

**IOWA DEPARTMENT OF NATURAL RESOURCES  
NATURAL RESOURCE COMMISSION  
JULY 2009 – TOUR/MEETING SUMMARY**

<b>Wednesday</b>	<b>July 8, 2009</b>	<b>NRC INFORMATIONAL TOUR AGENDA</b> <i>(times approximate)</i>
1:00pm	Meet at Lake Darling State Park Lodge, 111 Lake Darling Road, Brighton, IA	
1:00pm – 1:30pm	Introductions and PowerPoint Presentation on Lake Darling Projects	
1:30pm – 3:30pm	Guided bus tour of Watershed Improvement Projects and In-Lake Restoration Plans	
3:30pm – 4:30pm	Conclude at Lake Darling Lodge for Discussion	
6:30pm	Meet for dinner at 6:30 - Café Dodici – 122 South Iowa Ave., Washington, IA	

<b>Thursday</b>	<b>June 9, 2009</b>	<b>NRC MEETING AGENDA</b> Meeting convenes at 8:30am Public Comment Period begins at approximately 10:30am		
<b>Meeting Location:</b> Lake Darling State Park Lodge 111 Lake Darling Road Brighton, IA 52540				
1	Approve Agenda			
2	Approve Minutes of 06/11/09			
3	Director's Remarks			
4	Honey Creek Destination State Park Update			
5	Construction Projects			
	5.1	Bellevue State Park, Jackson County – Dyas and Nelson Units Water System Upgrade	Decision	Carried
	5.2	Riverton WMA, Fremont County - Dike Repairs	Decision	Carried
	5.3	Lake Icaria, Adams County – Repair Spillway and Jetties	Decision	Carried
6	Small Construction Projects Contracts		Information	N/A
7	Agreement with the City of Dubuque for EB Lyons Center		Decision	Carried
8	Land Acquisition Projects			
	8.1	Hendrickson Marsh, Story County – Iowa Natural Heritage Foundation	Decision	Carried
	8.2	Yellow River State Forest, Allamakee County - R. Neale Downing	Decision	Carried
	8.3	Lake Darling State Park, Washington County – Silt Basin Easements	Decision	Carried
	8.4	Loess Hills State Forest - Harrison County – McClannahan & Olsen Investments, LC	Decision	Carried
9	Land Management Projects			
	9.1	Management Agreement, Lee Co. - Turkey Run Access	Decision	Carried
	9.2	Management Agreement, Carroll Co. - Hazelbrush Wildlife Management Area	Decision	Carried
	9.3	Management Agreement, Clayton Co. - Pony Hollow Trail	Decision	Carried
10	Grant Agreement, Ada Hayden Fishing Pier		Decision	Carried
11	Chapter 88 Fishing Tournaments NOIA		Decision	Carried
12	Chapter 81 Fishing Regulations - NOIA		Decision	Carried
13	Chapter 94, Nonresident Deer Hunting NOIA		Decision	Carried
14	Chapter 98, Wild Turkey Spring Hunting NOIA		Decision	Carried

15	Chapter 99, Wild Turkey Fall Hunting by Residents NOIA	Decision	Carried
16	Chapter 106, Deer Hunting by Residents NOIA	Decision	Carried
17	Parks Commercial Concession Contract	Decision	Carried
18	General Discussion		
19	Items for Next Meeting		
	Next Meetings: August 13, 2009 – Cerro Gordo County September , 2009 – Dickinson County		



**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**  
**JULY 9, 2009**

**IOWA DEPARTMENT OF NATURAL RESOURCES**

**LAKE DARLING STATE PARK**  
**111 LAKE DARLING ROAD**  
**BRIGHTON, IA 52540**

## **Call to Order**

The meeting of the Natural Resource Commission was called to order by the Commission Chairperson, Gregory Drees on Thursday, June 11, 2009 at 8:47 a.m. He welcomed the public to the meeting and reviewed the public speaking forum guidelines. He then thanked DNR staff for the tour and informative presentations of the prior day. The commission toured the Lake Darling area watershed projects and was presented information on lake restoration plans.

## **Members Present**

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

## **Members Absent**

Carol Kramer

### **1. Approve Agenda**

**Moved** – Commissioner Rettig moved to change item 18 to be item 8.4 on the agenda

**Seconded** – Commissioner Bird

**Motion** – Carried by Unanimous Vote

### **2. Approve Minutes of 06/11/09**

**Moved** – Commissioner Bird

**Seconded** - Commissioner Kircher

**Motion** – Carried by Unanimous Vote

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

- Director Leopold was absent from the July NRC meeting due to a flight delay in Atlanta Georgia. Deputy Director Pat Boddy was present to update the commission on recent and upcoming events.
- Deputy Director Boddy attended the grand opening and dedication ceremony of the new Storm Lake Marina. She also attended water trail designations in Des Moines and Boone; as well she will be attending another tomorrow in Fort Dodge.
- Iowa Department of Natural Resources AmeriCorps Volunteer Members have been selected to receive the 2009 Governor's Volunteer Award for the outstanding contribution of volunteer services to the community. A special recognition ceremony is planned for Monday, July 27<sup>th</sup> at 2 p.m. at the Southeast Polk High School auditorium (in Pleasant Hill) with a reception to follow.
- The new Interactive Hunter Education Safety Course is up and running.  
(<http://www.hunterexam.com/usa/iowa/>) This will not be a substitute for field day training but an educational piece prior to field day training; allowing an individual to gain valuable knowledge before any hands on training.
- Budget – It is thought that there will be additional cuts to the General Fund budget. Management has put into motion action plans to internally cut as much as possible from the current budget to try to alleviate repercussions of further budget cut directives from the state. It is hoped that any temporary furloughs will not be needed; many staff have come forward and volunteered to take time off as leave without pay (LWOP).

## **Questions**

Commissioner Francisco asked about possibilities to work with trail designers on replacing current trails with trails that do not erode. He would like to see the same thing done for land based trails as has been done for water trails.

Commissioner Garst commented that she agreed that better trail design was a good idea but that it may be time to look seriously about charging a bridal fee for use on the equestrian trails.

Commissioner Rettig commented that she felt it is important to have commissioner in attendance at important events such as the upcoming AmeriCorps Volunteer Awards, if a list of these types of events could be provided it would be much appreciated.

Commissioner Rettig stated that she feels it is time for the commission to come to a resolution or consensus on sustainable building of all projects going forward into the future.

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

- **Construction** – The hardscape is complete, railings on steps of the back patio area are now installed, the cabins are all now complete and open 10 cabins have traditional fire pits, the docks are still an issue, the RV park is now open, the playground equipment is being installed, and all landscaping should be complete before the end of the year.
- **Operations** – The month of May was better than April; but the month of June did not do as well as had been anticipated. The website seems to be an issue; updates are not done as frequent as they should be, and the site reflecting facilities as booked when they are not. Deputy Boddy and Michelle Wilson are going to be meeting with Central Group Companies, Inc. to discuss concerns further. The food and beverage area is also still an issue; Deputy Director Boddy would like to bring in a consultant (Bill Koegler) that she previously worked with at Polk County. He had been a consultant on the Jester Park Golf Course project. Mr. Koegler would do an initial overview of operations and paperwork before recommending any changes; this would cost approximately \$1500 plus travel for Mr. Koegler. All agreed that this may be a small price to pay if his recommendations could turn things around.
- **Dock** – Don Labate presented a PowerPoint presentation to the commission on the docking system and concrete issues.
- **Activities Center** – Recently Deputy Boddy, Michelle Wilson and Don Labate visited with Iowa State University on an opportunity to purchase a solar design building that has possibilities to be utilized as an activities center at the resort. Pictures were shown of the structure and Don Labate explained the details of the building to the commission. All commissioners agreed that this would be an idea worth exploring, noting that the learning opportunities would be extraordinary.

## **Public Participation**

None

## **5. Construction Projects**

### **5.1 Bellevue State Park, Jackson County – Dvas and Nelson Units Water System Upgrade**

This project consists of the construction of two water distribution systems, water treatment/storage buildings and other related work as required by the Plans and the DNR Construction Inspector and as described in the Project Manual for Bellevue State Park.

The purpose of this project is to replace the existing water lines in both units of Bellevue State Park. Water treatment systems will also be installed at both parks. Previously, Bellevue State Park used untreated well water, but since late last year the water samples have been showing unacceptable amounts of bacteria. The well water will be treated by a chlorination system and will be housed along with new pressure tanks in a pre-cast, all concrete building purchased from CXT. The camp host campsite in the Dvas Unit will be converted from primitive camping to a full hookup site. This will be the only full hookup site in the park.

The CXT buildings housing the water treatment equipment and well controls are replacing outdated and damaged wood sided sheds. This will allow the existing cisterns to be demolished. These buildings are delivered completely assembled and will be set on concrete foundations via crane provided by CXT. When compared to the conventional block water storage building that has been used in the past, the CXT buildings are roughly \$25,000 less.

This project was designed by Mike Hameed and will be inspected by David Heer, District Inspector. DNR Estimate is \$208,000. Funding source is 100% Health and Safety Account (FY10 capital link 207). 28 sets of plans were issued. 5 bids were received.

FL Krapfl Company Inc.	Dyersville, IA	\$158,648.00
Portzen Construction	Dubuque, IA	\$200,155.00
Tschigffrie Excavating Company	Dubuque, IA	\$235,061.30
Jackson Creek Enterprise LC	Allerton, IA	\$271,059.50
Meier Construction Inc.	Bellevue, IA	\$53,098,509.95 (bidding error)

Staff recommends the acceptance of the low bidder, FL Krapfl Company Inc.

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Francisco

**Discussion** – Commissioner Francisco asked about state requirements for licensed operators. Don Labate, Engineering Bureau Chief responded that all operators are required to be licensed; as well all operators have been through both water safety and water testing classes and continued training is ongoing.

**Motion** – Carried by Unanimous Vote

**5.2 Riverton WMA, Fremont County - Dike Repairs**

This project will repair levees and dikes damaged in the 2007 and 2008 flood events, as well as construct two spillway sites to mitigate future flood damage to the area.

This project was designed by Ken Jackson and will be inspected by Mark Johnson, District Inspector. DNR and FEMA estimate is \$146,309. Funding source is 90% FEMA, 10% FY09 Supplemental (FY10 capital link 52). 13 sets of plans were issued. 4 bids were received.

Rieken Construction	Henderson, IA	\$93,260.34
Whitehead Farms Construction Inc.	Sidney, IA	\$134,392.00
Yost Excavating Inc.	Nebraska City, IA	\$225,126.50
Kreifels Conservation & Excavating Inc.	Nebraska City, IA	\$284,395.50

Due to mistakes made in their bidding, Rieken Construction has asked to be released from their bid. DNR concurs and asks for award to the second low bidder, Whitehead Farms Construction Inc.

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

**5.3 Lake Icaria, Adams County – Repair Spillway and Jetties**

This project consists of riprap and granular surfacing repair to 5 fishing jetties and the riprap repair to 5 areas of the shoreline. There is also repair to a wetland spillway and a silt dike that are both located above the lake for water quality protection. Areas to be reinforced and protected were damaged and eroded from the flooding of 2008.

This project was designed and will be inspected by Mark Johnson, District Inspector. DNR and FEMA Estimate is \$84,700. Funding source is 90% FEMA, 10% FY09 Supplemental (FY10 capital link 52). 6 sets of plans were issued. 2 bids were received.

Jeff Sickels Dozing	Mount Ayr, IA	\$58,983.04
Richards Construction	Sac City, IA	\$75,322.14

Staff recommends the acceptance of the low bidder, Jeff Sickels Dozing.

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

**6. Small Construction Projects Contracts (INFORMATIONAL ITEM ONLY)**

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

BID DATE	PROJECT	COUNTY	AREA	DESCRIPTION	ESTIMATE	BIDS
6/04/09	10-06-82-01	Scott	Lost Grove Lake Causeway	Slope Repair	\$27,450.00	\$24,012.50
						\$15,332.00
						<b>\$16,478.08</b>
6/04/09	08-01-11-07	Buena Vista	Storm Lake Marina	Security Gates/Posts	\$25,000.00	<b>\$30,070.00</b>
						\$5,300.00
						<b>\$5,612.50</b>
6/04/09	09-03-28-10	Delaware	Backbone State Park	Septic Tank System	\$5,500.00	<b>\$6,286.00</b>
						\$5,681.02
						<b>\$7,851.30</b>
						<b>\$8,267.10</b>
						<b>\$9,162.32</b>
						<b>\$9,290.20</b>
6/04/09	05/05/91/01	Warren	Summerset State Park	Parking Spaces	\$12,000.00	<b>\$9,738.41</b>
						\$10,749.70
						<b>\$13,231.70</b>
						<b>\$13,526.00</b>
6/11/09	09-04-80-01	Ringgold	Mount Ayr Hatchery	Dike Widening	\$11,600.00	<b>\$21,172.00</b>
						\$14,460.00
						<b>\$21,671.00</b>
						<b>\$24,699.00</b>
6/11/09	09-01-30-02	Dickinson	Spirit Lake Fish Hatchery	Roof Repairs	\$20,000.00	<b>\$24,990.00</b>
						\$4,940.00
						<b>\$5,000.00</b>
6/11/09	09-01-30-08	Dickinson	Templar State Park	Concrete Stair Repairs	\$5,000.00	<b>\$21,000.00</b>
						\$6,497.10
						<b>\$9,956.50</b>
6/11/09	09-06-89-05	Van Buren	Lake Sugema	Sidewalk Repair	\$3,226.00	<b>\$18,196.5</b>
						\$41,626.04
						<b>\$66,842.54</b>
						<b>\$67,502.50</b>
6/18/09	09-04-88-10	Union	3 Mile Lake	Spillway/Jetty Repair	\$76,100.00	<b>\$101,398.11</b>
						\$19,384.00
6/18/09	09-03-07-07	Blackhawk	George Wyth State Park	Wyth Lake Restroom Repair	\$15,000.00	<b>\$30,124.96</b>
						\$24,800.00
						<b>\$27,456.00</b>
6/25/09	09-03-09-03	Bremer	Sweet Marsh WMA	Roadway Repair	\$16,000.00	<b>\$33,696.00</b>
						\$23,900.00
						<b>\$33,700.00</b>
						<b>\$47,380.00</b>
6/25/09	09-01-37-01	Greene	Dunbar Slough	Dike Repair	\$30,000.00	<b>\$51,450.00</b>
						\$11,945.00
						<b>\$12,605.00</b>
6/25/09	09-01-76-01	Pocahontas	Sunken Grove	Culvert Replacement	\$19,000.00	<b>\$18,600.00</b>
						\$4,195.00
6/25/09	07-03-03-04	Allamakee	Harpers Ferry Landing	Restroom Roofing System	\$6,000.00	<b>\$5,100.00</b>

<p><b>Moved</b> – N/A Informational Item Only  <b>Seconded</b> – N/A Informational Item Only  <b>Motion</b> – N/A Informational Item Only</p>
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## **7. Agreement with the City of Dubuque for EB Lyons Center**

The Natural Resource Commission's approval is requested for an agreement between the Department and the City of Dubuque for the Department to provide engineering services, in the form of construction inspection, and partial funding for an expansion to the EB Lyons Interpretive Center in the Mines of Spain Recreation Area in Dubuque County, Iowa. The agreement is for a not to exceed amount of \$115,000, which includes \$100,000 (Capital Link #169) and an estimated \$15,000 for flooring in DNR offices and interpretive areas in the building (Capital Link #153). The project will be let in August by the City of Dubuque.

The City of Dubuque, in cooperation with the Friends of the Mines of Spain and the Department, is in the process of constructing an expansion to the existing EB Lyons Interpretive Center that will double the useable space and upgrade the existing space. The expansion and remodel will include an auditorium/multi-use space, exhibit areas, offices, an atrium and restrooms on the upper level. The lower level will contain a children's area, animal exhibits, a library, a biology laboratory, restrooms and related mechanical services. A new stair and elevator and a bird observation area are also a part of the new plan.

The building, infrastructure and property are owned by the City of Dubuque and operated by the Department through an existing 28E Agreement. Funding for the project includes grant monies, local donations, Friends of the Mines of Spain, in-kind donations and a legislative appropriation to the DNR. Grants include DOT Scenic Byways, CAT-Vision Iowa, Solid Waste Alternative Program and LAWCON grants to the DNR, City of Dubuque and the Friends.

The Department will be responsible for the inspection of the construction of the addition and remodel of the existing structure, in conjunction with separately contracted projects adjacent to, and a part of, the EB Lyons Interpretive Center. The other projects include water and sewer systems and parking lot paving.

**Moved** – Commissioner Bird

**Seconded** - Commissioner Kircher

**Discussion** – Commissioner Rettig asked for clarification on the specifics of the project. Don Labate explained how the funding would transpire with the City of Dubuque and the Friends of Mines of Spain for the expansion project. He explained that the project had been designed by an architect (Durant Group of Dubuque) hired and paid by the Friends of Mines of Spain group. Commissioner Garst asked who would be managing the building. Don Labate answered that the department would be managing, just as we have for the past fifteen plus years. Ken Herring, Conservation and Recreation Division Administrator made comments in recognition of Don Labate and the park manager Craig Oberbroeckling for their work with the city and utilizing the partnership of the local area.

**Motion** – Carried by Unanimous Vote

## **8. Land Acquisition Projects**

### **8.1 Hendrickson Marsh, Story County – Iowa Natural Heritage Foundation**

The Natural Resource Commission's approval is requested to purchase a tract of land located in Story County adjacent to state-owned and managed Hendrickson Marsh. The appraised price of the tract is \$61,500. The Iowa Natural Heritage Foundation offers this 22-acre tract for the price of \$36,500. INHF acquired the property in February 2009 for \$70,500. The Story County Chapter of Pheasants Forever (PF) is contributing \$35,000 towards the acquisition.

David Nebel, Licensed Appraiser of Nevada, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This irregular-shaped property is located four miles northeast of Collins in southeastern Story County. The nearly level to rolling tract is comprised of 9 acres of pasture, 6.5 acres of cropland (CSR of 67), 6 acres of CRP (enrolled at \$128/acre with 8 years remaining) and .5 acres of roads. There are no building improvements. Hendrickson Marsh borders the east and south side of the tract. Access is provided by a county gravel road along the west boundary.

This tract will provide for wildlife habitat, enhance public recreation to this area, and provide for improved water quality to the marsh. The Wildlife Bureau will manage the property in accord with the area management plan.

Acquisition funding will be provided by the Wildlife Habitat Stamp Fund (FY10 capital link 65). The tract will remain on the property tax rolls. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

<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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### **8.2 Yellow River State Forest, Allamakee County - R. Neale Downing**

The Natural Resource Commission's approval is requested to purchase a tract of land located in Allamakee County adjacent to state-owned and managed Yellow River State Forest. R. Neale Downing offers this 20-acre tract for the appraised price of \$56,000.

Joel Klemish, Licensed Appraiser of Strawberry Point, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This half moon-shaped property is located four miles southwest of Harpers Ferry in southeastern Allamakee County. The steep tract is entirely forested. There are no building improvements. Yellow River State Forest borders along the entire south side of the tract. Access is provided by a county gravel road along the north boundary.

This tract will provide for improved access and enhance public recreation to this area. The Forestry Bureau will manage the property in accord with the area management plan.

Acquisition funding will be provided by REAP Open Spaces (FY10 capital link 147). The tract will remain on the property tax rolls. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

<p><b>Moved</b> – Commissioner Francisco <b>Seconded</b> - Commissioner Bird <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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### **8.3 Lake Darling State Park, Washington County – Silt Basin Easements**

The Natural Resource Commission’s approval is requested to accept the donation of six permanent easements for silt basins adjacent to Lake Darling State Park in southwest Washington County. The donors are Grace Jochimsen, Richard Pepper, James and Mary Wolcott, John and Emily Emonin, John and Patricia Jurinek, and Donald Dickinson. These easements shall serve as temporary and permanent storage of water and retention of silt on areas totaling approximately 5 acres lying below tops of the five earthen dams. The donors also grant access to the State and its authorized agents across their property as needed for construction of the silt basins.

These easement grants were negotiated by Travis Baker of the Department and Stan Simmons of the Natural Resources Conservation Service in Washington, Iowa.

The easements are primarily forested ravines and adjacent seeded periphery. The DNR is constructing six earthen dams and associated basins. The dams and associated basins will be designed to trap sediment and to impound water to reduce runoff of soil and nutrients into Lake Darling. During extreme precipitation runoff, floodwater could result in occasional flooding to the top of the silt retention dams.

These easements will become part of the Lake Darling State Park, and will be managed by the Parks Bureau in accord with the area management plan. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the silt basin easements donation.

<p><b>Moved</b> – Commissioner Bird <b>Seconded</b> - Commissioner Kircher <b>Discussion</b> – Commissioner Garst asked if the easements would be fifty year easements or permanent easements. Travis Baker, Realty Services Supervisor explained that they would be permanent easements but that repair and maintenance language was written into the easements contracts. Commissioner Garst asked if the public had would have access and if the DNR was obligated to fill with water. Travis Baker explained that the public did not have access to the area as it was on private land and that the DNR was not bound to fill. Commissioner Bird commented how important it is for DNR and local residents to be good neighbors; this saves the state a lot of money and the locals benefit as well. Commissioner Rettig asked about the possibilities of access to these areas as possible recreational opportunities. Ken Herring commented on possible future recreational access donation as a selling point.</p>
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Commissioner Rettig commented that this would be a benefit to landowners in the form of charitable donation tax credits. Don Labate reminded the commission to keep in mind not all ponds were built on private land.

**Motion** – Carried by Unanimous Vote

**8.4 Loess Hills State Forest - Harrison County – McClannahan & Olsen Investments, LC**

The Natural Resource Commission’s approval is requested to purchase a tract of land located in Harrison County adjacent north and south of state-owned & managed Loess Hills State Forest. Robin & Julie McClannahan, and Olsen Investments, LC offers this 118-acre tract for the appraised price of \$262,180. The sellers will retain the cropping rights to 46.5 acres through December 31, 2011.

Donald Kearn, Licensed Appraiser of Atlantic, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This property is located five miles southwest of Pisgah in northwestern Harrison County. The tract is 60 percent forested and 40 percent cropland and reflects gently sloping to very steep topography. The property’s ridge tops offer scenic views of both the Missouri River and Soldier River bottomlands. The property is absent building improvements. The tract is accessed along the southeast boundary by a county gravel road.

This aesthetic tract will increase the Little Sioux Unit to 3,550 acres, and will provide wildlife habitat, improve surface water quality, and enhance public recreation to this area. The Forestry Bureau will manage the property in accord with the area management plan.

Acquisition funding will be provided by REAP Open Spaces. The Department will seek reimbursement of \$85,385 (remaining grant funds) through federal Transportation Improvement (TI) funds for the Resource Protection in the Loess Hills State Forest Area project. This acquisition will stay on the property tax rolls. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

**Moved** – Commissioner Francisco

**Seconded** - Commissioner Kircher

**Discussion** – None

**Motion** – Carried by Unanimous Vote

## **9. Land Management Projects**

### **9.1 Management Agreement, Lee Co. - Turkey Run Access**

The Natural Resource Commission's approval is requested for the renewal of a management agreement between the Lee County Conservation Board and the DNR to authorize the Board to manage Turkey Run Access through December 31, 2034.

Turkey Run Access is located on the Des Moines River approximately seven miles downstream of the City of Farmington, on the opposite side of the river from the state of Missouri. The agreement covers 10 acres purchased by the state in 1978. The area provides approximately ¼ mile of frontage on the river used for fishing access. A boat ramp and parking area are located on the site. The topography of the site has potential for development of campsites.

The Lee County Conservation Board has managed the area since the 1980's. The Board desires to continue its management. 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 Bird <b>Seconded</b> - Commissioner Francisco <b>Discussion</b> - None <b>Motion</b> – Carried by Unanimous Vote</p>
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### **9.2 Management Agreement, Carroll Co. - Hazelbrush Wildlife Management Area**

The Natural Resource Commission's approval is requested for the renewal of a management agreement between the Carroll County Conservation Board and the DNR to authorize County management of Hazelbrush Wildlife Management Area through July 31, 2034.

Hazelbrush Wildlife Management Area is located five miles northwest of the City of Carroll. The agreement covers 72 acres purchased by the state in 1980. Carroll County owns an additional 64 acres adjacent to the state property. The topography of the area is mostly steep. A deep valley and a creek traverse the property from north to south. A recreational trail constructed on an abandoned railroad grade crosses the property. The area provides excellent wildlife habitat.

Carroll County has managed the area since the 1980's. It desires to continue its management. 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> - None <b>Motion</b> – Carried by Unanimous Vote</p>
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### **9.3 Management Agreement, Clayton Co. - Pony Hollow Trail**

The Natural Resource Commission's approval is requested for the renewal of a management agreement between the Clayton County Conservation Board and the DNR to authorize the Board to manage the Pony Hollow Trail through July 31, 2034.

Pony Hollow Trail is located adjacent easterly of the city of Elkader. The agreement covers 23 acres purchased by the state in 1977. The area is an abandoned railroad right-of-way upon which is located a 3.4-mile length recreational trail. The trail runs along the state owned Turkey River for approximately ¾ mile.

The Clayton County Conservation Board has managed the area since the 1980's. The Board desires to continue its management. 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 Kircher <b>Seconded</b> - Commissioner Francisco <b>Discussion</b> - None <b>Motion</b> – Carried by Unanimous Vote</p>
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### **10. Grant Agreement, Ada Hayden Fishing Pier**

The Department requests Commission approval to enter into an Agreement with the City of Ames (City) to receive a \$90,000 Sport Fish Restoration (SFR) grant.

The grant Agreement limits the City of Ames to constructing a fishing pier on Ada Hayden Lake.

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

Annually the DNR receives approximately \$5.7 million in SFR funding to enhance sport fish populations and fishing opportunities. The SFR program gives the DNR authority to convey money to third parties. A fishing pier on Ada Hayden Lake will provide close, easy and family friendly fishing opportunities to area anglers.

<p><b>Moved</b> – Commissioner Francisco <b>Seconded</b> - Commissioner Bird <b>Discussion</b> – Commissioner Drees asked where the lake was located and how large it was. Martin Konrad, Fisheries Bureau explained the lake was located on the north side of Ames and that it was approximately 100 acres. Commissioner Kircher asked if it would be handicap accessible. Martin Konrad replied that it would be. <b>Motion</b> – Carried by Unanimous Vote</p>
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## **11. Chapter 88 Fishing Tournaments NOIA**

The Commission is requested to approve a Notice of Intended Action to amend Chapter 88, "Fishing Tournaments."

The proposed amendment requires electronic submission of applications and adjusts the time period when applications shall be accepted.

The Department developed an online electronic permit application procedure to serve customers more efficiently. The system will allow tournament organizers to search for open dates, select alternate dates, and submit online reports. It will also improve staff time in issuing permits. Organizers of other special events will be required to apply through the online electronic system.

**Moved** – Commissioner Bird

**Seconded** - Commissioner Kircher

**Discussion** – Commissioner Rettig asked about citizens without internet access; how would they complete event forms/applications? Martin Konrad explained that the purpose for the NOIA was to start the rule making process not to make decisions; the NOIA would allow public comment. Deputy Boddy added that if an individual does not have internet access that individual can still call and the DNR Customer Service Center will assist with completion. Sally Jagnandan, Management Services Division Administrator explained it would be managed similar to the current way the parks reservation system operates today.

**Motion** – Carried by Unanimous Vote

## **12. Chapter 81 Fishing Regulations - NOIA**

The Commission is requested to approve a Notice of Intended Action to amend Chapter 81, "Fishing Regulations."

The proposed changes limit anglers fishing the Mississippi River to a maximum 5/0 treble hook size when snagging paddlefish, reduces the length of the paddlefish season and establishes a maximum size limit on paddlefish.

There is an observed increase in the number of anglers fishing for paddlefish with more sophisticated electron devises that has the potential to over exploit paddlefish populations. Although the Mississippi River is closed to the commercial harvest of paddlefish; high market prices (\$80 – \$100 per pound) for paddlefish roe create the potential to illegally market roe. These factors with an absence of a size limit places greater pressure on paddlefish populations. A 33" maximum size limit will protect female paddlefish as they reach sexual maturity and minimize the harvest of sexually mature fish. A maximum 5/0 treble hook size will minimize injury to snagged fish.

**NATURAL RESOURCES COMMISSION[571]  
Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 81, "Fishing Regulations," Iowa Administrative Code.

The proposed amendments limit anglers to a maximum 5/0 treble hook size when snagging paddlefish, reduces the length of the fishing season and establishes a maximum size limit on paddlefish.

Any interested person may make written suggestions or comments on the proposed amendment on or before September 1, 2009. Such written materials should be directed to Martin Konrad, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail Martin.Konrad@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-6976 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be a public hearing on August 26, 2009, at 7 p.m. in the Clinton County Administration Building, Room D, 1900 N. 3rd Street, Clinton, Iowa. At the public hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

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

These amendments are intended to implement section 456A.25 of the Code of Iowa.

The following amendments are proposed.

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ITEM 1. Amend 571--81.1(481A) as follows:

**571---81.1(481A) Seasons, territories, daily bag limits, possession limits, and length limits.**

KIND OF FISH	INLAND WATERS OF THE STATE			BOUNDARY RIVERS	
	OPEN SEASON	DAILY BAG LIMIT	POSSESSON LIMIT	MINIMUM LENGTH LIMITS	MISSISSIPPI RIVER MISSOURI RIVER BIG SIOUX RIVER
Rock Sturgeon	Closed	0	0		Same as inland waters
Shovelnose Sturgeon	Continuous	None	None	None	Same as inland waters except no harvest allowed in the Big Sioux River and aggregate daily bag limit 10, aggregate possession limit 20, in the Missouri River
Paddlefish*	Continuous	2	4	None	Same as inland waters <b><u>except for an open season and length limit in the Mississippi River</u></b> See below*
Yellow Perch	Continuous	25	50	None	Same as inland waters except no bag or possession limit in the Missouri River
Trout	Continuous	5	10	None*	Same as inland waters
Catfish*	Continuous	15 Streams	30	None	Same as inland waters except no bag or possession limit in the Mississippi River
Black Bass (Largemouth Bass) (Smallmouth)	Continuous	3	6 In Aggregate	See below*	Continuous open season; aggregate daily bag limit 5, aggregate possession limit 10

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INLAND WATERS OF THE STATE					BOUNDARY RIVERS
Bass) (Spotted Bass)					See below*
Combined Walleye, Sauger and Saugeye	Continuous*	5*	10*	None*	Continuous open season; aggregate daily bag limit 6, aggregate possession limit 12; except aggregate daily bag limit 4, aggregate possession limit 8, in the Big Sioux and Missouri Rivers See below*
Northern Pike	Continuous*	3	6	None	Continuous open season; daily bag limit 5, possession limit 10; except daily bag limit 6, possession limit 12, in the Big Sioux River
Muskellunge or Hybrid Muskellunge	Continuous*	1	1	40"	Same as inland waters
Crappie	Continuous	25*	None	None	Same as inland waters except 50 in possession
Bluegill	Continuous	25*	None	None	Same as inland waters except in aggregate with pumpkinseed on the Mississippi River
All other fish species*	Continuous	None	None	None	See below*
Frogs (except Bullfrogs)	Continuous	48	96	None	Same as inland waters
Bullfrogs (Rana Catesbeiana)	Continuous	12	12	None	Same as inland waters

\*Also see 81.2(481A), Exceptions.

ITEM 2. Amend subrule 81.2(4) as follows:

**81.2(4)** Paddlefish snagging is permitted in all waters of the state, except as follows:

a. There shall be no open season in the Missouri River and Big Sioux River, nor in any tributary of these streams within 200 yards immediately upstream of its confluence with the Missouri or Big Sioux Rivers.

b. Snagging for paddlefish on the Mississippi River is restricted to the area within 500 yards below the navigation dams and their spillways. No hooks larger than 5/0 treble or measuring more than 1¼ inches in length when two of the hook points are placed on a ruler is permitted when snagging. The open season on the Mississippi River is the period from ~~January~~ March 1 through April 15.

c. Snagging for paddlefish is not permitted at any time in those areas where snagging is prohibited as a method of take as listed in subrule 81.2(11).

d. On the Mississippi River, a 33-inch maximum length limit shall apply; any paddlefish measuring 33-inches or more when measured from the front of the eye to the fork of the tail must be immediately released alive.

\_\_\_\_\_  
Date

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

(P:81n.doc/mg)

**Moved** – Commissioner Bird

**Seconded** - Commissioner Francisco

**Discussion** – Commissioner Rettig asked if commercial fishing of paddlefish on the Mississippi was closed. Martin Konrad responded that it was. Commissioner Rettig then asked about the equipment needed for paddlefish fishing. Martin Konrad explained what equipment and technique an individual would use.

**Motion** – Carried by Unanimous Vote

### **13. Chapter 94, Nonresident Deer Hunting NOIA**

The Commission is requested to approve this Notice to amend Chapter 94, Nonresident Deer Hunting.

Chapter 94 gives the regulations for nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation and reporting requirements. The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(10). This law requires the Commission to adopt rules to implement the new code section. The proposed amendment also updates the implementation paragraph.

Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt deer during any season in any zone. A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident deer hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

NATURAL RESOURCE COMMISSION[571]  
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 94, "Nonresident Deer Hunting," Iowa Administrative Code.

Chapter 94 gives the regulations for nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation and reporting requirements. The proposed amendment allows this chapter to conform with Iowa Code section 483A.24(10). This law requires the Commission to adopt rules to implement the new code section.

Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt deer during any season in any zone. A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident deer hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Any interested person may make written suggestions or comments on the proposed amendments on or before August 18, 2009. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-5918 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on August 18, 2009, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

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

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

The following amendments are proposed.

ITEM 1. Adopt **new** subrule 571--94.1(5) as follows:

94.1(5) Special licenses. The commission shall issue licenses in conformance with Iowa Code section 483A.24(10) to nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe mental or physical disability or a life threatening illness using the criteria listed in Iowa Administrative Code 571--Chapter 15. A medical statement from the applicant's attending physician specifying criteria met shall be on 8 inch by 11 ½ inch letterhead stationary. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician's assistant or nurse practitioner.

ITEM 2. Amend 571—Chapter 94, implementation paragraph as follows:

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

\_\_\_\_\_  
Date

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

(N:94n.doc/mg)

**Moved** – Commissioner Francisco

**Seconded** - Commissioner Bird

**Discussion** – Commissioner Bird made comment that he would like to see similar programs for any Iowa resident child disabled or not; for all hunting and all seasons. Ken Herring stated that currently with an Iowa Youth Hunter deer license/tag a youth is authorized to use that tag until it is filled. Commissioner Garst asked what would happen if not approved. Ken Herring, Conservation and Recreation Division Administrator responded that these are rules to implement the new language to the code; the NOIA provides the format to implement the code. The code itself has been changed by passing in the legislature; if the commission were not to pass this NOIA it would cause some confusion. Commissioner Francisco asked if the permits would come out of the total 7500. Ken Herring responded that they would be in addition to the 7500.

**Motion** – Carried by Unanimous Vote

#### **14. Chapter 98, Wild Turkey Spring Hunting NOIA**

The Commission is requested to approve this Notice to amend Chapter 98, Wild Turkey Spring Hunting.

The Commission is requested to approve this Notice to amend Chapter 98. Chapter 98 regulates hunting wild turkeys during the spring and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements. The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(10). This law requires the Commission to adopt rules to implement the new code section. The proposed amendment also updates the implementation paragraph.

Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident turkey hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

#### NATURAL RESOURCE COMMISSION[571] Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 98, "Wild Turkey Spring Hunting," Iowa Administrative Code.

Chapter 98 regulates hunting wild turkeys during the spring and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements. The proposed amendments allow this Chapter to conform with Iowa Code section 483A.24(10). This law requires the Commission to adopt rules to implement the new Iowa Code section. The proposed amendments would also update the implementation paragraph.

Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident turkey hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter

safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Any interested person may make written suggestions or comments on the proposed amendments on or before August 18, 2009. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-5918 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on August 18, 2009, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

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

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24.

The following amendments are proposed.

ITEM 1. Amend rule 571—98(483A) by adopting **new** subrule 98.9(5) as follows:  
98.9(5) Special licenses. The commission shall issue licenses in conformance with Iowa Code section 483A.24(10) to nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe mental or physical disability or a life threatening illness using the criteria listed in Iowa Administrative Code 571--15. A medical statement from the applicant's attending physician specifying criteria met shall be on 8 inch by 11 ½ inch letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician's assistant or nurse practitioner.

ITEM 2. Amend 571—Chapter 98, implementation paragraph, as follows:  
Rules 98.9(483A) to 98.15(483A) and ~~98.16(481A)~~ are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, and ~~483A.7~~ and 483A.24.

\_\_\_\_\_  
Date

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Richard A. Leopold, Director

(N:98n.doc/mg)

<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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## **15. Chapter 99, Wild Turkey Fall Hunting by Residents NOIA**

The Commission is requested to approve this Notice to amend Chapter 99, Wild Turkey Fall Hunting by Residents.

The proposed amendment allows this Chapter to conform with Iowa Code section 483A.24(9A). Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. The new law requires the Commission to adopt rules

to implement the new code section. The proposed amendments clarify that this Chapter now applies to nonresidents who may receive the special license and updates the implementation paragraph.

A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident turkey hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

## NATURAL RESOURCE COMMISSION [571]

### Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 99, "Wild Turkey Fall Hunting by Residents," Iowa Administrative Code.

The proposed amendments allow this Chapter to conform with Iowa Code section 483A.24(9A). Iowa Code specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. The new law requires the Commission to adopt rules to implement the new code section.

A nonresident who receives a special license pursuant to this subsection must purchase a hunting license and the nonresident turkey hunting license, and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the person is accompanied and aided by a person who is at least eighteen years of age. The accompanying person must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The person requesting the special license must apply on a form which requires that the person's attending physician sign the form declaring that the person has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Any interested person may make written suggestions or comments on the proposed amendments on or before August 18, 2009. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-5918 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on August 18, 2009, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

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

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24 .

The following amendments are proposed.

ITEM 1. Amend 571—Chapter 99, title, as follows:

#### ~~WILD TURKEY FALL HUNTING BY RESIDENTS~~

ITEM 2. Amend rule 571--99.1(481A) as follows:

**571--99.1(481A) General.** When hunting wild turkey, all hunters must have in possession a fall wild turkey hunting license valid for the current year, the unused transportation tag issued with that license, a hunting license, and evidence of having paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person shall carry or have in possession a fall wild turkey hunting license or transportation tag issued to another person while hunting wild turkey. No one who is issued a wild turkey hunting license and transportation tag shall allow another person to use or possess that license or

transportation tag while turkey hunting or tagging a turkey. Licenses for the fall turkey season will only be issued to Iowa residents except as specified in 99.2(4).

ITEM 3. Amend rule 571--99.2 by adopting **new** subrule (4) as follows:  
99.2(4) Special licenses. The commission shall issue licenses in conformance with Iowa Code section 483A.24(10) to nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe mental or physical disability or a life threatening illness using the criteria listed in Iowa Administrative Code 571-Chapter 15. A medical statement from the applicant's attending physician specifying criteria met shall be on 8 inch by 11 ½ inch letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician's assistant or nurse practitioner.

ITEM 4. Amend 571—Chapter 99, implementation paragraph, as follows:  
These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, **and** 483A.8 **and** 483A.24.

\_\_\_\_\_  
Date

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

(N:99n.doc/mg)

<p><b>Moved</b> – Commissioner Garst <b>Seconded</b> - Commissioner Bird <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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## **16. Chapter 106, Deer Hunting by Residents NOIA**

The Commission is requested to approve this Notice to amend Chapter 106, Deer Hunting by Residents.

The proposed amendment allows this Chapter to conform to Iowa Code section 483A.C which was modified by Senate File 187. Iowa Code specifies that a nonambulatory person who is a resident may be issued one any sex deer license which is valid and may be used to hunt deer with a shotgun or muzzleloading rifle during any established deer season. This license is in addition to any other deer license for which the person is eligible. The person must purchase this deer license and is required to have a hunting license but is not required to pay the habitat fee. The new law requires the Commission to adopt rules to implement the new code section. The proposed amendment also updates the implementation paragraph.

<p><b>Moved</b> – Commissioner Bird <b>Seconded</b> - Commissioner Francisco <b>Discussion</b> – Commissioner Rettig asked if the legislature did this and if the Department had any say in the new rule. Ken Herring responded that they had some input; it was actually discouraged by the department as it will require changes within ELSI system and those changes will total approximately \$60,000 to implement. <b>Motion</b> – Carried by Unanimous Vote</p>
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## **17. Parks Commercial Concession Contract**

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 one state park friends groups to sell firewood since no other vendor is selling firewood in that park.

### Firewood Concession Contract – Walnut Woods State Park – Friends of Walnut Woods State Park.

Commission approval is requested for a one year-service contract with Friends of Walnut Woods, 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 Francisco

**Seconded** - Commissioner Kircher

**Discussion** – Commissioner Kricher asked where the firewood come from. Ken Herring responded that it be local, parks staff is very much aware of EAB issues.

**Motion** – Carried by Unanimous Vote

## **19. General Discussion**

- Commissioner Bird stated that he was concerned about a recent email received by the commission in reference to Gull Point State Park and alcohol use on the beach as well as litter; families feel uncomfortable and unsafe bringing their families to the beach area. He feels something needs to be done. Commissioner Drees agreed and recommended that the topic be discussed again at future NRC meeting.
- Commissioner Rettig would also like to see recycling bins be placed on a future agenda as well.
- Commissioner Garst asked if there had been anything done about the dark sky lighting issue at Honey Creek State Park Resort.
  - Don Labate stated that Michelle Wilson is currently working with a consultant and the architect.
- Commissioner Garst
  - Vacation at Okoboji and had a wonderful time
    - She visited Caylor Preserve and was very impressed with this the property
    - She expressed concern of the state of a CCC era shelter house
    - There is a county road at lower gar where a culvert is letting out water and there are concerns of flood water damage in the nearby area.
      - Ken Herring commented that there are interests within the department in both Conservation & Recreation as well as the Environmental Service side.
      - Commissioner Drees you will never please everyone, Director Leopold sent letter to the Dickinson County supervisor to follow the Army Corp of Engineers recommendations.
- Commissioner Garst asked about rumors that the department would be losing some of its AmeriCorps volunteers.
  - Deputy Boddy confirmed that the original 53 volunteers had now been lowered to only 29 volunteers.

- Commissioner Bird stated that the next Brushy Creek Trails Advisory Committee meeting would be held July 21<sup>st</sup> and encouraged all to attend.
  - He also suggested creating a Statewide Equestrian Trails Committee that would report to NRC Commission.
- Commissioner Rettig noted the following:
  - Ragbrai would be coming by Honey Creek Resort on Wednesday July 23<sup>rd</sup>
  - She would like to see information on Whitenose bat fatalities due bat fungus and wind turbines.
  - Commissioner Rettig congratulated Commissioner Bird on his re-retirement.

## **20. Items for Next Meeting**

Next Meetings:

July 14, 2009 – Joint EPC/NRC meeting to be held in the Wallace building in Des Moines

August 13, 2009 – Cerro Gordo County

September 10, 2009 – Dickinson County

## **Adjournment of meeting on July 9, 2009 at 12:12 p.m.**

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Francisco

**Motion** – Carried by Unanimous Vote