



**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**

**SEPTEMBER 10, 2009**

**IOWA DEPARTMENT OF NATURAL RESOURCES**

**IOWA LAKESIDE LABORATORY – MESS HALL**  
**1838 HWY 86**  
**MILFORD, IA 51351**

### **Call to Order**

The meeting of the Natural Resource Commission was called to order by the NRC Commission Chairperson, Gregory Drees on Thursday, September 10, 2009 at 8:30 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.

### **Members Present**

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

### **Members Absent**

None

### **Public Participation**

- Pat Kuehl – Triboji beach lot trade, bike trail, docks on Triboji
- Chuck Condon – Triboji beach lot trade, bike trail, docks on Triboji
- Rick Reed – Triboji beach lot trade, bike trail, docks on Triboji
- Phil Peterson – Natural Resources
- Bill Enockson – Lazy Lagoon Lot Transfer

### **1. Approve Agenda**

**Moved** – Commissioner Rettig

**Seconded** - Commissioner Francisco

**Motion** – Carried by Unanimous Vote

### **2. Approve Minutes of 08/13/09**

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Francisco

**Motion** – Carried by Unanimous Vote

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

- Deputy Director Boddy thanked Commission Chairperson Greg Drees again for all of his work on the September tour and arrangements it was a very informative tour of the area.
- Deputy Director Boddy also thanked Commissioner Garst for inviting her to participate in the recent celebration of the 50<sup>th</sup> anniversary of Khrushchev's 1959 visit to Iowa she was very honored to have been there and able to meet such dignitaries.
- Honey Creek State Park Resort update:
  - The loop trail at the front of the resort is complete; the only unfinished part of the trail system is near the cabins and beach area.
  - In the cabins final punch list items are being completed as well as the remaining hardscape in the cabin area.
  - The boat ramps are on hold due to high lake levels. It is hoped that the boat ramp can still be installed by the end of the month.
- Engineering Bureau Chief Don Labate showed pictures taken by photographer Peter Wong of The Preserve Golf Course  
(<http://gallery.me.com/peterwongphotography#100278&bgcolor=black&view=grid>)
- Activities Center – Deputy Director Boddy gave an update to the commission on the partnership between the department and ISU. Don Labate showed pictures of the site plan and explained how the center would be placed in relation to the lodge, parking area, and trail system.
- Honey Creek Resort Staffing changes – New managers have been hired in the Food & Beverage area (Etienne Jaulin) and in the Sales & Marketing area (Liz Jordan).
- Dark Sky Lighting – Don Labate met with a consultant from Wisconsin for a late night meeting at the resort. The consultant made a lot of suggestions, some of which were implemented the next morning. Some lights will be turned off after midnight. Other suggestions such as fixture changes are being reviewed further.
- AmeriCorps – Funding for this fiscal year has been restored with an additional \$92,000 over last year's grant. This is very good news. This is not the same thing as the stimulus AmeriCorps, it is not known at this time if this type of funding would be available for fiscal year 2010.
- REAP meetings – Meetings around the state are starting, a copy of the schedule was given to the commission members. Deputy Director Boddy encouraged them to attend a meeting in their area if possible.
- Deputy Director Boddy thanked friends group for tour stop yesterday

Commissioner Rettig asked why the Honey Creek State Park Resort was not on the agenda. Deputy Director Boddy explained that her understanding after last month's quarterly workshop with Central Group was that it would just be an update within the Director's remarks. All commissioners agreed that there should be an item on future agendas titled 'Honey Creek State Park Resort update'.

#### **4. Agreement between IA DNR and ADLM**

The Department requests Commission approval for an agreement between IA DNR and ADLM Facilities Management Systems.

The primary purpose of the agreement with ADLM Facilities Management Systems is to provide access to wastewater treatment for Phase I and the ability to expand the system for Phase II which will include necessary treatment for the Bentley Management Group, Inc., future development as well as any further developments in the area. ADLM Facilities Management System shall bear all costs of bringing in the remaining areas under Phase I as well as the additional construction needed for Phase II. This agreement defines the conditions and the parameters of this usage with the potential of an eventual purchase and future maintenance of the entire system by ADLM Facilities Management Systems. The Department will receive an annual fee from ADLM in coordination with usage and maintenance.

The sanitary sewer lagoon at Honey Creek Resort State park was designed to support the treatment of wastewater from the resort as well as treatment of wastewater from the town of Iconium and from Foxtail cabin development and Doggs RV Park (Phase I). It also included additional design for future expansion of the system in order to bring on additional rural residents in the surrounding area (Phase II). Currently, the sanitary sewer lagoon is accepting wastewater from the resort and is being monitored and maintained by the Park Manager at the resort.

Incorporating the treatment of additional waste into the existing sanitary sewer lagoon supporting the resort will aide in the protection of Rathbun Lake. Currently, the town of Iconium and surrounding commercial and residential areas are supported by dated septic systems or non-functioning treatment ponds. ADLM Facilities Management Systems wants to eliminate these dated and non-compliant systems and provide needed protection in this watershed.

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Francisco

**Discussion** – Commissioner Francisco made comment that he believes this to be a great step forward and encouraged support of this agreement. Commissioner Rettig asked if phase II would be on state property. Don Labate explained when the project was developed it was expanded to accept ADLM's property he did not believe that the phase II would be on state property. Commissioner Rettig asked what ADLM stood for. Deputy Director Boddy responded that ADLM represented four surrounding counties; Appanoose, Davis, Lucas and Monroe. A discussion of associated user costs then took place. Commissioner Rettig asked about eventually selling the system and how could this be done. DNR Attorney Tamara Mullen explained that because the project was not a paid for by bonds it could be sold. She explained that; 1. It was paid for via a \$3M dollar appropriation 2. It has no conservation value. 3. The lagoon meets the indenture requirements between the department and the bond authority. Commissioner Rettig asked if this was in a memo from bond authority. Tamara Mullen was unsure if it was in a memo but would check on it. Conservation and Recreation Division Administrator commented that Andy Anderson with the bond council was instrumental in working the agreement out. Commissioner Rettig requested that Andy Anderson put it in writing and address it to the rest of the bond authority members.

**Motion** – Carried by Unanimous Vote

## **5. Construction Projects**

### **5.1 Big Creek State Park, Polk County – Flood Damage Repair**

This project consists of the repair of damage to fishing jetties, access areas, silt retention dikes, trails, and the beach area that occurred during the flood of 2008, and other incidental work as required by the Plans and the DNR Construction Inspector. This park is within a Federal area and therefore is not eligible for FEMA funds. The work will repair the damaged areas back to pre-flood condition and provide public access to the areas that have been closed due to the extent of the damage.

This project was designed and will be inspected by Richard Wilson, DNR Engineer. DNR estimate is \$96,240. Funding source is 2009 Supplemental Funding (FY10 capital link 236). Two bids were received.

Richards Construction Company Inc.	Sac City, IA	\$95,826.20
Lund Construction	Eagle Grove, IA	\$100,738.00

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

<b>Moved</b> – Commissioner Garst <b>Seconded</b> - Commissioner Francisco <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote
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### **5.2. Red Rock WMA, Warren County – Pump Station and Dike Repair**

This project consists of repairs to dikes at several flood damaged sites, placement of steel sheet piling and riprap revetment adjacent to an existing pump station to protect against future flood damage and incidental work as required by the Plans and the DNR Construction Inspector. The design includes steel sheet piling and riprap revetment to protect the pump station site from future flood damage, as well as repair of several wetland dike sites to pre-flood conditions.

The project was designed by Ken Jackson, DNR Engineer, and will be inspected by Jason Kruse, DNR Inspector. DNR estimate is \$257,870. Funding source is FEMA \$232,083 and 2009 Supplemental Funding \$25,787. FY10 capital link 52. 24 sets of plans were issued. 4 bids were received.

TK Concrete Inc.	Pella, IA	\$236,671.00
Smith Seeding Inc.	Eldridge, IA	\$277,264.25
Jenco Construction Inc.	Des Moines, IA	\$292,138.24
Elder Corporation	Des Moines, IA	\$380,141.65

Staff recommends the acceptance of the low bidder, TK Concrete Inc.

<b>Moved</b> – Commissioner Kircher <b>Seconded</b> - Commissioner Francisco <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote
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### **5.3. Lake Darling State Park, Washington County – 5 Sediment Ponds**

This project consists of the construction of five sediment basins within the Lake Darling watershed and incidental work as required by the Plans and the DNR Construction Inspector. The purpose of this project is to create sediment retention ponds in the Lake Darling watershed. The ponded water will prevent sediment from being deposited in Lake Darling and enhance the wildlife diversity of the area. Each pond is designed to hold a minimum of 35 years of runoff sediment.

The project was designed by Heath Delzell, DNR Engineer, and will be inspected by Dave Heer, DNR District Inspector. DNR estimate is \$98,027. Funding source is Lake Restoration \$24,506.75, and Federal EPA, \$73,520.25. FY10 capital link 108. 40 sets of plans were issued. 15 bids were received.

Hammes Bulldozing	Sigourney, IA	\$55,897.50
Cornerstone Excavating Inc.	Washington, IA	\$58,881.00
Fry Construction	Delta, IA	\$59,388.50
James Waterhouse Construction	Keota, IA	\$59,928.65
Muhs Trucking and Excavating	Birmingham, IA	\$62,625.00
Wiley Excavating LLC	Douds, IA	\$63,379.25
Winn J Construction Company	Ollie, IA	\$73,402.41
Dan Waterhouse Earth Moving/Tiling	Washington, IA	\$79,119.00
Rays Excavating LLC	Edgewood, IA	\$83,606.75
Spring Lake Construction	Polk City, IA	\$88,840.15
Kinman Company Inc.	Oskaloosa, IA	\$89,594.42
DeLong Construction Inc.	Washington, IA	\$101,645.25
CJ Moyna & Sons Inc.	Elkader, IA	\$102,794.75
River Construction Company	Wapello, IA	\$103,756.36
Cole Construction Company Inc.	Keosauqua, IA	\$104,666.00

Staff recommends the acceptance of the low bidder, Hammes Bulldozing.

<p><b>Moved</b> – Commissioner Rettig <b>Seconded</b> - Commissioner Kircher <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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### **5.4. Lake Darling State Park, Washington County – 8 Sediment Ponds**

This project consists of the construction of eight sediment basins within the Lake Darling watershed and incidental work as required by the Plans and the DNR Construction Inspector. The purpose of this project is to create sediment retention ponds in the Lake Darling watershed. The ponded water will prevent sediment from being deposited in Lake Darling and enhance the wildlife diversity of the area. Each pond is designed to hold a minimum of 35 years of runoff sediment.

This project was designed by Heath Delzell, DNR Engineer, and will be inspected by Dave Heer, DNR District Inspector. DNR estimate is \$143,082. Funding source is Lake Restoration, \$35,770.50, and Federal EPA, \$107,311.50. FY10 capital link 108. 35 sets of plans were issued. 13 bids were received.

Hammes Bulldozing	Sigourney, IA	\$98,044.60
Arendsdorf Excavating/Trucking Inc.	Anamosa, IA	\$99,729.10
Cornerstone Excavating Inc.	Washington, IA	\$102,148.80
James Waterhouse Construction	Keota, IA	\$103,919.62
Muhs Trucking and Excavating	Birmingham, IA	\$109,538.40
Dan Waterhouse Earth Moving/Tiling	Washington, IA	\$138,562.40
Winn J. Construction Company	Ollie, IA	\$140,456.30
Rays Excavating LLC	Edgewood, IA	\$142,692.44
Kinman Company Inc.	Oskaloosa, IA	\$144,910.92
Spring Lake Construction	Polk City, IA	\$149,890.82
DeLong Construction Inc.	Washington, IA	\$172,472.30
Cole Construction Company Inc.	Keosauqua, IA	\$176,730.80
CJ Moyna & Sons Inc.	Elkader, IA	\$185,452.00

Staff recommends the acceptance of the low bidder, Hammes Bulldozing.

**Moved** – Commissioner Kircher  
**Seconded** - Commissioner Garst  
**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
8/6/09	10-02-77-01	Polk	Margo-Frankel State Park	Trail, Bridge, Culvert Repair	\$30,506.00	\$22,035.00
						<b>\$29,281.36</b>
						<b>\$30,786.00</b>
8/13/09	09-02-08-05	Boone	EZ-57 Boat Ramp	Silt Removal	\$35,000.00	\$11,713.50
						<b>\$16,100.00</b>
8/13/09	09-02-94-06	Webster	Brushy Creek	Sewer Manholes/Drain	\$24,500.00	\$12,180.00
8/13/09	09-02-77-05	Polk	Strasser Woods	Foot Trail Repairs	\$8,600.00	<b>\$15,680.00</b>
8/20/09	10-02-08-01	Boone	Ledges State Park	Repointing Stone Arch Bridge	\$45,000.00	\$14,952.00
						<b>\$47,441.00</b>

**Moved** – N/A Informational Item Only  
**Seconded** – N/A Informational Item Only  
**Discussion** – N/A Informational Item Only  
**Motion** – N/A Informational Item Only

## **7. Land Acquisition Projects**

### **7.1. Burr Oak Lake, Emmet County – Bert and Shelly Refsell**

The Natural Resource Commission's approval is requested to accept the donation of a 150 foot permanent easement under and across land south of Burr Oak Road. The easement will allow for the installation, maintenance, and permanent placement of a tile line south of Burr Oak Road for the drawdown of Burr Oak Lake. Bert and Shelly Refsell have agreed to donate the right to construct and maintain the tile line under a 150- foot permanent easement.

Jerry Gibson negotiated the option for easement.

Burr Oak Lake is located approximately 3.5 miles southeast of Wallingford and 8 miles southeast of Estherville. The 150-foot wide permanent easement will be approximately 1300 feet long, and will include a fish barrier in the culvert under the county road. The complex is managed for migratory waterfowl production.

The DNR plans to drain the marsh; remove the rough fish; and install a control structure on State land. The improved water quality will stimulate emergent vegetation such as, wild rice, soft stem bulrush, cattails and arrowhead which in turn will make the marsh more attractive to mallards, teal, shovelers, and widgeon. The \$300,000 construction project will be cost-shared with Ducks Unlimited. This easement will be monitored by the Wildlife Bureau in accord with the area management plan.

Surveying cost estimate is \$2,000 (no capital link) Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the easement acquisition.

**Moved** – Commissioner Francisco

**Seconded** - Commissioner Garst

**Discussion** – Commissioner Garst asked if there would be an associated appraisal completed. Travis Baker responded there would not be. Commissioner Garst asked if there would be acknowledgment of the donation locally. Travis Baker explained there would be local press, as well the donors would be added to the annual land donor recognition day.

**Motion** – Carried by Unanimous Vote

### **7.2 Steamboat Rock, Hardin County – Marvin and Sue Luiken**

The Natural Resource Commission's approval is requested to purchase a partial acquisition from a parcel of land located in Steamboat Rock. The property is located adjacent to a low-head dam on the Iowa River. Marvin and Sue Luiken offer the approximately 0.5-acre partial acquisition for \$7,800 per acre with the exact area and final cost to be determined by a survey. The total Luiken land area (larger parcel) is 6.42 acres including the land to be acquired.

Dan Kinsinger provided the valuation and negotiated the purchase agreement.

This property is located in the eastern Hardin County and is adjacent to Steamboat Rock City Park, which is owned by the DNR.

This project will afford reliable emergency access to the DNR-owned Steamboat Rock Dam, provide clear access for anglers through an access trail, prevent trespass issues for the adjacent neighbors, and will make a portage trail around the dam possible. Completion of the portage trail will be the last project in the larger Iowa River Water Trail effort and will enable Hardin County Conservation Board to apply for state designation.

Funding used for this acquisition will be provided by I-JOBS (FY10 capital link 225). Survey and other incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

<p><b>Moved</b> – Commissioner Rettig <b>Seconded</b> - Commissioner Francisco <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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### **7.3 Wapsie River Greenbelt, Bremer County – Luella Selck**

The Natural Resource Commission's approval is requested to approve the purchase of a Landowner Incentive Program (LIP) conservation easement on 53.3 acres (more or less) in Bremer County. The exact number of acres will be determined by a survey. This easement shall serve to protect land that is adjacent to Bremer County Conservation Board land that is part of the Wapsie River Greenbelt. Luella Selck of Sumner, Iowa owns the land and offers this easement.

Dan Kinsinger negotiated this easement.

The property is located approximately 3-miles southeast of Tripoli, Iowa and adjoins the south edge of the Wapsie River Greenbelt. This area is known habitat for the Massasauga Rattlesnake. The land is primarily tillable land that will be taken out of row crop production and seeded to native prairie species. The Wapsipinicon River is about ¼ mile north of the land to be encumbered.

Mrs. Selck and her family are conservation minded and want to protect the land for future generations. The easement will restrict construction of buildings, tilling, subdivision of the land and commercial or industrial uses.

John Storz, Certified Real Property Appraiser from Cedar Falls, IA appraised the property. The value of the entire 99 acre larger parcel before the easement is \$358,000 and value of the entire property after encumbering 53.3 acres is estimated at \$243,000. The difference of \$115,000 is the estimated value of the rights given up as a result of the restrictions imposed by the easement (FY10 capital link 42).

The east 40.7 acres of the larger parcel are in the process of being encumbered by a EWP easement through NRCS. The DNR has an interest in purchasing the residual value of the entire property after both easements are in place.

Survey costs are anticipated and will be at the expense of the Department along with incidental closing costs.

Staff recommends approval of the land acquisition.

**Moved** – Commissioner Garst

**Seconded** - Commissioner Francisco

**Discussion** – Commissioner Rettig asked for further explanation of the Landowner Incentive Program. Travis Baker explained that the Iowa DNR received a Landowner Incentive Program (LIP) grant from the US Fish and Wildlife Service. The LIP grant is used to provide cost-share to landowners in state designated priority areas that are interested in voluntarily protecting, enhancing, and restoring habitats for threatened and endangered species. Commissioner Rettig asked if the department was required to provide a funding match. Ken Herring advised that landowners in a state designated priority area would receive up to 75% of the cost to implement a habitat improvement project from the LIP. A minimum of 25% of the cost to implement a habitat improvement project must come from a non-federal source. This could be in the form of a direct cash contribution or in-kind contribution of labor, materials, or equipment use. Commissioner Garst asked who is responsible for monitoring. Travis Baker explained that the Realty Services Area in partnership with the Wildlife area is responsible. Commissioner Garst requested a report to the commission on easement recording and monitoring system.

**Motion** – Carried by Unanimous Vote

#### **7.4 Algific Talus Slope Easement, Clayton County – Bonnie Tuecke and Carole Tuecke**

The Natural Resource Commission's approval is requested for the purchase of a conservation easement on 18.7 acres in Clayton County. The larger parcel that includes the area to be encumbered is located about three miles east of Garnavillo, Iowa. Bonnie Tuecke of Garnavillo, IA and Carole Tuecke of Titanka, IA own the land and offer this easement for \$12,500.

Dan Kinsinger negotiated this easement.

The proposed easement is designed to protect a natural area know as an algific talus slope (also known as a cold air slope), a rare and little known ecosystem. The entire world's supply consists of a few hundred small sites in the Driftless Area of Iowa, Wisconsin, Minnesota and Illinois. These slopes' unusual geology keeps them cool on the hottest summer day, thus they host species found nowhere else in Iowa, or in some cases, nowhere else in the world.

The proposed conservation easement is permanent and shall run with the land. Restrictions on the use of the land as a result of the easement include construction of buildings, tilling, subdivision and commercial or industrial uses. Timber harvesting will be on a very limited basis and only with approval from DNR.

David Nebel, Certified Real Property Appraiser from Nevada, Iowa appraised the property. The value of the entire 119 acre larger parcel before the easement is \$475,000 and value of the entire property after encumbering 18.7 acres is estimated at \$462,500. The difference of \$12,500 is the estimated value of the rights given up as a result of the restrictions imposed by the easement (FY10 capital link 42).

Funding used for this easement acquisition will be through the Landowner Incentive Program (LIP), a federally program that is administered by the DNR. Survey and fencing costs are not anticipated but incidental closing costs will be the expense of the Department.

Staff recommends approval of the easement acquisition.

<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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### **7.5 Algific Talus Slope Easement, Clayton County – Bonnie Tuecke**

The Natural Resource Commission’s approval is requested to approve the purchase of a conservation easement on 2.1 acres in Clayton County. The larger parcel that includes the area to be encumbered is located about three miles east of Garnavillo, Iowa. Bonnie Tuecke of Garnavillo, IA owns the land and offers this easement for \$1,400.

Dan Kinsinger negotiated this easement. The easement value is supported by an appraisal of the adjoining land.

The proposed easement is designed to protect a natural area know as an algific talus slope (also known as a cold air slope), a rare and little known ecosystem. The entire world’s supply consists of a few hundred small sites in the Driftless Area of Iowa, Wisconsin, Minnesota and Illinois. These slopes’ unusual geology keeps them cool on the hottest summer day, thus they host species found nowhere else in Iowa, or in some cases, nowhere else in the world.

The proposed conservation easement is permanent and shall run with the land. Restrictions on the use of the land as a result of the easement include construction of buildings, tilling, subdivision and commercial or industrial uses. Timber harvesting will be on a very limited basis and only with approval from DNR.

Funding used for this easement acquisition will be through the Landowner Incentive Program (LIP), a federally program that is administered by the DNR (FY10 capital link 42). Survey and fencing costs are not anticipated but incidental closing costs will be the expense of the Department.

Staff recommends approval of the easement acquisition.

<p><b>Moved</b> – Commissioner Francisco <b>Seconded</b> - Commissioner Rettig <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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## **8. Land Management Projects**

### **8.1 Chapter 18 Lease Renewal, Muscatine Co. - Mississippi River**

The Natural Resource Commission is requested to recommend to the Executive Council approval of an IAC [571] Chapter 18 lease with Fairport Landing Marina, Inc. for a portion of the sovereign riverbed of the Mississippi River.

The lease area consists of a portion of the Mississippi River bed with 150 feet of frontage by 100 feet of depth in Muscatine County, Iowa, at Mississippi River Mile 463.2. A dike occupies the leased area enclosing an area used as a harbor in conjunction with the lessee's marina located on adjacent private property. This site has been under lease since 1984.

The proposed lease will be for a five-year period expiring in 2014. The annual fee is \$1,200 with a condition that the fee will be adjusted to comply with adopted administrative rule changes that affect lease fees.

Staff recommends approval of the lease renewal.

<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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### **8.2 Easement Issuance, Appanoose Co. - Honey Creek State Resort State Park**

The Natural Resource Commission is requested to approve issuance of an easement to ADLM Systems Management Commission across Honey Creek Resort State Park to construct, operate, maintain and reconstruct a sewer force main.

The easement is to be located within the southerly right-of-way Appanoose County Highway J18 along approximately 2,000 feet of frontage with the state park. The easement will allow construction of sewer service to a private business development to be located one and one quarter miles east of the entrance to the park. The sewer service constructed under this easement will connect to the wastewater treatment facility that serves the park.

The consideration for the easement is \$500.

Staff recommends approval of the easement issuance.

<p><b>Moved</b> – Commissioner Francisco <b>Seconded</b> - Commissioner Garst <b>Discussion</b> – Commissioner Rettig asked if the easement would be part of any future sale. Travis Baker explained that the DNR is the grantee and that he believed the easement would remain. Deputy Director Boddy commented that she believed the 28E agreement was not covered but would have it checked. <b>Motion</b> – Carried by Unanimous Vote</p>
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### **8.3 Land Conveyance, Pottawattamie Co. - Council Bluffs Riverfront**

The City of Council Bluffs developed, with the assistance of a consultant, an extensive plan for recreational development of the riverfront of the Missouri River extending from Harrah's Casino northward to north of the Iowa approach to the newly constructed Bob Kerry pedestrian bridge linking Council Bluffs and Omaha.

Council Bluffs have approved a formal resolution requesting the Natural Resource Commission to transfer, without consideration, ownership of approximately 90 acres of state owned land along the riverfront upon which development proposed in the plan would occur. The area proposed for development is sovereign state owned land formed from the bed of the Missouri River resulting from the channelizing of the river by the US Army Corps of Engineers. Council Bluffs currently manages the area under a management agreement with the DNR.

Iowa Code section 461A.32 provides for conveyance without consideration of park lands to cities and counties by the Executive Council upon recommendation of the Commission. That section requires the deed for any such transfer shall include a provision that "when such lands cease to be used as a public park by said city or county such lands revert to the state".

Staff supports recommendation to the Executive Council for the conveyance.

**Moved** – Commissioner Francisco moved to authorize the department to enter into negotiations of 28E agreement

**Seconded** - Commissioner Kircher

**Discussion** – Travis Baker apologized but at this time the department is not asking for approval of the conveyance without further consideration. What the department is requesting is that the commission gives authority to the department to enter into negotiations of an inter-governmental agreement between the DNR and the city of Council Bluffs. Travis Baker then introduced Larry Foster with the Council Bluffs Parks and Recreation to present additional information to the commission to address their concerns that had been expressed at the meeting in August NRC meeting. Commissioner Rettig commented that though it is against her instinct to give up state lands; she would support this but would like the agreement to be very clear in language so that is unbreakable and nonnegotiable.

**Motion** – Carried by Unanimous Vote

**9. West Lake Okoboji, Exchange Proposal, Dickinson County – INFORMATIONAL ITEM ONLY**

Seven adjoining neighbors, represented by Pat Kuehl, in West Lake Okoboji and the Triboji Dock Management area are proposing a land exchange, which involves trading the shoreline between their residences and the lake for property near the Lazy Lagoon access. This exchange would result in the State conveying riparian rights and would negate the need for a dock management area that serves the current residents. Mr. Kuehl contends that the exchange would alleviate congested vehicle and pedestrian traffic at Lazy Lagoon by allowing the DNR to expand the existing one-way access road.

**Moved** – N/A Informational Item Only

**Seconded** - N/A Informational Item Only

**Discussion** – Pat Kuehl presented information to the commission on the proposed land exchange. Commissioner Kircher asked what associated costs there would be to the state to develop. Pat Kuehl responded he did not have the cost information at this time but estimates could be done. As many of the public guests began to become involved in the discussion Commission Chairperson Drees reminded guests of the public speaking period. Commissioner Rettig asked about the assessed value of the property. Pat Kuehl responded that shoreline property was expensive but that he did not have an exact amount as there had not been an appraisal completed. Commissioner Chairperson Drees asked fellow commissioners if they would object to allowing the other public participants to address the commission at this time on this topic vs. waiting until the normal 10:30 public speaking period. None objected. Commissioner Rettig indicated that she was not interested in having the department pursue this proposed negotiation any further.

**Motion** – N/A Informational Item Only

**10. Budget Requests for FY2011**

The Natural Resource Commission's approval is requested for the Department's appropriation request for Fiscal Year 2011 (FY11). The State Budget Director has directed all departments to submit a status quo budget by October 1, 2009. The request to hold to FY 2010 budget levels is due to continued slow growth in state revenues.

In addition to the status quo budget, the Department has gained permission to formally request funding for a five year capital project for Parks Health and Safety. This funding will be used to improve and expand Iowa state park infrastructure, in conjunction with the Iowa State Parks Foundation's goal of raising \$100 million for that purpose.

In previous years, the Governor and Department of Management (DOM) utilized Budget Teams to review and prioritize additional funding requests from each state agency. Due to the extraordinary strains on the FY11 budget, they have chosen to modify the process. Instead, DOM has instructed each department to submit its needs for additional funding. These requests will be considered on a case-by-case basis and potentially forwarded on to the Governor's Office for final consideration into the Governor's Budget. Funding requests under consideration include additional funds for Low Head Dam Improvement and Water Trails, Air and Water Quality Monitoring Equipment, Parks Maintenance of Infrastructure, and State Forest Health/Emerald Ash Borer.

Therefore, the department is requesting the Commission's approval of the attached budget for FY11.

**Moved** – Commissioner Francisco

**Seconded** - Commissioner Rettig

**Discussion** – Budget & Finance Bureau Chief addressed the commission and explained the FY2011 Budget Requests that the department would be seeking. Commissioner Rettig asked for further explanation of the how the budget cut that had occurred halfway through FY09 would be reflected in the FY10 budget. Deputy Director Boddy responded that it indeed does reflect that budget cut. Commissioner Rettig asked if the Revenue Bond Capital Fund (I-Jobs money) was status queue from the year before or was to be funded differently. Deputy Director Boddy explained that I-Jobs money was onetime money; \$13.5M had been received by the department for water quality grants. There is a potential \$100M on the table for additional I-Jobs money that will be part of the upcoming legislative session; the department will be seeking approximately \$40M (\$8M/year for five years). Commissioner Rettig then asked if the Fish & Wildlife Trust Fund had a balance in it. Jennifer Nelson and Ken Herring explained that it was required to maintain a minimum \$2M balance in the trust. Commissioner Rettig asked about additional funding the department would be requesting for Honey Creek Resort. Deputy Director Boddy explained additional funding for the resort would be reflected in Capitols budget.

**Motion** – Carried by Unanimous Vote

### **11. Contract with Ducks Unlimited, Inc. for Little Storm Lake Restoration Project**

Commission approval is requested for a one year-service contract with Ducks Unlimited, Inc. of Bismarck, North Dakota. The contract will begin on October 1, 2009, and terminate on June 30, 2010. The total amount of this contract shall not exceed \$60,000. 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 the Lakes Restoration Program established under Iowa Code Section 456A.33B.

The purpose of the Request for Proposals (RFP) was to solicit proposals from qualified service providers with experience in providing engineering and consulting services to the Iowa Department of Natural Resources (Department). Ducks Unlimited, Inc. was chosen using the Competitive Selection process. The Department conducted a comprehensive, fair and impartial evaluation of the bid proposals received in response to this RFP. In addition, the Department used an Evaluation Committee to review and evaluate the proposals. Subject to approval of the Natural Resource Commission, the Department will award the contract to Ducks Unlimited, Inc. This decision was based on your proposal receiving the most points in accordance with the evaluation criteria set forth in Chapter 5 of the RFP. The service provider rankings are:

Ducks Unlimited, 2525 River Road, Bismarck, ND 58503	Rank 1	Score 62
McClure Engineering Co., 705 1st Avenue N, Fort Dodge, IA 50501	Rank 2	Score 56
Bolton & Menk, Inc., 1960 Premier Drive, Mankato, MN 56001	Rank 3	Score 52

The engineering and consulting work under this RFP is a planning component of a \$400,000 project is funded by a Watershed Improvement Review Board (WIRB) Grant (50%) and the Lakes Restoration Program (50%). The goal of the project involves periodic dewatering of Little Storm Lake during years of favorable climatological conditions to consolidate the sediments and revegetate the area. Construction of the fish barrier would aid restoration efforts by preventing rough fish from destroying the vegetation and would decrease recruitment of rough fish by limiting their spawning area.

Storm Lake 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 when progress toward completion of the project remains consistent with the goals of the program.

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Francisco

**Discussion** – Commissioner Rettig asked if the during scoring there was any consideration given to a non-profit verses a corporation. George Antoniou, Fisheries explained that was not a factor. The scoring was based on technical aspects of the proposal. Commissioner Rettig expressed concern that a nonprofit could undercut a corporation because the two do not pay the same taxes. Commissioner Garst commented that non profits do some cases pay income taxes on revenue. Commissioner Kircher asked if during the scoring process previous work in this field was considered. George Antoniou responded it was. Ken Herring further explained that DU does hire independent contractors for some of the work. Commissioner Francisco asked if this was a wildlife or fisheries shallow lake restoration project. George Antoniou responded it was a joint project.

**Motion** – Carried by Unanimous Vote

## **12. Contract with City of Clear Lake for a Storm Water Improvement Project**

Commission approval is requested for an amendment to an established 28E Agreement with the City of Clear Lake, Iowa. The contract will begin when approved and signed by the City of Clear Lake and the Iowa Department of Natural Resources and terminate on November 30, 2009. The total amount of this contract shall not exceed \$52,712.08. This is a \$34,789.97 increase to the original DNR cash contribution to the project of \$17,922.11. This contract will be funded through cooperative efforts of the Lakes Restoration and 319 programs.

The DNR is currently involved in a multi-year restoration of the Clear Lake system. For example, to facilitate water quality improvements, 2.3 million cubic yards of sediment was dredged from the Little Lake portion of Clear Lake in 2008 and 2009. Dredging deepened that portion of the lake from current depths of 4 to 8 feet to a maximum depth of 30 feet. The DNR and the Army Corp of Engineers is in the planning stage of an approximately 3.0 million-dollar Section 206 Restoration of Ventura Marsh. In addition, the 319 program has an active watershed project and is funding a variety of watershed improvement projects.

The DNR and the City recognize that this Storm Water Improvement Project, Construction of a Grit Collection Chamber, is an important project for all City residents and for the natural resources of the State of Iowa and is part of a series of completed and planned watershed BMP projects.

The City was responsible for coordinating the project development as necessary for the Storm Water Improvement. This responsibility included design and preparation of plans, specifications and bidding documents, land surveying and construction management activities, administration, inspection and acceptance of improvements. The DNR does not have any responsibility for future maintenance or future repairs to the Storm Water Improvement.

<p><b>Moved</b> – Commissioner Rettig <b>Seconded</b> - Commissioner Francisco <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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### **13. Lost Island Lake Rock Reef Agreement**

The Department requests Commission approval to enter into an Agreement with Palo Alto County Conservation Board (County) for the Department to receive \$40,000 to construct a rock reef in Lost Island Lake, Palo Alto County.

The estimate to construct the rock reef is \$100,000. The Agreement will state that the Department is responsible for reef design, project contracting, construction oversight and the contribution of a \$60,000 federal Sport Fish Restoration grant. The County is responsible for paying the Department \$40,000 after the reef project is completed.

We recommend that the Department enter into an agreement with the Palo Alto County Conservation Board.

<p><b>Moved</b> – Commissioner Kircher <b>Seconded</b> - Commissioner Francisco <b>Discussion</b> – Commissioner Garst asked if the donation was from the city. George Antoniou responded that the donation was from the county and it would be part of the annual donor recognition. <b>Motion</b> – Carried by Unanimous Vote</p>
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### **14. Chapter 88, Fishing Tournaments – Final**

Natural Resource Commission approval is requested to amend Chapter 88 “Fishing Tournaments.” The proposed amendments are directed at requiring the electronic submission of permit applications and adjusting the time period when applications shall be accepted.

The purpose of these amendments is for use of a Department wide electronic permit application system in which all special event permits shall be issued. This system will allow special event organizers to search for open dates, select alternate dates, and submit online reports. It will also improve staff time in issuing permits. The time period for submitting applications was modified from the Notice of Intended Action in response to tournament organizers concerns for insufficient time to advertise tournament dates and for tournament participants to request vacation from employers.

Comments were received from 6 members of the public via the public hearing and emails. In addition a petition with 28 signatures was received.

**NATURAL RESOURCE COMMISSION[571]  
Adopted and Filed**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amend Chapter 88, "Fishing Tournaments," Iowa Administrative Code.

The proposed amendment requires electronic submission of applications and adjusts the time period during which applications may be accepted.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 29, 2009, as ARC 8020B. A public hearing was held August 20, 2009. The time period for submitting applications was modified from the Notice of Intended Action in response to tournament organizer's concerns for insufficient time to advertise tournament dates and for tournament participants to request vacation from employers.

This amendment is intended to implement Code of Iowa sections 462A.16 and 481A.38.

This amendment will become effective November 11, 2009.

The following amendment is adopted.

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Amend rule 571—88.3(462A,481A) as follows:

571—88.3(462A, 481A) Application procedures. The following procedures shall be used to administer fishing tournaments:

1. Application shall be made on a ~~standard~~ an electronic form provided by the department and shall include the name, address and telephone number of the sponsoring organization or individual, the location and date of the tournament, total value of the prizes, and expected number of participants.

2. The application shall be received electronically by the department area fisheries management biologist ~~at least 30 days prior to the proposed event~~ via the centralized special events application system.

3. Applications shall be accepted beginning January 1 of a given year for requested tournament dates extending to March 1 of the following year and shall not be accepted prior to July 1 of the year proceeding the calendar year in which the tournament is scheduled later than 30 days prior to the requested date for the tournament.

4. The number of tournaments at any one access area during a given day may be restricted if deemed necessary to avoid congestion with the public or competing tournaments.

The capacity of facilities such as boat ramps, docks and parking lots shall be considered when assigning tournament sites.

5. Permits are not transferable.

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Richard A. Leopold, Director

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Date

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**Moved** – Commissioner Francisco

**Seconded** - Commissioner Garst

**Discussion** – Commissioner Rettig asked that in the future public comments would be included in the item brief.

**Motion** – Carried by Unanimous Vote

**15. Chapter 81, Fishing Regulations – Final**

Natural Resource Commission approval is requested 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. The purpose of these amendments is directed at protecting and conserving the paddlefish fishery.

No public comments were received by phone, email or letter. No persons attended the public hearing held on August 26, 2009 in Clinton, Iowa.

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 81 “Fishing Regulations,” Iowa Administrative Code.

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

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 29, 2009, as ARC 8019B. A public hearing was held August 26, 2009. No one attended the meeting and no comments were received by mail, E-mail or telephone. There are no changes from the Notice of Intended Action.

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

These amendments will become effective November 11, 2009.

The following amendments are adopted.

ITEM 1. Amend rule 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	POSSESSI ON 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 <u>except for an open season and length limit in the Mississippi River</u> See below*
Yellow Perch	Continuous	25	50	None	Same as inland waters except no bag or possession limit in the Missouri River

	INLAND WATERS OF THE STATE				BOUNDARY RIVERS
Trout	Continuous	5	10	None*	Same as inland waters
		8 Lakes			Same as inland waters except no bag or possession limit in the Mississippi River
Catfish*	Continuous	15 Streams	30	None	
Black Bass (Largemouth Bass) (Smallmouth Bass) (Spotted Bass)	Continuous	3 In Aggregate	6	See below*	Continuous open season; aggregate daily bag limit 5, aggregate possession limit 10 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 571--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~~ and 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 are 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 immediately be released alive.

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

\_\_\_\_\_  
Date

(P:81f.doc/mg0)

<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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## **16. Chapter 15, General License Regulations – NOIA**

The Commission is requested to approve this Notice of Intended Action to amend chapter 8, General License Regulations. Chapter 15 provides the general requirements for various licenses of the Department.

The proposed amendments clarify severe mental disability and severe physical disability; establishes a means to verify low income persons; substitutes a free lifetime fishing license with a free annual fishing license; clarifies procedure in administering a free fishing or hunting license; permits enforcement capability in revoking licenses issued in violation of this rule; and provides a mechanism through which the department may modify, suspend or revoke licenses of persons who owe the State of Iowa money pursuant to Iowa Code chapter 272D. These changes will conform the department's licensing requirements to existing and new state laws and programs.

**NATURAL RESOURCES 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 15, "General License Regulations," Iowa Administrative Code.

The proposed amendments redefine severe mental disability and severe physical disability; establishes a means to verify low income persons; substitutes a free lifetime fishing license with a free annual fishing license; clarifies procedure in administering a free fishing or hunting license; permits enforcement capability in revoking licenses issued in violation of this rule; and provides a mechanism through which the department may deny, suspend or revoke licenses of persons who owe the State of Iowa money pursuant to Iowa Code chapter 272D.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 27, 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 October 27, 2009, at 1 p.m. in the Four Floor East Conference Room, Wallace State Office Building, 502 E. 9th Street, Des Moines, 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 hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code chapters 272D, 321G, 456A, 462A, 481A, 481B, 482, 483A, 484A, and 484B..

The following amendments are proposed.

ITEM 1. Amend rule 571---15.4(483A) as follows:

**571—15.4(483A) Administration fee.** An administration fee of \$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 hunting licenses, free annual hunting and fishing licenses, free ~~lifetime~~ annual fishing licenses, and free group home fishing licenses.

ITEM 2. Amend subrule 15.23(3) as follows:

**15.23(3) Procedure.** Each person shall apply to the department of natural resources for a license as follows:

*a.* Application shall be made on a form provided by the department and shall include the name, address, height, weight, color of eyes and hair, date of birth, and gender of the applicant. In addition, applicants shall include a copy of an official document such as a birth certificate if claiming age status, or a copy of an award letter from the Social Security Administration or private pension plan if claiming permanent disabled status. ~~The applicant shall indicate on the application which low income assistance program the applicant is receiving.~~ The application shall include an authorization allowing the department of human services to verify ~~that the applicant is a recipient of the low income assistance program checked on the application~~ applicant's household income if providing proof of income through the department of human services.

b. The free annual hunting and fishing combination license will be issued by the department upon ~~receipt of a properly completed application~~ verification of program eligibility. The license issued under this rule will be valid until January 10 of the subsequent year. Proof of eligibility must be submitted each year in order to obtain a free license.

c. A person whose income falls below the federal poverty guidelines, ~~but is not a recipient of a state assistance program~~, may apply for this license by providing either of the following:

(1) ~~A statement listing income from all sources (i.e., social security, retirement income, wages, dividends and interest, cash gifts, rents and royalties, and other cash income)~~ A current "Notice of Decision" letter. For purposes of this rule, a "current Notice of Decision letter" shall mean a letter from the department of human services dated in the month the application is received or dated in the five months immediately preceding the month the application is received that describes the applicant's monthly or annual household income.

(2) ~~A copy of any available document that verifies income (i.e., income tax return, bank statement, social security statement, or other document the applicant considers supportive of income status)~~ If a person does not have a "Notice of Decision" letter as described above, a document shall be provided that states the applicant's annual income does not exceed the federal poverty limit for the current year and lists income from all sources, including but not limited to any wages or compensation, social security, retirement income, dividends and interest, cash gifts, rents and royalties, or other cash income. In addition, the applicant shall provide documentation of such income by submitting a copy of his or her most recently filed state or federal income tax return to the department. In the event an applicant does not have a tax return that was filed within the last year because his or her income level does not require the filing of a tax return, the applicant shall notify the department of such, shall provide department bank statements, social security statements or other relevant income documentation identified by the department, and shall meet with the department to verify income eligibility under this rule.

(3) ~~A signed statement by the applicant that the applicant's annual cash income does not exceed the federal poverty limit for the current year.~~

Federal poverty guidelines are published in February of each year and will be the income standard for applicants from that time until the ~~new limits~~ guidelines are available in the subsequent year. The ~~income limit~~ guidelines will be shown on the application and will be available upon request from the department.

ITEM 3. Amend rule 571---15.23(483A) by adopting the following new subrule 15.23(4):

**15.23(4) Revocation.** Any license issued pursuant to rule 571--15.23(483A) may be revoked, in whole or in part, by written notice, if the director determines that a license holder had provided false information to obtain a license under this chapter, or the director determines that the license holder has violated any provision of this chapter and that continuation of the license is not in the public interest. Such revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the revocation and the reasons for the action. Within 30 days following receipt of the notice of a revocation, the license holder may file a notice of appeal, requesting a contested case hearing pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the license be reinstated.

ITEM 4. Amend rule 571---15.24(483A) as follows:

**571—15.24(483A) Free lifetime annual fishing license for persons who have severe physical or mental disabilities.**

**15.24(1) Purpose.** Pursuant to Iowa Code subsection 483A.24(9), the department of natural resources will issue a free lifetime annual fishing license to Iowa residents 16 or more

years of age who have severe mental or physical disabilities who meet the definitions of “severe mental disability” ~~and~~ or “severe physical disability” in 15.24(2).

**15.24(2) Definitions.** For the purposes of this rule, the following definitions apply:

~~“Severe mental disability” means a person who has severe, chronic conditions in all of the following areas which:~~

~~1. Are attributable to a mental impairment or combination of mental and physical impairments;~~

~~2. Are likely to continue indefinitely;~~

~~3. Result in substantial functional limitations in three or more of the following areas of major life activities: self care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and~~

~~4. Reflect the person’s need for a combination and sequence of services which are of lifelong or an extended duration and are individually planned and coordinated.~~

~~“Severe physical disability” means a disability that limits or impairs the person’s ability to walk under any of the following circumstances:~~

~~1. The person cannot walk 200 feet without stopping to rest.~~

~~2. The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device.~~

~~3. The person is restricted by lung disease to such an extent that the person’s forced expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest.~~

~~4. The person must use portable oxygen.~~

~~5. The person has a cardiac condition to the extent that the person’s functional limitations are classified in severity as Class 3 or Class 4 according to standards set by the American Heart Association. They include:~~

~~● Class 3—Persons with cardiac disease resulting in marked limitation of physical activity. The person is comfortable at rest, but less than ordinary activity causes fatigue, palpitation, dyspnea, or angina pain.~~

~~● Class 4—Persons with cardiac disease resulting in inability to carry on any physical activity without discomfort. Symptoms of heart failure or the anginal syndrome may be present even at rest. If any physical activity is undertaken, discomfort is increased.~~

~~6. The person is severely limited in the person’s ability to walk due to an arthritic, neurological, or orthopedic condition.~~

“Severe mental disability” means a person who has severe, chronic conditions in all of the following areas which:

1. Are attributable to a mental impairment or combination of mental and physical impairments;

2. Result in substantial functional limitations in three or more of the following areas of major life activities: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency;

3. Reflect the person’s need for a combination and sequence of services that are individually planned and coordinated; and

4. Requires the fulltime assistance of another person to maintain a safe presence in the outdoors.

“Severe physical disability” means a disability that limits or impairs the person’s mobility or use of a hand or arm, and requires the fulltime assistance of another person or is dependant on a wheelchair for the person’s normal life routine.

**15.24(3) Procedure.** Each person shall apply to the department of natural resources for a license as follows:

a. Application shall be made on a form provided by the department and shall include the name, home address, home telephone number, height, weight, eye and hair color, date of birth, and gender of the applicant and other information as required. The license issued under this rule will be issued by the department upon verification of program eligibility. The license issued under this rule will be valid until January 10 of the subsequent year. Proof of eligibility must be submitted each year in order to obtain the license.

b. The application shall be ~~signed and~~ certified by the applicant's attending physician with an original signature and, based upon the criteria-listed definition of severe mental disability or severe physical disability as provided for in this rule, declare that the applicant has a severe mental or physical disability. A medical statement from the applicant's attending physician specifying the applicant's type of disability shall be on 8.5" by 11" stationary of the attending physician or paper with the attending physician's letterhead on it. For purposes of this rule, the attending physician must be a currently practicing doctor of medicine, doctor of osteopathy, physician's assistant or nurse practitioner.

**15.24(4). Revocation.** Any license issued pursuant to 571--15.24(483A) may be revoked, in whole or in part, by written notice, if the director determines that a license holder had provided false information to obtain a license under this chapter, or the director determines that the license holder has violated any provision of this chapter and that continuation of the license is not in the public interest. Such revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the revocation and the reasons for the action. Within 30 days following receipt of the notice of a revocation, the license holder may file a notice of appeal, requesting a contested case hearing pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the license be reinstated.

ITEM 5. Amend the fourth division of 571—Chapter 15 by adding the following **new** reservation:

**571 – 15.44 to 15.50 Reserved.**

ITEM 6. Amend 571—Chapter 15 by adopting the following **new** Division V:

#### DIVISION V

#### LICENSE REVOCATION, SUSPENSION, AND MODIFICATION DUE TO LIABILITIES OWED TO THE STATE

**15.51(272D) Purpose and use.** This rule is intended to help collect liabilities of the State or a State Agency. This rule shall apply to all licenses issued, renewed or otherwise authorized by the department.

**15.52(272D) Definitions.** For purposes of this chapter, the following definitions shall apply:

“*Certificate of noncompliance*” means a document provided by the unit certifying the named person has outstanding liability placed with the unit and has not entered into an approved payment plan to pay the liability.

“*Department*” means the department of natural resources.

“*Liability*” means a debt or obligation placed with the unit for collection that is greater than one-thousand dollars. For purposes of this chapter, “liability” does not include child support payments collected pursuant to chapter 252J.

“*License*” means a license, certification, registration, permit, approval, renewal or other similar authorization issued to a person by the department which evidences the admission to, or granting of authority to engage in, a professional, occupation, business, industry, or recreation, including those authorizations set out in chapters 321G, 321I, 455B, 455C, 455D, 456A, 459, 459A, 461A, 462A, 481A, 481B, 481C, 482, 483A, 484B and 484C of the Iowa Code.

“*Licensee*” means a person to whom a license has been issued by the department or who is seeking the issuance of a license from the department.

“*Notice of intent*” means a notice sent to a licensee indicating the department’s intent to suspend, revoke, or deny renewal or issuance of a license.

“*Obligor*” means a person with a liability placed with the unit.

“*Unit*” means the centralized collection unit of the department of revenue.

“*Withdrawal of a certificate of noncompliance*” means a document provided by the unit certifying that the certificate of noncompliance is withdrawn and that the department may proceed with issuance, reinstatement, or renewal of a person’s license.

### **15.53(272D) Requirements of the department.**

**15.53(1) *Records.*** The department shall collect and maintain records of its licensees that must include, at a minimum, the following:

- a. The licensee’s first and last names.
- b. The licensee’s current known address.
- c. The licensee’s social security number.

The records shall be made available to the unit so that the unit may match to the records the names of persons with any liabilities placed with the unit for collections. The records must be submitted in an electronic format and updated on a quarterly basis.

**15.3(2) *Certificate of noncompliance.*** Upon receipt of a certificate of noncompliance from the unit, the department shall initiate its existing rules and procedures for the suspension, revocation, or denial of issuance or renewal of licensure to a person.

**15.3(3) *Notice of intent.*** The department shall provide a notice of intent to a person of its intent to suspend, revoke or deny issuance or renewal of a license in accordance with chapter 272D of the Iowa Code. The suspension, revocation, or denial shall be effective no sooner than thirty days following the issuance of the notice of intent to the person. The notice shall include all of the following:

- a. That the department has received a certificate of noncompliance from the unit and intends to suspend, revoke or deny issuance or renewal of a person’s license;
- b. That the person must contact the unit to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance;
- c. That the department will revoke, suspend or deny the person’s license unless a withdrawal of certificate of noncompliance is received from the unit within 30 days from the date of the notice;
- d. That in the event the department’s rules and procedures conflict with the additional rules and procedures under this action, the rules and procedures of this action shall apply;
- e. That mistakes of fact in the amount of the liability owed and the person’s identity may not be contested to the department; and
- f. That the person may request a district court hearing as outlined in Rule 701—153.10(b)(4).

**15.53(4) *Withdrawal.*** Upon receipt of a withdrawal of a certificate of noncompliance from the unit, the department shall immediately reinstate, renew, or issue a license if the person is otherwise in compliance with the department’s requirements.

**15.54(272D) No administrative appeal of the department’s action.** Pursuant to Iowa Code section 272D.8, a person does not have a right to a hearing before the department to contest the department’s action under this rule, but may request a court hearing pursuant to paragraph 15.5 of this rule.

**15.55(272D) District court hearing.** A person may seek review of the actions listed in subrule 701—153.14(a) and request a hearing before the district court by filing an application with the district court in the county in which the majority of the liability was incurred. The person must send a copy of the application to the unit by regular mail. The application must be filed no later than 30 days after the department issues its notice of intent.

**15.55(1) Scheduling.** The clerk of the district court shall schedule a hearing and mail a copy of the scheduling order to the person, the unit, and the department.

**15.55(2) Certification.** The unit shall certify a copy of its written decision and certificate of noncompliance, indicating the date of issuance, and the department shall certify a copy of the notice issued pursuant to subparagraph 15.3(3), to the court prior to the hearing.

**15.55(3) Stay.** Upon receipt from the clerk of court of a copy of a scheduling order and prior to the hearing, the department shall stay any action contemplated on the person's license pursuant to the notice of intent.

**15.55(4) Hearing.** The hearing on the person's application shall be scheduled and held within thirty days of the application being filed. However, if the person fails to appear at the scheduled hearing, the stay shall be lifted and the department shall continue its procedures pursuant to the notice of intent.

**15.55(5) Scope of review.** The district court's review shall be limited to demonstration of the amount of the liability owed or the identity of the person.

**15.55(6) Findings.** If the court finds the unit was in error either in issuing a certificate of noncompliance or in its failure to issue a withdrawal of certificate of noncompliance, the unit shall issue a withdrawal certificate of noncompliance to the department. If the court finds the unit was justified in issuing a certificate of noncompliance or in not issuing a withdrawal of certificate of noncompliance, a stay imposed under subparagraph 15.5(3) shall be lifted and the department shall proceed with the action as outlined in its notice of intent.

This rule is intended to implement Iowa Code section 272D.

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

\_\_\_\_\_  
Date

(P:15n1.doc/mg)

**Moved** – Commissioner Francisco

**Seconded** - Commissioner Kircher

**Discussion** – Commissioner Francisco asked about frequency of records being submitted quarterly. (section **15.53(1) Records**). Fisheries Bureau Chief Joe Larscheid responded that it had been a compromise to do quarterly verses monthly.

**Motion** – Carried by Unanimous Vote

## **17. Hardwood Timber Sale Shimek State Forest**

The Natural Resource Commission is asked to approve the sale of an estimated 113,120 board feet of mixed hardwood trees at the Shimek State Forest. The sale consists of 937 trees.

Species	Number of Trees by Diameter			BF Volume
	14"-16"	18"-22"	24" +	
White oak	254	427	17	76,580
Hickory	62	33	2	12,000
Red oak	28	60	8	17,380
Black oak	10	18	1	4,640
Walnut	1	5	0	900
Other	2	9	0	1,620
<b>Total</b>	<b>357</b>	<b>552</b>	<b>28</b>	<b>113,120</b>

A shelterwood management system will be used in accordance with the Shimek State Forest Management Plan to remove sixty percent of the canopy in this 58 acre stand. The harvest will create small openings and allow for natural regeneration of oak and other tree species. Prescribed fire may be used periodically as a management tool to stimulate oak regeneration and control competing vegetation after the harvest. The remaining trees in the stand will provide a seed source for natural regeneration to supplement the natural oak regeneration already present in this stand. In a few years, when the new forest is well established, the remaining larger trees will gradually be harvested to release the young stand of trees.

A natural areas inventory was conducted, and there are no known threatened and endangered species in the harvest area. Some oaks in this stand are declining due to oak wilt.

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

### **The following bids were received for the sale:**

Company	Location	Amount of Bid
Jeremy Kubitz Logging	Dubuque, IA	\$38,460.00
Woodcrest Logging	Drakesville, IA	\$37,950.00
Wilson Custom Tree	Cresco, IA	\$37,299.00
John Flanagan Logging	Coggon, IA	\$28,200.00
Gary Batey Enterprise	Mt. Pleasant, IA	\$23,126.00
Brislawn Logging Co.	Troy Mills, IA	\$22,624.00
Hammes Bros. Sawmill	Ollie, IA	\$21,654.00
Batey, Ltd.	Mt. Pleasant, IA	\$21,500.00

The Commission is requested to approve a contract with the high bidder, Jeremy Kubitz Logging for \$38,460.00.

**Notice of Timber For Sale**

The Iowa Department of Natural Resources (DNR) is soliciting competitive bids from bonded Timber Buyers to purchase, cut, and remove standing timber at Shimek State Forest in Van Buren County, Iowa.

**Description of Work and Scope of Services:** The State of Iowa is offering approximately 113,120 board feet (Scribner) of timber in 937 trees as shown below. The trees are all marked with blue paint. There is an additional 157 cull trees marked with a blue “X”. These trees may be harvested, but are not included in the board foot volume of the sale. The trees are located on areas as shown on the enclosed map(s). Buyers should satisfy themselves by examination as to the quality and quantity of timber offered. The timber is accessible through state land.

Species	Number of Trees by Diameter			BF Volume
	14"-16"	18"-22"	24" +	
White oak	254	427	17	76,580
Hickory	62	33	2	12,000
Red oak	28	60	8	17,380
Black oak	10	18	1	4,640
Walnut	1	5	0	900
Other	2	9	0	1,620
<b>Total</b>	<b>357</b>	<b>552</b>	<b>28</b>	<b>113,120</b>

\*Other species include basswood, ash, cherry, elm, locust, and hard maple.

Timber Buyer shall avoid any unnecessary damage to trees that are not marked for cutting.

Cutting is permitted only during the period of September 16 to April 14 unless otherwise authorized by DNR’s Project Manager. It is the responsibility of Timber Buyer to obtain permission from DNR’s Project Manager prior to working in the area.

Iowa Forestry Best Management Practices must be followed. An Iowa Forestry Best Management Practices Guide is available upon request from the Iowa DNR Forestry Bureau by calling (515) 281-5441. Streams, roads and trails shall remain free of logging debris.

Motor vehicles and logging equipment shall be operated only in designated areas. All logs shall be skid on designated trails, and decked and loaded in designated areas. All skid trails and decking areas shall be returned to satisfactory condition by Timber Buyer once the operation is complete.

**Proposed Project Schedule:**

Trees must be completely removed from the site no later than April 14, 2011.

**Submission of Proposals:** Proposals shall include a bid proposal including the total amount bid for the offered timber, signature, date, printed name and organization name of the Timber Buyer on the enclosed bid proposal form.

Bonded Timber Buyers shall submit proposals to DNR at the following address:

John Byrd, Area Forester  
Iowa Department of Natural Resources  
33653 Route J56  
Farmington, Iowa 52626  
Phone: (319) 878-3811  
Email: [john.byrd@dnr.iowa.gov](mailto:john.byrd@dnr.iowa.gov)

**For the proposal to be considered timely, it must be received by DNR no later than 1:00 pm (local time) on August 20, 2009.** Any proposal received after this deadline will be rejected and returned to the Timber Buyer. The costs of preparation and delivery of the bid proposal are solely the responsibility of the Timber Buyer.

From the date of issuance of this Notice of Timber for Sale until announcement of the successful Timber Buyer, Timber Buyers may not contact any employee of the State of Iowa about this Bid Notice other than the identified contact person. Timber Buyers may submit written questions relating to the interpretation of this Notice and the procurement process to John Byrd at the above address by no later than August 10, 2009. Written responses to any questions received will be provided to all potential Timber Buyers at <http://www.iowadnr.gov/forestry/timbersales.html>. Any attempt to discuss this Notice orally or in writing with any members of the DNR evaluation committee, or any employee of the State of Iowa other than the above-named DNR official, will lead to disqualification of that Timber Buyer.

**Payment:**

**The successful Timber Buyer shall make full payment upon signing the Contract. No cutting of timber will be permitted until the Contract has been signed and full payment made to DNR.**

**Acceptance Attached Contract Terms and Conditions:**

By submitting a proposal, each Timber Buyer acknowledges its acceptance of the terms and conditions of the contract located at <http://www.iowadnr.gov/forestry/timbersales.html>. If a Timber Buyer takes exception to a provision, it must state the reason for the exception and set forth in its proposal the specific contract language it proposes to include in place of the provision. Exceptions that materially change these terms or the requirements of this Notice of Timber for Sale may be deemed non-responsive by the DNR, as determined in its sole discretion, resulting in possible disqualification of Timber Buyer's proposal. With regard to the contract, DNR and the successful Timber Buyer may agree to modifications to the terms of the contract as necessary to negotiate the terms of a contract. A Timber Buyer's failure to state an exception to any provision and propose alternative language may be deemed by the DNR to constitute Timber Buyer's acceptance thereof. DNR reserves the right to refuse to enter into a contract with the successful Timber Buyer for any reason, even after delivery of notice of selection or intent to award a contract.

**Miscellaneous Information:** The DNR reserves the right to reject any or all proposals, in whole or in part, to advertise for new proposals, and to cancel this Notice at any time prior to the execution of the written contract.

All information submitted by a Timber Buyer may be treated as a public record by the DNR unless the Timber Buyer properly requests that the information be treated as confidential information in accordance with the public records laws of the State of Iowa at the time its proposal is submitted.

**BID PROPOSAL**

Timber Buyer’s Proposal shall include an all-inclusive, total price in U.S. Dollars (including all travel, expenses, etc.) for the timber offered.

**Amount Bid for 937 trees with an estimated 113,120 board feet of timber on the Keosauqua Unit of Shimek State Forest**

\$ \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Name of Vendor Organization: \_\_\_\_\_

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

**18. Hardwood Timber Sale Yellow River State Forest**

The Natural Resource Commission is asked to approve the sale of an estimated 82,200 board feet of mixed hardwood trees at the Yellow River State Forest. The sale consists of 493 trees.

Species	Total Volume (bd.ft.)	# of Trees
Walnut	620	3
Red Oak	16680	69
White Oak	34700	178
Hard Maple	4700	60
White Ash	6200	46
Red Elm	160	1
Basswood	7660	57
Aspen	7800	50
Hickory	3540	27
Cherry	140	2
<b>Total Sale Vol.</b>	<b>82200</b>	<b>493</b>

An even-aged management system will be used in accordance with the Yellow River State Forest Management Plan to conduct a timber harvest on 9.6 acres. The harvest will allow sunlight to stimulate the growth of oak seedlings already present on the site. Prescribed fire may be used periodically as a management tool to stimulate oak regeneration and control competing vegetation after the harvest.

A natural areas inventory was conducted and there are no known threatened and endangered species in the harvest area. Many aspen and oaks in this stand are declining due to disease. Harvesting and regenerating this stand will help prevent the spread of disease throughout the surrounding forest.

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

**The following bids were received for the sale:**

<b>Company</b>	<b>Location</b>	<b>Amount of Bid</b>
Todd Jones/ Jones Wood Heating	McGregor, IA	\$44,600.00
Sitco	Dubuque, IA	\$35,555.00
Flanagan Logging	Coggon, IA	\$34,200.00
Grau Logs & Lumber	Elkader, IA	\$30,713.00
Tracy Export	East Dubuque, IL	\$30,113.00
Nelson Hardwoods	Prairie du Chien, WI	\$29,339.00
Kendrick Forest Products	Edgewood, IA	\$28,852.00
Wieland & Sons Lumber Co.	Winthrop, IA	\$28,328.00
Dan Jones Logging	Waterville, IA	\$26,210.00
Riverside Sawmill	Muscoda, WI	\$24,088.00
Troendle Logging	Dorchester, IA	\$22,760.00
Wilson Custom Tree	Cresco, IA	\$20,530.00
Brislawn Logging	Troy Mills, IA	\$19,616.00
King Logging	Marquette, IA	\$14,717.80

The Commission is requested to approve a contract with the high bidder, Todd Jones for \$44,600.00.

**Notice of Timber For Sale**

The Iowa Department of Natural Resources (DNR) is soliciting competitive bids from bonded Timber Buyers to purchase, cut, and remove standing timber at **Yellow River State Forest** in Allamakee County, Iowa.

**Description of Work and Scope of Services:** The State of Iowa is offering approximately 82,200 board feet (Scribner) of timber in 493 trees as shown below. The trees are all marked with blue paint. There is an additional 31 cull trees marked with a blue “X”. These trees may be harvested, but are not included in the board foot volume of the sale. The trees are located on areas as shown on the enclosed map(s). Buyers should satisfy themselves by examination as to the quality and quantity of timber offered. The timber is accessible through state land.

<b>Species</b>	<b>Total Volume (bd.ft.)</b>	<b># of Trees</b>
Walnut	620	3
Red Oak	16680	69
White Oak	34700	178
Hard Maple	4700	60
White Ash	6200	46
Red Elm	160	1
Basswood	7660	57
Aspen	7800	50
Hickory	3540	27
Cherry	140	2
<b>Total Sale Volume</b>	<b>82200</b>	<b>493</b>

Timber Buyer shall avoid any unnecessary damage to trees that are not marked for cutting.

Cutting is permitted only during the period of September 16 to April 14 unless otherwise authorized by DNR’s Project Manager. It is the responsibility of Timber Buyer to obtain permission from DNR’s Project Manager prior to working in the area.

Iowa Forestry Best Management Practices must be followed. An Iowa Forestry Best Management Practices Guide is available upon request from the Iowa DNR Forestry Bureau by calling (515) 281-5441. Streams, roads and trails shall remain free of logging debris.

Motor vehicles and logging equipment shall be operated only in designated areas. All logs shall be skid on designated trails, and decked and loaded in designated areas. All skid trails and decking areas shall be returned to satisfactory condition by Timber Buyer once the operation is complete.

**Proposed Project Schedule:**

Trees must be completely removed from the site no later than April 14, 2011.

**Submission of Proposals:** Proposals shall include a bid proposal including the total amount bid for the offered timber, signature, date, printed name and organization name of the Timber Buyer on the enclosed bid proposal form.

Bonded Timber Buyers shall submit proposals to DNR at the following address:

Robert Honeywell, Area Forester  
Iowa Department of Natural Resources  
Yellow River State Forest  
729 State Forest Road  
Harpers Ferry, IA 52146  
Phone: (563) 586-2254  
Email: [Robert.Honeywell@dnr.iowa.gov](mailto:Robert.Honeywell@dnr.iowa.gov)

**For the proposal to be considered timely, it must be received by DNR no later than 2:00 PM (local time) on August 20, 2009.** Any proposal received after this deadline will be rejected and returned to the Timber Buyer. The costs of preparation and delivery of the bid proposal are solely the responsibility of the Timber Buyer.

From the date of issuance of this Notice of Timber for Sale until announcement of the successful Timber Buyer, Timber Buyers may not contact any employee of the State of Iowa about this Bid Notice other than the identified contact person. Timber Buyers may submit written questions relating to the interpretation of this Notice and the procurement process to Robert Honeywell at the above address by no later than August 10, 2009. Written responses to any questions received will be provided to all potential Timber Buyers at <http://www.iowadnr.gov/forestry/timbersales.html>.

Any attempt to discuss this Notice orally or in writing with any members of the DNR evaluation committee, or any employee of the State of Iowa other than the above-named DNR official, will lead to disqualification of that Timber Buyer.

**Payment:**

**The successful Timber Buyer shall make full payment upon signing the Contract. No cutting of timber will be permitted until the Contract has been signed and full payment made to DNR.**

**Acceptance Attached Contract Terms and Conditions:**

By submitting a proposal, each Timber Buyer acknowledges its acceptance of the terms and conditions of the contract located at <http://www.iowadnr.gov/forestry/timbersales.html>.

If a Timber Buyer takes exception to a provision, it must state the reason for the exception and set forth in its proposal the specific contract language it proposes to include in place of the provision. Exceptions that materially change these terms or the requirements of this Notice of Timber for Sale may be deemed non-responsive by the DNR, as determined in its sole discretion, resulting in possible disqualification of Timber Buyer's proposal. With regard to the contract, DNR and the successful Timber Buyer may agree to modifications to the terms of the contract as necessary to negotiate the terms of a contract. A Timber Buyer's failure to state an exception to any provision and propose alternative language may be deemed by the DNR to constitute Timber Buyer's acceptance thereof. DNR reserves the right to refuse to enter into a contract with the successful Timber Buyer for any reason, even after delivery of notice of selection or intent to award a contract.

**Miscellaneous Information:** The DNR reserves the right to reject any or all proposals, in whole or in part, to advertise for new proposals, and to cancel this Notice at any time prior to the execution of the written contract.

All information submitted by a Timber Buyer may be treated as a public record by the DNR unless the Timber Buyer properly requests that the information be treated as confidential information in accordance with the public records laws of the State of Iowa at the time its proposal is submitted.

### **BID PROPOSAL**

Timber Buyer's Proposal shall include an all-inclusive, total price in U.S. Dollars (including all travel, expenses, etc.) for the timber offered.

**Amount Bid for 493 trees with an estimated 82,200 board feet of timber on the Paint Creek Unit of Yellow River State Forest**

\$ \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Name of Vendor Organization: \_\_\_\_\_

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Francisco

**Discussion** – Commissioner Rettig asked why the previous item had more board feet but valued dollar was less. Forestry Bureau Chief Paul Tauke explained the difference between the types of wood and why there may be a difference in the amount of bids received. Commissioner Garst asked what safe guards are in place to assure there are trees not taken from an area that may not have been flagged. Paul Tauke explained the way the trees are marked and the process that implemented to assure that this does not happen.

**Motion** – Carried by Unanimous Vote

## **19. Contract with Prairie Rivers RC&D for Federal Excess Firefighting Equipment and Fire Training**

Commission approval is requested for a one year-service contract with Prairie Rivers RC&D of Ames, Iowa. The contract will begin on October 1, 2009 and terminate on September 30, 2010. The total amount of this contract shall not exceed \$122,202.60. 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 one hundred percent funded through the following United States Department of Agriculture Forest Service grants: Volunteer Fire Assistance, Volunteer Fire Assistance – National Fire Plan, Expanding Prescribed Fire on Private Lands, S&PF Redesign: Integrated Approach to Mitigate and Manage Invasive Plants in Forested Land and Hazard Mitigation Wildland Urban Interface, received pursuant to the authority provided in Iowa Code section 455A.24(13). The federal grant dollars that fund this contract can be used only as specified in the Forest Service/IDNR grant agreements.

The Iowa Forestry Bureau within the DNR has worked with the United States Forest Service (USFS) for over sixty years to deliver financial, technical and related assistance to Iowa's rural fire departments to assist them with wildland firefighting. This partnership has expanded to training firefighters, natural resource professionals and private citizens in the utilization of prescribed fire to encourage the management of fire dependent ecosystems such as oak woodlands, savannas and prairies. Wildland firefighting courses are also offered to insure the safe utilization of prescribed fire. The Forest Service requires that fire training be presented by instructors that meet the National Wildfire Cooperative Group (NWCG) standard.

Fighting wildland fires requires specialized equipment. Rural fire departments often operate with limited equipment budgets. The Iowa Forestry Bureau and the USFS have assisted Iowa's fire departments by obtaining no cost federal excess equipment that can be utilized or converted to meet the wildland firefighting needs of specific fire departments. The ability to screen and procure federal excess equipment requires specialized training and certification to meet USFS and Department of Defense Standards.

The authority of the Forest Service to work with individual states is found in the Volunteer Fire Assistance Program which is authorized in Section 10(b)3 of the Cooperative Forestry Assistance Act of 1978 (PL 95-313, as amended by the Forest Stewardship Act of 1990 (PL 101-624). The Forestry Bureau is authorized to enter into these agreements in Chapter 456A.24 (13) of Iowa Code.

It is the mutual desire of the DNR and the RC&D to assist the DNR and local rural fire departments in acquiring federal excess equipment for wildland fire preparation, readiness and control and to provide training to firefighters, natural resource professionals and private citizens in prescribed and wildland firefighting techniques. It is the belief of the cooperating parties that the project specified below will be to their mutual benefit, the benefit of Iowa's fire dependent ecosystems and to the benefit of the people of Iowa.

<p><b>Moved</b> – Commissioner Francisco <b>Seconded</b> - Commissioner Rettig <b>Discussion</b> – None <b>Motion</b> – Carried by Unanimous Vote</p>
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## **20. Concession Contract Amendment – Big Creek State Park**

The Department requests Commission approval of a concession contract amendment at Big Creek State Park near Polk City, Iowa. The concessionaire is Mark Crawford, dba Big Creek Marina. The contract amendment will allow the concessionaire to pay for the concession building roof replacement and waive concession fees paid to the Department in an amount equal to the roof replacement expense.

The Big Creek concession building's roof is in need of repair. The plan is to replace the roof with state-specified asphalt shingles, replace any roof sheeting, as necessary; place weather guards along the edges of the roof and around all vents or exhausts on the roof; and haul away and dispose of debris related to this work.

The repairs will be made in coordination with the Department's Engineering Bureau to ensure compliance with all state building codes. The Engineering Bureau will bid, inspect and review payment requests for the project.

Mr. Crawford will pay for the repairs to the Big Creek concession building's roof in the amount of approximately \$15,000. Mr. Crawford will give this amount to the Department so that the Department is able to pay for the work directly. The concession fee normally paid by Mr. Crawford will be waived until the amount of his waived concession fee is \$15,000 which is the estimated cost of the roof project.

Mr. Crawford's concession fee payment for this year is \$13,500. His concession fee payment for 2010 will be \$14,000 and his concession fee payment for 2011 is \$14,500. The current contract runs through December 31, 2012.

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Francisco

**Discussion** – Commissioner Rettig asked if the roof would have been replaced by the department in the near future. Parks Bureau Chief Kevin Szcodronski responded that like many other facilities the roof was in need of replacement and this concessionaire came up with solution that would work to both the department and their benefit.

**Motion** – Carried by Unanimous Vote

## **21. USDA Community Facilities Grant – Purchase Body Armor and other Specialized Emergency Response Law Enforcement Equipment for State Parks**

Commission approval is requested to give the Director or his designee the authority sign the certifications and other paperwork USDA requires to award a USDA Rural Development grant.

The six district supervisors in the State Parks Bureau have each applied for an USDA Community Facilities Grant to purchase replacement body armor for each ranger in their district. The applications have been submitted to the respective Rural Conservation and Development (RC&D) office in each state park district. These vests require replacement every five years to ensure officer safety. Park Rangers are often the first responders in accident and law enforcement situations in our State Parks. As certified peace officers, specialized equipment is

needed to protect their safety and give them the ability to protect others. The body armor currently issued to them has exceeded their life expectancy which puts them at risk and compromises the safety of the general public. Vest replacement is the common request of the grant by all six districts. Depending on need and availability of equipment funds, each district can independently request additional specialized emergency response equipment, such as portable handheld radios, automatic external defibrillators, and rescue boats and motors. This emergency response equipment will be welcomed additions to each district while providing officer safety. The grants have been reviewed favorably, which allows USDA to proceed with the next step of asking the DNR to complete forms and processes needed to move ahead for funding. While success of receiving the grant appears promising, it is not guaranteed at this time. The total project amount will vary for each of the districts depending on the number of rangers and equipment requested. The maximum amount of each grant is limited to \$5,400 and 25% matching funds are required.

Prior to receiving final approval for the grant, the DNR must hold at least one public meeting to allow the citizenry an opportunity to become acquainted with the proposed project. USDA has agreed that the Commission's meeting and approval of this item will satisfy the public meeting requirement.

<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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## **22. FY2010 Low-head dam public hazard cost-share program**

From the General Assembly's FY2010 I-JOBS appropriation and water trails/low-head dams implementation appropriation, the Department has prioritized \$436,172 in external projects for the Low-Head Dam Public Hazard program that will further agency goals of safety, stream habitat connectivity, and recreation on Iowa's navigable streams.

This cost-sharing will support \$1.3 million in project development. Chapter 30 of the administrative code implements the low-head dam safety cost-share program to support signage, dam removal, and dam modification for the benefits of navigational and recreational safety and aquatic species, including game fish. Eight projects submitted July 30, 2009 have been screened by our scoring committee for viability, proper expenditure of public funds, and likelihood of success. Scorers for this round of applications include John Pearson (DNR), Robin Fortney (citizen), Mark Wise (citizen), Bernie Hoyer (DNR), and Nate Hoogeveen (DNR). The recommended state fiscal year 2010 awards:

<u>Project</u>	<u>Applicant</u>	<u>Amount requested</u>	<u>AWARD RECOMMENDED</u>	<u>Score</u>
Boone Water Works Signage	City of Boone	\$3,523.76	\$3,523.76	95
Charles City LHD Enhancement Project	City of Charles City	\$200,870	\$200,870	93
Quasqueton Dam, Rock Arch Rapids Design	City of Quasqueton	\$20,000	\$20,000	92
Elkader LHD Remediation Design Project	City of Elkader	\$9,000	\$9,000	91
2009 Fleur Drive Portage Trails	Des Moines Waterworks	\$17,500	\$17,500	88
Conversion of Vernon Springs Dam to Rock Arch Rapids	Howard County Conservation Board	\$86,278.29	\$86,278.29	87
Phase 1 Portage Trail, IA River Water Trail	City of Iowa City	\$24,000	\$24,000	84
River Valley Park LHD Modifications	City of Ames	\$75,000	\$75,000	84

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

<p><b>Moved</b> – Commissioner Rettig  <b>Seconded</b> - Commissioner Francisco  <b>Discussion</b> – None  <b>Motion</b> – Carried by Unanimous Vote</p>
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### **23. General Discussion**

- Commissioner Rettig made comments about a recent packet of information she had received on scientific study on waterfowl, birds and bats, as well as wind energy. She would like to assure that the department is speaking to the Power Fund Board about updating money to stay on top of the science of wind energy and wildlife.
  - Both Director Leopold and Deputy Director Boddy agreed to do so.
- Commissioner Garst asked for an update to her comment at last month's meeting in reference to the latest audit report of the department, she wanted to know if management had any comment at this time.
  - Deputy Director Boddy responded that she had no comment at this time.
- Commissioner Garst commented about the department wide email updates from Wayne Gieselman the Environmental Services Division Administrator and his comment in reference to the departments own land management practices and setting an example for everyone else to see.
- Commissioner Francisco asked about the ADM petition
  - Ken Herring responded that they would be meeting today after NRC meeting.
- Commissioner Kircher would like to see a representative from the Brushy Creek Trails Advisory Board present an update to the commission at least on a semi-annually basis.
- Commissioner Drees thanked everyone again for coming to Dickinson County.

### **24. Items for Next Meeting**

Next Meetings:

October 08, 2009 – Monroe County

November 12, 2009 – Delaware County

December 10, 2009 – Polk County

### **Adjournment of meeting - September 10, 2009 at 12:00 p.m.**

**Moved** – Commissioner Kircher

**Seconded** - Commissioner Francisco

**Motion** – Carried by Unanimous Vote