchy, Wildlife explained that 1/3 would be reviewed annually per year. Mark Warren explained that registration could be done online or via paper.  
Commissioner Garst asked if there had been penalties first time through, and if there would be future penalties for falsely registering as a landowner. Jason Sandholdt, Law Enforcement commented that as officers they do still come across individuals that attempt to get around the system and penalties will apply. Tamara Mullen quoted language from the Iowa Code in regards to penalties and charges that may be assessed to an individual trying to register as a landowner.  
**Motion** – Carried by Unanimous Vote

#### **16. Chapter 99, Wild Turkey Fall Hunting - Final**

The Commission is requested to adopt a final rule to amend Chapter 99, "Wild Turkey Fall Hunting". This chapter gives the regulations for wild turkey fall hunting and includes season dates, bag limits, possession limits, shooting hours; areas open to hunting, licensing procedures, means and methods of taking, and transportation and reporting requirements. The proposed change reduces the quota for fall turkey season in portions of Iowa where turkey brood surveys indicate turkey production has been below average. It also removes the option for a third fall turkey license.

**Moved** – Commissioner Garst  
**Seconded** - Commissioner Kircher  
**Discussion** – None  
**Motion** – Carried by Unanimous Vote

## **17. Chapter 106, Deer Hunting by Residents – Final**

The Commission is requested to adopt a final rule to amend Chapter 106, “Deer Hunting by Residents”. The amendments remove 17 counties from the paid November and January antlerless-only seasons and restrict the November antlerless-only licenses to taking antlerless deer on private land. The January-only licenses will go on sale on December 15. The antlerless-only quotas were increased in 21 counties and reduced in 5 counties. The amendments also clarify that statewide paid any-deer licenses may not be used in deer population management zones if prohibited by the rules for the management zone. The amendments specify that all antlers from deer taken on shooting permits issued as part of a depredation agreement must be turned over to a conservation officer within 48 hours.

<p><b>Moved</b> – Commissioner Kircher <b>Seconded</b> - Commissioner Garst <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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## **18. Chapter 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 - Final**

The Commission is requested to adopt a final rule 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 108 sets the season dates, bag limits, possession limits and areas open to hunting or trapping furbearers. These amendments change the ending date for the unrestricted taking of muskrats from April 15 to April 1 and require that traps be placed entirely within the muskrat lodge to reduce the incidental catch of other wildlife. The amendment clarifies that persons displaying either bobcats or otters as taxidermy mounts must keep the CITES tag in their possession.

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 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.

Chapter 108 sets the season dates, bag limits, possession limits and areas open to hunting or trapping furbearers.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 8, 2009, as ARC 7691B. A public hearing was held on April 29, 2009. There were no comments received. There have been no changes to the Notice of Intended Action.

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

These amendments shall become effective August 19, 2009.

The following amendments are adopted.

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**ITEM 1.** Amend subrules 108.1(1) and 108.1(2) as follows:

108.1(1) Molesting or disturbing muskrat houses. Any department of natural resources officer, natural resource biologist, or county conservation board director may permit trappers to molest or disturb muskrat houses on specific state or county game management areas as provided in Iowa Code section 481A.90, after finding that muskrats are causing excessive damage by destroying the vegetation essential to the welfare of a marsh and after so posting the area.

108.1(2) Game management areas. Open season for taking muskrats on certain state game management areas, certain federal national wildlife refuges, and certain county conservation board areas, only where approved by the wildlife bureau and posted accordingly, shall be from 8 a.m. the day after the regular muskrat trapping season ends until April 15. The use of leg-hold traps during this season is prohibited unless each trap is placed completely inside a muskrat house. No bag or possession limit.

**ITEM 2.** Amend subrule 108.7(6) as follows:

108.7(6) Tagging requirements. Every river otter or bobcat that may legally be kept must have a CITES tag attached. Tags will be supplied by the conservation officer or designated DNR employee. The tag must remain with the pelt until the pelt is sold or used for other purposes that render it no longer available for sale. Persons displaying river otters or bobcats as taxidermy mounts or as other decorative items must keep the tags in their possession as proof of legal harvest.

\_\_\_\_\_  
Date

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

(C:108f.doc/mg)

<p><b>Moved</b> – Commissioner Francisco <b>Seconded</b> - Commissioner Kircher <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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## **19. Chapter 110, Trapping Limitations – Final**

The Commission is requested to adopt a final rule to amend Chapter 110, “Trapping Limitations”. Chapter 110 sets the requirements for placing, tagging and checking traps and snares. The amendments prohibit the placement of traps or stakes in the public right-of-way outside of the legal season. They also require that live animals be released immediately or euthanized by the trapper.

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 110, “Trapping Limitations,” Iowa Administrative Code.

Chapter 110 sets the requirements for placing, tagging and checking traps and snares.

The amendments prohibit the placement of traps or stakes in the public right-of-way outside of the legal season. They also require that live animals be released immediately or euthanized by the trapper.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 8, 2009, as ARC 7692B. A public hearing was held on April 29, 2009. There were 39 comments received. Ten were in favor, 26 were opposed and three were neutral on the proposed changes. There have been no changes made to the Notice of Intended Action.

These amendments are intended to implement Iowa Code sections 481A.38 and 481A.92. These amendments shall become effective August 19, 2009.

The following amendments are adopted.

**ITEM 1.** Amend rule 571–110.1(481A) as follows:

**571--110.1(481A) Public roadside limitations—snares, body-gripping, and Conibear type traps.** No person shall set or maintain any snare, body-gripping, or Conibear type trap within any public road right-of-way within 200 yards of buildings inhabited by human beings unless a resident

of the dwelling adjacent to the public road right-of-way has given permission or unless the body-gripping or Conibear type trap is completely under water or at least one-half of the loop of a snare is under water. Nothing in this rule shall be construed as limiting the use of foothold traps or box-type live traps in public road rights-of-way. No person shall place or leave any trap, stake, or non-indigenous set making material upon any public road right-of-way except during the open trapping season.

**ITEM 2.** Amend rule 571-- 110.5(481A) as follows:

**571—110.5(481A) Removal of animals from traps and snares.** All animals or animal carcasses caught in any type of trap or snare, except those which are placed entirely underwater and designed to drown the animal immediately, must be removed from the trap or snare by the trap or snare user immediately upon discovery and within 24 hours of the time the animal is caught. All live animals must be released or euthanized immediately upon discovery.

\_\_\_\_\_  
Date

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

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**Moved (1)** – Commissioner Francisco moved that the trapping limitation item from March 10<sup>th</sup>, 2005 be brought off the table and to dismiss it.

**Seconded** – Commissioner Kircher

**Motion** – Carried by Unanimous Vote

**Moved (2)** – Commissioner Kircher moved to divide item 19 into two items:

- 19.1(571--110.1(481A) Public roadside limitations—snares, body-gripping, and Conibear type traps)
- 19.2 (571—110.5(481A) Removal of animals from traps and snares)

And to then proceed with voting on 19.1 with amendment to state that prestaking will only be allowed two weeks prior to the start of the season.

**Seconded** – Commissioner Rettig

**Moved (3)** – Commissioner Garst moved to table item 19.1 while Tamara Mullen, DNR Attorney drafts language.

**Seconded** – Commissioner Francisco

**Motion** – Carried by Unanimous Vote

**Moved(4)** – Commissioner Francisco moved to drop item 19.2

**Seconded** – Commissioner Garst

**Motion** – Failed by - 3 – Yes and 2 – No - Commissioner Rettig and Commissioner Kircher

**Moved(5)** – Commissioner Rettig to reopen item 19.2 and vote on as written

**Second** – Commissioner Kircher

**Motion**

Roll Call Vote:

Yes - Commissioner Rettig

No - Commissioner Garst

Yes - Commissioner Kircher

No - Commissioner Francisco

No - Commissioner Drees

**Motion** - 19.2 failed

**Moved(6)** – Commissioner Francisco bring 19.1 back to table

**Seconded** - Commissioner Kircher

**Motion** – Carried by Unanimous Vote

**Moved(7)** – Commissioner Kircher moved to amend item 19.1 to read:

“Traps, stakes, and non-indigenous set making material shall not be placed or left on

any public road right-of-way prior to 14 calendar days before the open trapping season. All traps and related materials and equipment shall be dismantled and removed from all public and private land by the last day of the trapping season.”

**Seconded** – Commissioner Rettig

**Motion** – Carried by Unanimous Vote

**Note:** Strike previous vote from record

**Moved(8)** – Commissioner Rettig reopen item 19.1 again

**Seconded** – Commissioner Kircher

**Motion** – Carried by Unanimous Vote

**Moved(9)** – Commissioner Kircher moved to reconsider amendment of item 19.1 to read:  
“No person shall place or leave any traps, stakes, and non-indigenous set making material upon any public road right-of-way except during a period that begins 14 days prior to the opening day of the trapping season to the end of the open season.”

**Seconded** – Commissioner Rettig

**Motion** – Carried by Unanimous Vote

## **20. Clean Vessel Act Grant**

The Department requests Commission approval to enter into an Agreement with Scales Pointe Marina (Marina) located on Coralville Reservoir to receive a \$34,766 Clean Vessel Act (CVA) grant. The CVA program purpose is for the construction of pumpout stations and waste reception facilities to dispose of recreational boater sewage. It is a nationwide program that is administered by the U.S. Fish & Wildlife Service. Grant money is made available to the DNR; as grantee, the DNR has authority to convey program money to third parties.

The grant Agreement limits the Marina to the purchase and install one portable pumpout system and to construct one fixed pumpout system which includes a waste storage tank.

Commission approval will only make the federal grant money available to Scales Pointe Marina. The Marina is responsible for project design, construction, purchase, oversight and a 25% local match.

We recommend that the Department enter into a grant agreement with Scales Pointe Marina.

**Moved** – Commissioner Francisco

**Seconded** - Commissioner Kircher

**Discussion** – Commissioner Garst commented in her history on the commission she did not remember ever seeing such a grant being utilized. Mike McGhee responded that he had researched and in the last seven years there had been no Iowa participation. Commissioner Garst suggested DNR promote this grant program to marinas throughout Iowa.

**Motion** – Carried by Unanimous Vote

## **21. Contract with Iowa State University for Economic Impact and Value of Iowa's Lakes**

Commission approval is requested for a seventeen month service contract with Iowa State University, Center for Agriculture and Rural Development (CARD) of Ames, Iowa. The contract will begin on July 1, 2009 and terminate on December 31, 2010. The total amount of this contract shall not exceed \$128,658. DNR shall have the option to renew this contract long as this contract and any extensions do not exceed a six-year period.

This contract will be funded through the Iowa Department of Natural Resources (DNR) - Lake Restoration Program.

The DNR intends to utilize the information gathered and analyzed in this Contract to (a) assess the changes in usage that Iowans have made to Iowa lakes in response to changes in water quality and the cost of accessing the lakes and (b) to assess the economic impact associated with the presence of Iowa lakes in local communities and how that impact might change relative to changes in water quality. This information will contribute to the cost-effective management of lake restoration projects.

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide the Iowa Department of Natural Resources (DNR) with information on the economic impact generated by Iowa lakes for local communities and to provide ongoing visitation information to Iowa lakes. Two primary sources of data will be collected to provide the needed information. First, data on the usage of Iowa lakes by a random population sample will be collected for the calendar year of 2009. Second, extensive expenditure data will be collected and combined with economic impact modeling.

Iowa Code Section 455B.103 allows the Department to contract, with public agencies of this state, to provide laboratory, scientific field and environmental quality evaluation services. The Department has a long history of working with the proposed Contractor on a variety of water quality and economic related research. Past contracts have been completed in a timely, professional manner.

<p><b>Moved</b> – Commissioner Kircher <b>Seconded</b> - Commissioner Garst <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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## **22. Contract with City of Emmetsburg for Five Island Lake Dredging**

Commission approval is requested for a one year 28E Agreement with the City of Emmetsburg, Iowa. The contract will begin on July 1, 2009 and terminate on June 30, 2010. The total amount of this contract shall not exceed \$400,000. DNR shall have the option to renew this contract long as this contract and any extensions do not exceed a six-year period.

This contract will be funded through the Lake Restoration Program with funding appropriated under SF376, Section 24. The parties propose to enter into this Contract for the purpose of reimbursing the City of Emmetsburg for continued and planned lake dredging operations at Five Island Lake (Palo Alto County).

Five Island Lake (Palo Alto County) is one of the 35 significant public lakes prioritized for restoration. Lake Restoration Program guidelines recommend the department give priority for funding to active lake projects so long as progress toward completion of the project remains consistent with the goals of the program. The City of Emmetsburg is in the final stages of a multi-year dredging project. The goal of the project is to increase lake mean water depth and improve the lake water quality.

This Agreement is made pursuant to statutory authority granted to the parties pursuant to Iowa Code section 28E.4 or 28E.12 (2009). The DNR and the City enter into this agreement pursuant to a program established under 571 Administrative Code 30.14, known as the State and Local

Cooperative Lake Rehabilitation Pilot Program. Administrative Code 571 provides for implementing a program of state and local cooperative lake rehabilitation.

**Moved** – Commissioner Francisco

**Seconded** - Commissioner Kircher

**Discussion** – Commissioner Rettig asked if it was common for the DNR to pay for some other government body to do dredging on a lake. Mike McGhee responded that the department is doing this at only two locations; Five Island and had started the project at Storm Lake but stopped and the county had taken it over but the department has still provided funding. Commissioner Rettig asked about local fund matching. Mike McGhee explained that it depended on the area; in this particular project the local county has funded approximately half of the costs including staff & equipment costs. Mike McGhee pointed out that at both Storm Lake and Clear Lake the counties had passed rules directing local hotel/motel taxes to the lake restoration projects. **Motion** – Carried by Unanimous Vote

### **23. Chapter 15 – General License Regulations NOIA**

The Natural Resource Commission is requested to review the attached Notice of Intended Action to amend Chapter 15 “General License Regulations.” The changes proposed would revise the administrative fee charged to customers for most privileges sold through the Electronic Licensing System of Iowa (ELSI) from 50 cents to \$1.50 and includes an administrative fee of \$3.65 for boat regulations, renewals and transfers.

The DNR has successfully sold hunting and fishing licenses through ELSI since 2001 and it has been well received by both license sellers and buyers. The DNR has executed a new contract with the existing vendor, which includes the transition to a new system (ELSI 2). ELSI 2 will incorporate new technology and will be a web-based system. ELSI 2 will offer a number of improvements to the current system that benefit license sellers and buyers as well as the department.

Along with the new technology and the benefits that ELSI 2 will bring, the cost of implementing the program will increase as well. For example, the fee the DNR pays to its contractor for most privileges sold will increase from 74 cents to \$1.28 per privilege. The DNR also pays its contractor \$3.65 per transaction for the ability to register, renew and transfer boats through ELSI. The proposed revision will help to offset those costs as well as other administrative costs.

Attached: Chapter 15 – General License Regulations, Notice of Intended Action Rule

#### NATURAL RESOURCE COMMISSION[571]

##### Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6) and Iowa Code section 483A.10, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 15 “General License Regulations,” Iowa Administrative Code.

Iowa Code section 483A.10 authorizes the Commission to adopt rules governing issuance of licenses. As part of these rules, the Commission is authorized to assess an administrative fee, which shall be forwarded to the Department. This fee shall be used to offset costs incurred in administering the licensing program. See Iowa Code subsection 455A.5(6).

This amendment revises the administrative fee charged to customers for most privileges sold through the Electronic Licensing System of Iowa (ELSI) from 50 cents to \$1.50 and includes an administrative fee of \$3.65 for boat registrations and renewals. The department has executed a new contract with its existing vendor which includes the transition to a new system (ELSI 2). ELSI 2 will incorporate new technology and will be a web-based system. ELSI 2 will offer a number of improvements to the current system that benefit license sellers and buyers as well as the

department. For example, state of the art equipment allowing for a more user-friendly sales process, speedier transactions, and improved communication with license agents, including electronic newsletters, updates and messaging. Along with the new technology and the benefits that ELSI 2 will bring, the cost of implementing the program will increase as well. For example, the fee the department pays to its contractor for most privileges sold will increase from 74 cents to \$1.28 per privilege and the ability to register, renew, and transfer boats through ELSI includes a \$3.65 per transaction fee paid to the contractor as well. The proposed revision will help to offset these costs as well as other administrative costs.

The proposed amendment would revise language in a previous amendment to Chapter 15 adopted by the Commission on May 14, 2009, and published in the Iowa Administrative Bulletin on June 17, 2009, as ARC 7825B. It is anticipated that this previous amendment will become effective on July 22, 2009.

Any interested person may make written suggestions or comments pertaining to the proposed rule revisions by 3:30 p.m. July 21, 2009. Such written materials should be directed to Mark Warren, Department of Natural Resources, Wallace State Office Building, 502 East 9<sup>th</sup> Street, Des Moines, Iowa, 50319-0034; fax (515)281-6794; or E-mail Mark.Warren@dnr.iowa.gov. Persons who wish to convey their views orally should contact Mark Warren at (515)281-8907 or at Mark Warren's office on the fourth floor of the Wallace State Office Building.

A public hearing will be held on July 21, 2009, at 1:30 p.m. in the Fourth Floor East Conference Room, Wallace State Office Building, at which time persons may present views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

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

This amendment is intended to implement Iowa Code chapters 321G, 456A, 462A, 481A, 481B, 482, 483A, 484A, and 484B.

The following amendment is proposed.

571--15.4(483A) *Administration fee.* An administration fee of ~~50 cents~~ \$1.50 per privilege purchased shall be collected from the purchaser at the time of purchase, except upon the issuance of free landowner deer and turkey licenses, free annual hunting and fishing licenses, free lifetime fishing licenses, ~~and free group home fishing licenses, and boat registrations, renewals, transfers, and duplicates.~~ An administrative fee of \$3.65 will be collected from the purchaser at the time of boat registration, renewal, transfer, and duplicate purchases.

\_\_\_\_\_  
Date

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

(P:15n.doc/mg)

**Moved** – Commissioner Francisco

**Seconded** - Commissioner Kircher

**Discussion** – Director Leopold asked for further explanation of the true administrative costs and if they were in excess of the \$1.50 fee charged. Mark Warren explained that the fees were indeed higher than the proposed fee charge, but that there were rules of what costs could be passed on as administrative fees. The DNR legal department advised of what fees should be charged. Commissioner Kircher commented on the convenience factor of being able to do things online and thought more could be charged.

**Motion** – Carried by Unanimous Vote

## **24. Publicly Owned Lakes Program Watershed Eligibility**

The Natural Resource Commission is requested to approve the priority list of watersheds above publicly owned lakes and reservoirs where private landowners are eligible to receive cost-share funding of up to 75% of the cost of approved permanent soil and water conservation practices in fiscal year 2010. The eligible publicly owned lakes list is established by the Department in accordance with Iowa Administrative Code 571, Chapter 31, Public Owned Lakes Program.

The DNR is responsible for making an annual recommendation to the Commission utilizing the criteria established in the rule. The Iowa Department of Agriculture and Land Stewardship's (IDALS) Division of Soil Conservation manages the Public Owned Lakes Program, which makes funds available to private landowners in the watersheds above the designated publicly owned lakes. Funds for the program come from appropriations to IDALS. Funding for fiscal year 2010 is \$350,000.

The following eight applications were submitted:

- Big Creek Lake, Polk and Boone Counties
- Diamond Lake, Poweshiek County
- Lake Geode, Des Moines and Henry Counties
- Hawthorn Lake, Mahaska County
- Lake Icaria, Adams County
- West Lake, Clarke County
- Williamson Pond, Lucas County
- Windmill Lake, Taylor County

The applications were evaluated on their identification of locations within the watershed that contribute significant sediment to the lake and their plans for targeted installation of permanent soil conservation practices to reduce that sediment delivery. In accordance with the administrative rules, the Department makes the following recommendations to the Commission for watershed eligibility in fiscal year 2010:

- Big Creek Lake, Polk and Boone Counties
- Lake Geode, Des Moines and Henry Counties
- Hawthorn Lake, Mahaska County
- West Lake, Clarke County
- Williamson Pond, Lucas County
- Windmill Lake, Taylor County

These recommendations have been sent to all Soil and Water Conservation Districts for informational purposes.

<p><b>Moved</b> – Commissioner Garst <b>Seconded</b> - Commissioner Francisco <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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**25. Donations**

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

Donation to:	Amount	Description	Donation Provided by (Name/Org):
Brushy Creek Recreation Area	\$100.00	support of the annual fishing derby	Wal-Mart
Rock Creek State Park	\$352.30	bricks that will be used to construct a fire pit and repair decaying water fountains	Glen-Gary Corporation

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

Donation to:	Amount	Description	Donation Provided by (Name/Org):
IA DNR	\$90,000	Loess Hill WMA	INHF
IA DNR	\$2,000	Peterson WMA	Tindall, Edwin
IA DNR	\$57,000	Upper Iowa River Wildlife Area	INHF

**Moved** – Commissioner Kircher  
**Seconded** - Commissioner Francisco  
**Discussion** – None  
**Motion** – Carried by Unanimous Vote

**26. CRD Capital Projects Budget**

The Natural Resource Commission is requested to approve the FY2010 CRD Capital Projects draft budget.

Funds from a number of sources are available in FY10 to effectuate open space protection, development (infrastructure repair and construction), capital requirements, and related grant programs. The proposed capitals projects plan is listed by funding source on the attached.

**Moved** – Commissioner Rettig  
**Seconded** - Commissioner Kircher  
**Discussion** – Ken Herring explained that he was unsure of what monies the \$225,000 was reflective of and will be questioning Diane Ford and Kim Rasler to clarify. He also explained that the capitals budget plan is still somewhat of a fluid document as these are all of the projects proposed to be completed for Fiscal Year 2010. Director Leopold and Ken Herring gave further explanation of the breakdown of funding for IJOBS and the Capitals Budget Plan.  
**Motion** – Carried by Unanimous Vote

## **27. Iowa City Deer Management Plan for 2009-2010**

The Commission is asked to approve the authorization of sharp shooting deer in Iowa City for 2009-2010 with the following stipulations: 1) take antlerless deer only; 2) removal of antlerless deer on University of Iowa properties to be done between December 19, 2009 and January 16, 2010; 3) removal of antlerless deer in the remainder of Iowa City to be done between January 11, 2009 and February 28, 2009; 4) the use of rimfire rifles shall not be allowed for lethal removal of deer; 5) an authorized agent of the DNR be allowed to observe deer removal when requested by the DNR; 6) Iowa City should strongly consider the use of bow hunting as a means of controlling deer numbers in suitable areas and only use sharp shooting in those areas where bow hunting can not be done because of access logistics.

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Francisco

**Discussion** – Commissioner Francisco made comments about the Annual Report 2008-2009 Deer Management Program, Iowa City. He pointed out the following:

- Page 16 - Discrepancy between what was written in the Annual Report and what was in the minutes of Iowa City Council. He feels it should be clarified to them that reflectors are not effective because they are too expensive.
- Page 20 – The argument that archers are selective for bucks. He pointed out that sharpshooters are shooting randomly and taking 50% bucks vs. does. He addressed the fact that archers during special hunts restricted to does are taking 82% does and added that he thinks Iowa City should start paying for does shot rather than deer shot.
- Page 22 – It is stated that the DNR concurs that sharpshooting is more effective than bow hunting. He does not believe that this has ever been the case and would like that pointed out to the City of Iowa City Council

Commissioner Rettig asked about the costs involved to the City of Iowa City under their current deer management plan and asked Willie Suchy if they followed some DNR recommended management it would save the City of Iowa City money. Willie Suchy concurred with Commissioner Rettig's comments. Commissioner Rettig offered to go to the Iowa City Council with a DNR representative and explain why there are better deer management plans that could be utilized. Commissioner Garst encouraged Janelle Rettig to complain to the City of Iowa City as a citizen. Commissioner Garst expressed concern about the amount of bucks killed under their current management program. Willie Suchy stated that he feels the commission has done a great job voicing concerns; bow hunters could be providing the means to reduce the deer numbers at the same rate that the sharpshooters are doing at no cost to the city. Commissioner Rettig stated that the department cover letter to the City of Iowa City should be stronger and reflect the discussed recommendations. Director Leopold requested the letter go with his signature.

**Motion** – Carried by Unanimous Vote

## **28. General Discussion**

- Commissioner Rettig recently went on a trip to Alaska; she stated that she had went with the thought that there should be no drilling and came home a true advocate against any drilling because of what a beautiful place it is.
- Commissioner Garst asked if there has been any further progress in reference to dark sky lighting at Honey Creek State Park Resort.
- Commissioner Kircher went to the Des Moines County youth day at which they had approximately 125-130 kids there that got to experience shooting guns, archery, etc. She was impressed with the representation of the DNR at this event.
- Commissioner Francisco attended the Lucas County free kids fishing day and noted how successful it was.
- Commissioner Drees said he would be attending the formal dedication of the Shadow Lakes Initiative, this is a great example of the relation between the DNR & Ducks Unlimited

## **29. Items for Next Meeting**

Next Meetings:

July 9, 2009 – Washington County

August 13, 2009 – Cerro Gordo County

## **Adjournment of meeting at 3:45 p.m. on June 11, 2009**

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Francisco

**Motion** – Carried by Unanimous Vote