

Summary

Natural Resource Commission

Thursday August 12, 2010

9:00 AM

502 E. 9th Street

Des Moines, IA 50319

Henry Wallace Building - 4th Floor Conference Room

1	Approve Agenda		
2	Approve Minutes of 07/22/10		
3	Director / Deputy Director Remarks		
4	Honey Creek Destination Resort State Park – Monthly Update		
5	Consent Agenda (<i>*within agenda indicates proposed consent agenda item</i>) *6.1 - Lake Macbride State Park, Johnson County – Wastewater Treatment System *6.6 - Honey Creek Resort State Park, Appanoose County – Utilities for Day Use Restroom *15 - Contract Amendment between IA DNR and Ducks Unlimited, Inc. *20 - Agreement Amendment with Pheasants Forever		
6	Construction Items		
	*6.1	Lake Macbride State Park, Johnson County – Wastewater Treatment System	Decision APPROVED
	6.2	Nine Eagle State Park, Decatur County – Cabin Construction	Decision APPROVED
	6.3	Hawthorn Lake, Mahaska County – Lake Restoration	Decision APPROVED
	6.4	Red Rock WMA, Marion County – In-Lake Fish Habitat	Decision APPROVED
	6.5	Union Grove State Park, Tama County – Cabin Construction	Decision APPROVED
	*6.6	Honey Creek Resort State Park, Appanoose County – Utilities for Day Use Restroom	Decision APPROVED
	6.7	Honey Creek Resort State Park, Appanoose County – Activity Center Foundation	Decision APPROVED
7	Small Construction Project Contracts		Information N/A
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	8.1	Hanging Rock WMA – Dallas Co. – Dallas CCB	Decision APPROVED
	8.2	Kuehn Conservation Area – Dallas Co. – Dallas CCB	Decision APPROVED
9	Land Management - Pine Ridge Recreation Area – Hardin County, Hardin CCB		Information N/A
10	Land Acquisition - Cayler Prairie WMA Dickinson Co Wallace Family Trust		Decision APPROVED
11	PMV Inspection Program Coordinator Contract Marine Safety Experts, Inc.		Decision APPROVED
12	Iowa Forest Resource Assessment & Strategies Document		Information N/A
13	Contract with Prairie Rivers RC&D for Federal Excess Firefighting Equipment, Fire Training and Development of Community Wildfire Protection Plans for Black Hawk, Dubuque and Woodbury Counties		Decision APPROVED
14	Chapter 71 Nursery Stock Sale to the Public – Final		Decision APPROVED
*15	Contract Amendment between IA DNR and Ducks Unlimited, Inc.		Decision APPROVED
16	Chapter 81, Fishing Regulations - Final		Decision APPROVED
17	Chapter 88, Fishing Tournaments - Final		Decision APPROVED

18	Chapter 113, Restitution for Pollution Causing Injury to Wild Animals - Final	Decision	APPROVED
19	Wildlife Habitat Promotion With Local Entities Program Grant Review	Decision	APPROVED
*20	Agreement Amendment with Pheasants Forever	Decision	APPROVED
21	Chapter 91 - Waterfowl and Coot Hunting Seasons, Emergency Final Rule	Decision	APPROVED

General Discussion

- Guiding Expectations for Commissioners
- Donation Policy and External Communication
- Lead Action Plan Development
- Annual Report to the Governor/Legislature by the NRC

Items for Next Meeting

Next Meetings:

- 9/9/10 – Henry County
- 10/14/10 – Polk County

For details on the NRC meeting schedule, visit <http://www.iowadnr.gov/nrc/>.

¹ Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

MINUTES
OF THE
NATURAL RESOURCES COMMISSION
MEETING
AUGUST 12, 2010

HELD AT THE
IOWA DEPARTMENT OF NATURAL RESOURCES
HENRY WALLACE OFFICE BUILDING
502 E. 9TH STREET
DES MOINES, IA 50319

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by the NRC Chairperson, Gregory Drees on August 12, 2010 at 9:00 a.m. He then welcomed the public to the meeting and reviewed the public speaking forum guidelines.

COMMISSIONERS PRESENT

Gregory Drees, Chairperson
Richard (Kim) Francisco, Secretary
Elizabeth Garst
Tammi Kircher, Vice-Chairperson
Dennis Schemmel
Margo Underwood
Janelle Rettig

COMMISSIONERS ABSENT

None

PUBLIC PARTICIPATION

Merwin Briggs – Deer
Jeremy Rosonke, President of Iowa Waterfowl Association – Waterfowl Season
Kevin Kelly, Kelly’s Tree Farm – Opposed to proposed State Forestry Nursery Rule
Dave Bartemes, Dave’s Hardwood Trees – In favor of proposed State Forestry Nursery Rule
Mike Brandrup – In favor of proposed State Forestry Nursery Rule
Leo Frueh – Opposed to proposed State Forestry Nursery Rule

1. APPROVAL OF AGENDA

Motion – Commissioner Kircher moved to approve the agenda with the following changes:

- Remove item#14 Chapter 71 Nursery Stock Sale to the Public – Final from the proposed consent agenda items
- Move item# 21 Chapter 91 - Waterfowl and Coot Hunting Seasons, Emergency Final Rule to follow the public comment time

Seconded – Commissioner Francisco
Decision – Approved as Amended by Unanimous Vote

2. APPROVAL OF MINUTES FROM JULY 22, 2010

Motion – Commissioner Rettig motioned to table approval of the July 22, 2010 minutes until the following month as the commission had just received the minutes for review. She requested that they be posted in draft form to website (<http://www.iowadnr.gov/nrc/>) pending approval until next month.

Seconded – Commissioner Francisco
Decision – Approved by Unanimous Vote

3. DIRECTOR / DEPUTY DIRECTOR REMARKS

- Director Leopold
 - Flood Updates
 - Hyperian Energy Letter
 - Water quality/quantity & visibility are main concerns
 - State Fair Update
 - Forest Health Tour
 - Gypsy Moth
 - EAB
 - Audit Report Update
 - Response to audit document distributed to Commission
- Deputy Director Boddy
 - Delhi Dam Update
 - Deputy Director Boddy toured the area two days after the dam collapsed
 - Executive Order 25 - Lake Delhi Recover and Rebuild Task Force
 - Many areas through State Government to be involved
 - National technical professionals are to be consulted
 - Commissioner Francisco asked what effect this would have on the department budget
 - Director Leopold advised there is some ability to fund efforts via the flood plain management and dam safety programs but would be discussing further with the Governor's Office for additional funding.
 - Deputy Director Boddy explained additional funding for parks would also be sought after as many sustained damages to areas that had been or were in process of being repaired from the 2008 floods.
 - Special Events
 - Stakeholders meeting held July 29th
 - Commissioner Underwood commented about the attendance at the meeting and she felt that all sides were heard
 - Staff will be reviewing all comments and suggestions to further explore options in the development of a rule that will best serve users.
 - Upper Mississippi River Basin Association (UMRBA) update
 - DNR Green Team
 - Presentation at future NRC Meeting
 - Commissioners will begin receiving email newsletter
 - 2010 River of Words® IOWA Environmental Poetry and Art Exhibit
- Interim Conservation and Recreation Division Administrator Diane Ford
 - Updated the commission on the mowing of roadside ditches

INFORMATIONAL ONLY

4. HONEY CREEK DESTINATION RESORT STATE PARK – MONTHLY UPDATE

- Andy Woodrick, Honey Creek State Park Resort General Manager and Linda Caird, Central Group Companies updated the commission on the financials ending June 30, 2010 as well as the next 90 day forecast.

Discussion –

- Commissioner Underwood asked about the lack of revenue at the Lakeshore Grille.
 - Andy Woodrick explained that he believes one of the main reasons for the lack of revenue is that people are more cautious of how they spend their money.
 - Linda Caird explained that the average dinner cover is under \$10.00 but had been budgeted at \$15.00.
 - Bob Pace commented that the industry as a whole is seeing the same trend.
 - Commissioner Drees commented that despite the lower revenue food costs are still being kept in line.
- Deputy Director Boddy
 - Will be attending the Rathbun meeting tomorrow to discuss area flooding
 - Lake level today is 922 (18 over flood stage)
- Commissioner Garst
 - Signage to the resort
 - Asked for complete balance sheet

INFORMATIONAL ONLY

5. CONSENT AGENDA (*INDICATES PROPOSED CONSENT AGENDA ITEM)

- * Lake Macbride State Park, Johnson County – Wastewater Treatment System (item #6.1)
- * Honey Creek Resort State Park, Appanoose County – Utilities for Day Use Restroom (item #6.6)
- ~~* Chapter 71 Nursery Stock Sale to the Public – Final (item #14)~~
- * Contract Amendment between IA DNR and Ducks Unlimited, Inc. (item #15)
- * Agreement Amendment with Pheasants Forever (item #20)

Motion – Commissioner Rettig moved to approve consent agenda with exception of item #14 Chapter 71 Nursery Stock Sale to the Public – Final which will be covered in normal agenda order.

Seconded – Commissioner Kircher

Decision – Approved by Unanimous Vote

6. CONSTRUCTION ITEMS

***6.1 LAKE MACBRIDE STATE PARK, JOHNSON COUNTY – WASTEWATER TREATMENT SYSTEM**

Bids were opened July 15, 2010, for the following project:

Lake Macbride State Park, Johnson County – Wastewater Treatment System

This project is Phase 2 of the preparation for a new pre-fabricated restroom facility located at the boat ramp near the south campground at Lake Macbride State Park. This phase consists of demolition of an old pit latrine and sidewalk, installation of a septic system which includes two septic tanks, a duplex lift station and a lateral infiltration field, electrical connections, placing a new 4" PCC Sidewalk, and seeding, fertilizing and mulching.

This project was designed by Heath Delzell and Mike Hameed and will be inspected by Dave Heer, District Inspector. DNR estimate is \$65,000.00. Funding source is Marine Fuel Tax (Capital Link #117) and REAP Land Management (Capital Link #156). 5 sets of plans were issued and 2 bids were received.

Lynch’s Excavating	West Branch, IA	\$52,414.60
Bockenstedt Excavating Inc	Iowa City, IA	\$55,238.20

DNR recommends awarding project to the low bidder, Lynch’s Excavating.

APPROVED BY GENERAL CONSENSUS

6.2 NINE EAGLE STATE PARK, DECATUR COUNTY – CABIN CONSTRUCTION

This project is a 500 sf residential type cabin at Nine Eagles State Park. The cabin is a single story, one bedroom stick-built structure with standard mechanical and electrical. It has a concrete slab-on grade, but with foundation walls that follow a 3:1 slope. There is a vaulted wood ceiling and some built-in cabinetry. Attention was made to the use of recyclable materials, high efficiency equipment, windows and doors and low impact lighting. The site work and utilities were completed under a separate contract and included planning for four cabins.

Alternate #1 is for an additional adjacent cabin.

Alternate #2 is a deduct for the light fixtures.

This project was designed by RDG Architects and will be inspected by Jason Kruse, District Inspector. DNR estimate is \$100,000. Funding source is \$50,000 REAP OS Acquisition and Development and \$50,000 LAWCON (Capital Link #131). 21 sets of plans were issued and 3 bids were received.

Hanson Construction LLC	Clear Lake, IA	\$138,000.00	Base
		\$137,000.00	Alternate 1
		(-\$2,640.00)	Alternate 2
CPMI Construction LC	Des Moines, IA	\$204,700.00	Base
		\$173,900.00	Alternate 1
		(-\$15,100.00)	Alternate 2
Seydel Construction, Inc.	Iowa City, IA	\$234,000.00	Base
		\$175,000.00	Alternate 1
		(-\$12,000.00)	Alternate 2

DNR staff recommends rejection of all bids.

Motion – Commissioner Rettig moved to reject all bids received for the construction of cabins at Nine Eagles State Park.
Seconded - Commissioner Francisco
Discussion – Commissioners voiced concern about the cost to construct the proposed cabins. Commissioner Kircher stated that she felt it was poor usage of REAP Open Spaces monies.
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

6.3 HAWTHORN LAKE, MAHASKA COUNTY – LAKE RESTORATION

This project consists of the placement of In-Lake Habitat, Shoreline Armoring and Deepening, Jetty Construction and incidental work as required by the Plans and/or the DNR Construction Inspector. Alternate #1 includes shoreline deepening.

This project was designed by Ken Jackson and will be inspected by Jason Kruse, District Inspector. DNR estimate is \$427,000. Funding source is F&W Trust (\$199,000 budgeted) and Lake Water Quality Improvement (\$300,000 budgeted). (Capital Links #19 and #98). 12 sets of plans were issued and 7 bids were received.

Cornerstone Excavating, Inc.	Washington, IA	\$362,916.90	
		\$ 16,940.00	Alternate 1
DeLong Construction, Inc.	Washington, IA	\$365,970.25	
		\$ 15,488.00	Alternate 1
Cole Construction Co., Inc.	Keosauqua, IA	\$388,580.15	
		\$ 15,972.00	Alternate 1
TK Concrete, Inc.	Pella, IA	\$ 380,181.00	
		\$ 26,620.00	Alternate 1
Peterson Contractors, Inc.	Reinbeck, IA	\$401,378.00	
		\$ 14,520.00	Alternate 1
CL Carroll Co., Inc.	Des Moines, IA	\$400,426.74	
		\$ 39,300.80	Alternate 1
Seaton Construction	Deep River, IA	\$439,868.25	
		\$ 33,880.00	Alternate 1

DNR recommends awarding project, including the alternate, to the low bidder, Cornerstone Excavating, Inc.

Motion – Commissioner Kircher
Seconded – Commissioner Garst
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

6.4 RED ROCK WMA, MARION COUNTY – IN-LAKE FISH HABITAT

This project consists of the construction of fish habitat placed in the drawn down lake bed, new jetty construction, shoreline armoring and incidental work as required by the Plans and/or the DNR Construction Inspector. The design will allow fish habitat to be created within Red Rock Reservoir, and will provide cover for small fish as well as adding structure for game fish species.

This project was designed by Ken Jackson and will be inspected by Jason Kruse, District Inspector. DNR estimate is \$250,000. Funding source is F & W Trust Fund – Habitat Stamp (Capital Link #18). 8 sets of plans were issued and 3 bids were received.

TK Concrete, Inc.	Pella, IA	\$ 94,950.00
CL Carroll Co., Inc.	Des Moines, IA	\$127,065.00
Peterson Contractors, Inc.	Reinbeck, IA	\$186,600.00

DNR recommends awarding project to the low bidder, TK Concrete.

Motion – Commissioner Garst
Seconded - Commissioner Francisco
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

6.5 UNION GROVE STATE PARK, TAMA COUNTY – CABIN CONSTRUCTION

This project is a 500 sf residential type cabin at Union Grove State Park. The cabin is a single story, one bedroom stick-built structure with standard mechanical and electrical. It has a concrete slab-on grade. There is a vaulted wood ceiling and some built-in cabinetry. Attention was made to the use of recyclable materials, high efficiency equipment, windows and doors and low impact lighting.

Alternate #1 is for in floor electric heating.
 Alternate #2 is a deduct for the light fixtures.

This project was designed by RDG Architects and will be inspected by Jason Kruse, District Inspector. DNR estimate is \$100,000. Funding source is REAP OS Acquisition and Development (Capital Link #132). 20 sets of plans were issued and 3 bids were received.

SL Baumeier	Gladbrook, IA	\$98,000.00	Base
		\$ 6,300.00	Alternate 1
		(-)\$1,250.00	Alternate 2
Hanson Construction LLC	Clear Lake, IA	\$138,000.00	Base
		\$ 5,000.00	Alternate 1
		(-)\$2,640.00	Alternate 2
Seydel Construction, Inc.	Iowa City, IA	\$196,000.00	Base
		\$ 4,000.00	Alternate 1
		(-)\$12,000.00	Alternate 2

DNR recommends awarding project, including the Base Bid and Alternate #1, to the low bidder, SL Baumeier.

Motion – Commissioner Garst
Seconded - Commissioner Underwood
Decision – Approved by 6-Aye and 1-Nay (Kircher)

APPROVED AS PRESENTED

***6.6 HONEY CREEK RESORT STATE PARK, APPANOOSE COUNTY – UTILITIES FOR DAY USE RESTROOM**

This project involves the installation of underground utilities (water, sewer, electric), interior utility connections (water, sewer, electric), grade preparation, a mist system and PCC paving for a new pre-fabricated restroom facility in the day use area of the resort.

This project was designed by Troy Duff and will be inspected by Jason Kruse, District Inspector. DNR estimate is \$50,000. Funding source is REAP OS Fund (FY10 Capital Link #121). 9 sets of plans were issued and 1 bid was received.

Hanson Construction	Clear Lake, IA	\$53,858.00
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DNR recommends awarding project to the low bidder, Hanson Construction.

APPROVED BY GENERAL CONSENSUS

6.7 HONEY CREEK RESORT STATE PARK, APPANOOSE COUNTY – ACTIVITY CENTER FOUNDATION

This project is for the construction of a concrete basement/foundation and floor support system for the prefabricated modular activity center that was designed and constructed by Iowa State University students for the 2009 Solar Decathlon. This building was acquired by the DNR last fall and is on site and scheduled for erection in September. The foundation is approximately 800 square feet in area and will have a walk out to the lower level with ADA accessibility to the parking lot at the lodge. The upper level of the Activity Center is ADA accessible to the trail system that winds down the hill to the parking lot as well. The completion of the Activity Center decking and lower level build out will be a part of a separate project.

This project was designed by Don Labate and will be inspected by Jason Kruse, District Inspector. DNR estimate is \$60,000. Funding source is REAP OS Fund (FY10 Capital Link #121). 4 sets of plans were issued and 3 bids were received.

Hanson Construction	Clear Lake, IA	\$59,005.00
CL Carroll Co., Inc.	Des Moines, IA	\$86,904.00
Wicks Construction Co.	Decorah, IA	\$93,802.00

DNR recommends awarding project to the low bidder, Hanson Construction.

Motion – Commissioner Francisco
Seconded - Commissioner Underwood
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

7. SMALL CONSTRUCTION PROJECT CONTRACTS

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
7/1/10	10-05-26-02	Davis	Lake Wapello State Park	Lodge Roof Repair	\$20,000.00	\$7,175.00
						\$7,734.50
						\$8,700.00
7/1/10	10-04-69-03	Montgomery	Viking Lake State Park - Aldersgate	Waterline replacement	\$10,000.00	\$5,345.00
						\$10,247.50
						\$11,140.00
						\$13,348.00
						\$13,719.00
						\$16,355.40
7/1/10	10-02-94-05	Webster	Dolliver State Park	Floor Damage Repair	\$16,280.00	\$10,520.00
						\$13,567.52
						\$22,297.50
7/1/10	10-01-55-02	Kossuth	Seneca Access WMA	Water control structure	\$10,000.00	\$13,940.00
						\$18,313.00
7/15/10	10-02-94-01	Webster	Brushy Creek State Park	Shower Bldg Utilities	\$36,517.00	\$30,932.75
						\$40,486.70
						\$61,631.00
7/22/10	10-04-39-02	Guthrie	Springbrook State Park	Replace Septic Tanks	\$18,000.00	\$19,900.00
						\$20,900.00
						\$24,295.00
						\$24,800.00
7/22/10	10-01-30-10	Dickinson	Jemmerson Slough Complex	Blackert WPA Wetland Restoration	\$27,000.00	\$27,396.00
						\$29,364.11
7/29/10	10-01-75-04	Woodbury	Stone State Park	Pit toilet improvements	\$6,500.00	\$5,490.50
						\$6,629.00
						\$7,352.50
						\$11,797.50

INFORMATIONAL ONLY

8. LAND MANAGEMENT PROJECTS

8.1 HANGING ROCK WMA – DALLAS CO. – DALLAS CCB

The Natural Resource Commission is requested to approve a management agreement between the Dallas County Conservation Board and the DNR to authorize County management of Hanging Rock WMA through July 31, 2035.

Hanging Rock WMA is located immediately to the northwest of the town of Redfield. The agreement covers approximately 57 acres purchased by the state in 2007. The property sits on the west bank of the Middle Raccoon River north of the Redfield dam. It is located approximately ¼ mile upstream of Dallas County Conservation’s 440 acre Hanging Rock area, and approximately 1 mile downstream from the 600 acre Big Bend Wildlife Area. This Middle Raccoon River in this area has been designated as a Protected Waters Area by the DNR because of the natural resources, ecological communities, landform variations, rare plants and animal species present.

The agreement will be according to the terms and conditions of the standard DNR management agreement. Staff recommends approval of the management agreement.

<p>Motion – Commissioner Kircher Seconded - Commissioner Garst Decision – Approved by Unanimous Vote</p>

<p>APPROVED AS PRESENTED</p>

8.2 KUEHN CONSERVATION AREA – DALLAS CO. – DALLAS CCB

The Natural Resource Commission is requested to approve a management agreement between the Dallas County Conservation Board and the DNR to authorize County management of Kuehn Conservation Area through July 31, 2035.

Kuehn Conservation Area is located approximately 3 miles east and 3 miles south of the town of Redfield. The agreement covers 122 acres purchased by the state in 2008. This represents the southwestern most addition to a complex of public lands covering over 500 acres. The complex encompasses Dallas County Conservation and DNR properties along the South Raccoon River, which contain woodland and prairie habitats, as well as Dallas County’s Bear Creek Nature Center.

The agreement will be according to the terms and conditions of the standard DNR management agreement. Staff recommends approval of the management agreement.

<p>Motion – Commissioner Underwood Seconded - Commissioner Francisco Decision – Approved by Unanimous Vote</p>

<p>APPROVED AS PRESENTED</p>

9. LAND MANAGEMENT - PINE RIDGE RECREATION AREA – HARDIN COUNTY, HARDIN CCB

The purpose of this informational item is to update the Natural Resource Commission on progress related to the implementation of best management practices (BMP) on title transfer proceedings. At the July NRC meeting the Pine Ridge Recreation Area transfer item was tabled. At a future NRC meeting, DNR staff will resubmit the transfer item to the NRC for consideration.

In the interim, DNR staff and the Hardin County Conservation Board are drafting a management agreement the will accompany the title transfer. The management agreement will include BMPs, similar to those developed in the Council Bluffs riverfront transfer management agreement of 2009. The following are examples of BMPs to be included in the Pine Ridge Recreation Area management agreement:

- The CCB shall utilize dark sky compliant fully shielded fixtures that do not project light above the horizontal plane for all park and pedestrian lighting within the park.
- The CCB shall minimize the impact of paved road surfaces on the park's existing and proposed natural environment (if applicable).
- The CCB shall minimize the impact of paved parking surfaces on the park's current and future environment as follows (if applicable).
- The CCB shall utilize construction techniques that mitigate the environmental impact of storm water associated with paved surfaces within the park (if applicable).
- Cabin construction must be built in a sustainable fashion. That is to say that the structures are designed, built, renovated, operated, or reused in an ecological and resource-efficient manner.
- The DNR shall have the right to prevent and correct violations of the terms of this agreement. If the DNR, upon inspection of the property, finds what appears to be a violation, it may exercise its discretion to seek injunctive relief in a court having jurisdiction. The failure of the DNR to discover a violation or to take immediate action to correct a violation shall not bar it from doing so later.

An alternative option being discussed is to require that development plans be submitted to the DNR for approval utilizing the existing Sovereign Land Construction Permit and Environmental Review Program.

INFORMATIONAL ONLY

10. LAND ACQUISITION - CAYLER PRAIRIE WMA DICKINSON CO WALLACE FAMILY TRUST

The Natural Resource Commission is requested to approve the acquisition of a tract of land located 5 miles west and one half mile south of Spirit Lake. The subject tract is adjacent to 170th Avenue on the west and 160th Street on the south. The Wallace Family Trust offers this 309.77-acre tract for the bargain sale price of \$349,000.00. The appraised value of the tract is \$439,000.00.

Licensed appraiser, Steven K. Schmidt of Schmidt Appraisal Services, Spirit Lake, Iowa submitted the appraisal. The purchase agreement was negotiated by Jerry Gibson.

The subject tract has 302.93 acres that will be encumbered by a WRP easement; and 6.84 acres of road right-of-way. The tract contains a significant amount of remnant prairie and restorable wetland. After restoration the tract will contain 236 acres seeded to native prairie species; 15 acres of tame grass pasture; 12 acres of marsh/wetlands; and 40 acres of restored wetlands that will provide watershed protection and water quality benefits for the Little Sioux River. In addition, this acquisition will enhance a newly proposed Bird Conservation Area.

Acquisition funding will be NAWCA. Incidental closing costs will be the responsibility of the Department.

Motion (1) – Commissioner Rettig moved to table the item until after lunch break
Seconded – Commissioner Kircher
Decision – Carried by Unanimous Vote
Motion (2) – Commissioner Francisco moved to remove item from the table
Seconded – Commissioner Underwood
Decision – Carried by Unanimous Vote
Motion (3) – Commissioner Kircher moved to approve
Seconded – Commissioner Garst
Discussion – Commissioner Rettig asked what the funding source was. Travis Baker explained it would be a combination of NAWCA and Federal Funds.
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

11. PMV INSPECTION PROGRAM COORDINATOR CONTRACT MARINE SAFETY EXPERTS, INC.

On May 13, 2005, the State of Iowa adopted IAC Chapter 48, “Inspection of Permanently Moored Vessels.” This Chapter is intended to carry out the purposes of sections 99F.7(14) and 462A.20 of the Code of Iowa. Pursuant to Rule 48.5, the department is authorized to enter into a statewide inspection contract for the purpose of administering the Permanently Moored Vessel (PMV) Inspection Program. On August 29, 2005, after receiving and reviewing proposals and with the approval of the Commission, the Department entered into a contract with Marine Safety Experts, Inc.. The contract had an additional term of 3 years and was extended for an additional two year term. The contract expires on August 29, 2010.

A Request for Proposals was issued by the department on June 16, 2010 with a deadline for bids to be received by July 23, 2010. One bid was received from marine Safety Experts, Inc.. The bid was evaluated pursuant to the Request for Proposals and found to qualify with the contract requirements. Furthermore, the Department is satisfied with the performance of Marine Safety Experts, Inc. during the current contracting period.

Marine Safety Experts, Inc. provided a clear statement of services to be provided and can provide extensive experience in marine safety inspection. Therefore, the Department is presenting a five-year contract with Marine Safety Experts, Inc. to the Commission for approval.

All funding for this contract will be provided through the direct payment of fees by the PMV’s to the contractor. No funds have been allocated for this program and departmental funding will be limited to the provision of staff resources for oversight.

The Natural Resource Commission is requested to approve the PMV Inspection Coordinator Contract for a period of five years.

Motion – Commissioner Kircher
Seconded - Commissioner Francisco
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

12. IOWA FOREST RESOURCE ASSESSMENT & STRATEGIES DOCUMENT

The State Forest Resource Assessment and Strategies Document is a requirement of the 2008 Food, Conservation and Energy Bill (Farm Bill). State Forestry Agencies that do not comply with this requirement or do not submit US Forest Service approved plans are ineligible for federal Forest Service funding.

The State Forest Resource Assessment and Strategies document entitled Iowa's Forests Today addresses forest-related issues of importance to Iowa and is complementary to the following three national priorities:

- Conserving and managing working forest landscapes for multiple values and uses
- Protecting forests from threat
- Enhancing public benefits from trees and forests

This document identifies landscape areas where national, regional, and state resource issues and priorities converge. This will be a dynamic document that utilizes the best currently available data, works with stakeholders, and adequately considers other state assessments, plans, and priorities. In this way, Iowa's State Forest Resource Assessment and Strategy document is a valuable source for communicating forest-related issues, threats, and opportunities in the state and serves as an important strategic document for the Iowa Department of Natural Resources Forestry Bureau to use for planning and funding purposes.

This document was created using a variety of sources, including:

- An overview of the national requirements and guidance for state assessments with regional clarification and sideboards
- An overview of the national requirements and guidance for the resource strategies
- Stakeholder involvement
- State Wildlife Action Plan, Forest Legacy Assessment of Need, and Community Wildfire Protection Plans
- Geospatial data

To ensure that Federal and State resources are being focused on important landscape areas with the greatest opportunity to address shared management priorities and achieve meaningful outcomes, the Iowa DNR Forestry Bureau has worked with key partners and stakeholders to develop this document. Stakeholder groups coordinated with include Iowa DNR Wildlife Bureau, State Forest Stewardship Coordinating Committee, State Technical Committee, Urban and Community Forestry Council, along with dozens of other conservation groups and individuals interested in the management of the forest resources in Iowa. Topics covered in the document include:

- An analysis of past and present forest conditions and trends on all ownerships in the state, including analysis of market and non-market forces
- Threats to forest lands and forest resources in Iowa consistent with the national priorities
- Explanation of forest related benefits and services
- Delineation of priority forest landscape areas in the state across program areas, ownerships, and the urban to rural continuum
- Identification and delineation of multi-state areas that are regional priorities

The Assessment is modeled after an international system of criteria and indicators known as the Montreal Process. These criteria address biological diversity, the productive capacity of the forest, ecosystem health, soil and water resources, global carbon cycles, socioeconomic benefits from forests and the legal, institutional and economic systems that can impede or enable progress in sustainability. The Montreal Process provides a data driven template for reporting information, discussing trends and highlighting forestry issues that are relevant in Iowa. In addition, program specific data that would not otherwise be captured by the framework developed by the Montreal Process has been added where necessary. Issues, strategies and needs are summarized at the end of the document. Iowa's Forest Resource Assessment & Strategies document is online at: <http://www.iowadnr.gov/forestry/assessment.html>.

Discussion – Commissioner Garst commented that the report did a good job of documenting the precipitous decline of oak in the state. She stated that she felt the department should make it a priority to stabilize oak on its own land; especially in state parks, and to lead by example by working to establish a more comprehensive forestry management plan. She encouraged fellow commissioners to read the document as it contains many points of interest.

INFORMATIONAL ONLY

13. CONTRACT WITH PRAIRIE RIVERS RC&D FOR FEDERAL EXCESS FIREFIGHTING EQUIPMENT, FIRE TRAINING AND DEVELOPMENT OF COMMUNITY WILDFIRE PROTECTION PLANS FOR BLACK HAWK, DUBUQUE AND WOODBURY COUNTIES

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, 2010 and terminate on September 30, 2011. The total amount of this contract shall not exceed \$130,734.00. 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 2010, S&PF Redesign: Integrated Approach to Mitigate and Manage Invasive Plants in Forested Land and Hazard Mitigation: Development of Community Wildfire Protection Plans for Black Hawk, Dubuque and Woodbury Counties 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, to provide wildland and prescribed fire training to firefighters, natural resource professionals and private citizens and to develop Community Wildfire Protection Plans for at risk communities in the wildland urban interface. It is the belief of the cooperating parties that this agreement will be to their mutual benefit, the benefit of Iowa's fire dependent ecosystems and to the benefit of the people of Iowa.

<p>Motion – Commissioner Rettig Seconded - Commissioner Francisco Decision – Approved by Unanimous Vote</p>
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<p>APPROVED AS PRESENTED</p>

14. CHAPTER 71 NURSERY STOCK SALE TO THE PUBLIC – FINAL

The Commission's approval is requested for Adopted and Final Chapter 71, "Nursery Stock Sale to the Public." 571 Iowa Administrative Code Chapter 71 regulates the sale of tree and shrub seedlings from the Iowa DNR State Forest Nursery pursuant the authority of Iowa Code subsection 455A.5 (6) and Iowa Code section 455A.13.

This amendment proposes:

Item 1, Rescind subparagraph 71.2(2)"c."

~~e. Nursery stock shall be sold only for planting within the state of Iowa.~~

The proposed amendment allows for the sale of State Forest Nursery stock outside the State of Iowa pursuant to Iowa Code section 455A.13(3). This section of Iowa code was amended in the 2010 legislative session.

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

Pursuant to the authority of Iowa Code subsection 455A.5(6) and Iowa Code section 455A.13 the Natural Resource Commission hereby amends Chapter 71, “Nursery Stock Sale to the Public,” Iowa Administrative Code.

The proposed rescission to Chapter 71 allows for the sale of state forest nursery stock outside of Iowa. It also brings the Administrative Code into conformity with the Code of Iowa.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 30, 2010, as ARC 7615B. No public hearings were held on this rule making.

Thirteen comments were received in support of the amendment. Three comments were received in opposition to the proposed amendment. This amendment is identical to that published under the Notice.

This amendment is intended to implement Iowa Code section 455A.13(3) as amended by 2010 Iowa Acts, House File 2531.

This amendment will become effective October 13, 2010.

The following amendment is adopted.

Rescind paragraph 71.2(2)”c.”

Motion – Commissioner Francisco

Seconded - Commissioner Kircher

Discussion – Commissioner Francisco asked if this proposed was a legislative directive. Diane Ford explained that it was. Commissioner Schemmel asked for further explanation of the legislative intent. Diane Ford explained the benefits; cost effectiveness to private land owners, cost of seedlings, overhead, etc. Commissioner Schemmel asked what the estimated revenue to the state would be. Paul Tauke responded approximately \$300k-\$400k once a stock base is established. Commissioner Rettig asked about moving stock into other states with concerns of EAB, Gypsy Moth, etc. Paul Tauke explained that the nursery is inspected by the Iowa Department Agriculture and Land Stewardship on a regular basis as well there are precautions in place to ensure there are no diseased stock transported in or out of the state. Director Leopold reminded the commission that this is a legislative mandate within the Code of Iowa and if not enacted it would be breaking the law.

Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

***15. CONTRACT AMENDMENT BETWEEN IA DNR AND DUCKS UNLIMITED, INC.**

Commission approval is requested to execute a contract amendment with Ducks Unlimited, Inc. (DU) for Engineering Services at Storm Lake, Buena Vista County, Iowa. The total amount of this contract amendment shall not exceed \$70,000. This contract will be funded through the Lakes Restoration Program established under Iowa Code Section 456A.33B.

The DNR initially requested that DU provide a feasibility study, conceptual designs and final design/construction plans for construction of a fish barrier structure and water control structure between Little Storm Lake and Storm Lake for the purposes of renovation and rehabilitation. The parties propose to enter into this contract amendment for the purpose of providing assistance to the DNR in project bidding and construction administration. The construction contract will be

administered by the DNR. DU will provide project inspection and construction staking, quantity calculations, and as-built plans.

This project includes a fish barrier and water control structure between Little Storm Lake and Storm Lake and the construction of a pumping station and associated equipment. Future management involves periodic dewatering of Little Storm Lake during years of favorable climatological conditions. 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. To obtain the greatest chance for success for water quality improvement, the local community and DNR would like to renovate Little Storm Lake through periodic water level drawdown and, if needed, chemical fish renovation. This drawdown will consolidate bottom sediments, improve aquatic vegetation growth, eliminate common carp and other undesirable fish species, and ultimately improve water quality in these areas; the barrier system will prevent reintroduction of undesirable fish species.

Storm Lake, the state's fourth largest natural lake, has been the centerpiece of significant economic development, including a resort, water park, and state marina. While there have been considerable improvements to the lake's water quality through a major on-going lake restoration program and watershed project, the Little Storm Lake area still needs to be addressed. Little Storm Lake is a 190 acre area on the northwest side of Storm Lake. The water level in both areas is based on the dam height located on the southeast corner of Storm Lake. Approximately 70% of the water from the watershed flows through Little Storm Lake. Little Storm Lake originally had the ability to remove much of the sediment and nutrients from incoming waters. However, due to degradation, proper wetland function has been compromised. Under normal hydrologic conditions Little Storm Lake has the potential to function as a sediment trap for Storm Lake, but this capacity is overwhelmed during high flows. Little Storm Lake is at or near its sediment trapping capacity, which results in higher sediment transport into Storm Lake. Resuspension of sediments due to wind and other in-lake dynamics, such as rough fish, further exacerbate the total turbidity from suspended sediment and results in movement of sediment from Little Storm Lake into Storm Lake.

APPROVED BY GENERAL CONSENSUS

16. CHAPTER 81, FISHING REGULATIONS - FINAL

Natural Resource Commission approval is requested to amend Chapter 81, "Fishing Regulations."

The proposed changes removes the closed December 1 through March 15 fishing season regulation below Lock and Dam 11, 12 and 13; limit anglers to a maximum 5/0 treble hook size when snagging nongame species listed in Chapter 81.2(11); and adds a no snagging restriction from directly below the Oakland Mill's dam to the downstream end of the 253rd Street boat ramp.

Eight comments were received during the public comment period. One person opposed removing the closed fishing season below Lock and Dam 11, 12 and 13. Four individuals opposed the Oakland Mills snagging restriction and three people confirmed the illegal take of game fish by snagging and that conflicts occur at the Oakland Mill dam area.

Eleven people attended the July 20, 2010 public hearing. One person was in favor of removing the closed fishing season below Lock and Dam 11, 12 and 13. One person opposed the maximum 5/0 treble hook size when snagging nongame species and another was in favor of the hook size restriction, and two people opposed the snagging restriction below the Oakland Mills Dam and submitted a petition containing 139 names who oppose the snagging restriction.

The Department recommends amending Chapter 81 as proposed. The Oakland Mills area supports a popular fishery. Opponents to the proposed snagging restriction state snagging is an efficient means to harvest rough fish and the fish is utilized as food by the area's residents especially by the Asian and Amish communities. They also mention snagging is the best means to harvest rough fish and is important in reducing their populations. Those in opposition acknowledge the illegal take of game fish has increased and this should be attributed to the lack of enforcement efforts. Those that commented acknowledged that the area has safety and conflicts issues. Opponents are willing to take a proactive approach to educate the snagging public to release snagged game fish, encourage releasing all unwanted fish back to the water and encourage caution when snagging around other area users.

As an alternative one opponent recommends to restrict snagging to only the north side of the Skunk River from the top of dam to downstream of the 253rd Street boat ramp. The south side of the river would remain open to snagging. The reasoning for this alternative is that most game fish are snagged on the north side and receives the most activity by all users. Fisheries Bureau staff does not believe this is a plausible alternative based on:

1. Documentation is not available showing that more game fish are snagged on the north side of the dam.
2. The south side of river does receive user activity other than from the snagging public.
3. It will not discourage people who snag the area for illegal purposes.
4. Although commendable, we do not believe the proactive approach to educate the snagging public is a sustainable and most effective means to minimize the illegal take of game fish or area conflicts.
5. Snagging is still a permitted activity outside the no snagging area.
6. Snag fishers may fish for rough fish in the restricted area via traditional hook and line methods.

NATURAL RESOURCE COMMISSION[571]*Adopted and Filed*

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby adopts amendments to Chapter 81 “Fishing Regulations,” Iowa Administrative Code.

These changes remove the closed December 1 through March 15 fishing season regulation below Lock and Dam 11, 12 and 13; limit anglers to a maximum 5/0 treble hook size when snagging nongame species listed in Chapter 81.2(11); and adds a no snagging restriction from directly below the Oakland Mills dam to the downstream end of the 253rd Street boat ramp.

Notice of Intended Action was published in the Administrative Bulletin on June 30, 2010, as ARC 8881B. Eight comments were received during the public comment period. One person opposed removing the closed fishing season below Lock and Dam 11, 12 and 13. Four individuals opposed the Oakland Mills snagging restriction and three people confirmed the illegal take of game fish by snagging and the conflicts that occur at the Oakland Mill dam area.

Eleven people attended the July 20, 2010 public hearing. One person was in favor of removing the closed fishing season below Lock and Dam 11, 12 and 13. One person opposed the maximum 5/0 treble hook size when snagging nongame species, and another was in favor of the hook size restriction. Two people opposed the snagging restriction below the Oakland Mills Dam and submitted a petition containing 139 signatures of those who oppose the snagging restriction. No revisions to the Notice of Intended Action are recommended, the proposed changes are the most effective in managing the fishery resource.

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

These amendments shall become effective October 13, 2010.

The following amendments are adopted.

ITEM 1. Amend subrule 81.2(1) as follows:

81.2(1) Exception closed season. In Lakes West Okoboji and East Okoboji and Spirit Lake, there shall be a closed season on walleye beginning February 15 each year. The annual opening for walleye in these three lakes shall be the first Saturday in May. In these three lakes there shall be a closed season on muskellunge and tiger muskie beginning December 1 each year. The annual opening for muskellunge and tiger muskie in these three lakes shall be May 21 the following year.

~~Fishing in any manner is prohibited from December 1 of each year through March 15 the following year in the following areas of the Mississippi River:~~

~~a. From Lock and Dam Number 11 downstream to the railroad bridge near river mile 579.9.~~

~~b. From Lock and Dam Number 12 downstream to the mouth of Mill Creek near river mile 556.~~

~~c. From Lock and Dam Number 13 downstream to the downstream end of Stamp Island near river mile 521.5.~~

ITEM 2. Amend 81.2(11) as follows:

81.2(11) Method of take. Artificial light may be used in the taking of any fish. The following species of fish may be taken by hand fishing, snagging, spearing, and bow and arrow: common carp, bighead carp, grass carp, silver carp, black carp, bigmouth buffalo, smallmouth buffalo, black buffalo, quillback carpsucker, highfin carpsucker, river carpsucker, spotted sucker, white sucker, shorthead redhorse, golden redhorse, silver redhorse, sheepshead, shortnose gar, longnose gar, dogfish, gizzard shad, and goldfish. All other species of fish not hooked in the mouth, except paddlefish legally taken by snagging, must be returned to the water immediately with as little injury as possible. A fish is foul hooked when caught by a hook in an area other than in the fish’s mouth. Snagging is defined as the practice of jerking any type of hook or lure, baited or unbaited, through the water with the intention of foul hooking fish. No hook larger than a 5/0 treble hook or measuring more than 1¼ inches in length when two of the hook points are placed on a ruler are permitted when snagging. Exceptions to snagging as a method of take are as follows:

No snagging is permitted in the following areas:

1. to 11. No change.

12. Skunk River from directly below Oakland Mills dam to the downstream end of the 253rd Street boat ramp.

Motion – Commissioner Kircher
Seconded - Commissioner Francisco
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

17. CHAPTER 88, FISHING TOURNAMENTS - FINAL

Natural Resource Commission approval is requested to amend Chapter 88 “Fishing Tournaments.” The proposed change redefines the definition of “Fishing Tournament” as any organized fishing event, except for fishing events held for educational purposes and sponsored by the department of natural resources, involving any of the following:

- a) 6 or more boats or 12 or more participants, except for waters of the Mississippi River, where the number of boats shall be 20 or more or the number of participants shall be 40 or more;
- b) an entry fee is charged,
- c) prizes or other inducements are awarded.

There were no public comments and no one attended the July 20, 2010 public hearing.

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 88 “Fishing Tournaments,” Iowa Administrative Code.

The proposed change redefines the definition of “fishing tournament” as any organized fishing event, except for fishing events held for educational purposes and sponsored by the Department of Natural Resources, involving any of the following:

- a. Six or more boats or 12 or more participants, except for waters of the Mississippi River, where the number of boats shall be 20 or more or the number of participants shall be 40 or more;
- b. An entry fee is charged; or
- c. Prizes or other inducements are awarded.

Notice of Intended Action was published in the Administrative Bulletin on June 30, 2010 as ARC 8882B. There were no public comments and no one attended the July 20, 2010 public hearing. There have been no changes to the Notice of Intended Action.

This amendment is intended to implement Code of Iowa section 456A.16.

This amendment shall become effective October 13, 2010.

The following amendment is adopted.

Amend rule 571—88.1(462A,481A) as follows:

571—88.1(462A,481A) Definition.

“Fishing tournament” means any organized fishing event with , except for fishing events held for educational purposes and sponsored by the department of natural resources, involving either of the following:

- 1. ~~6~~ Six or more boats or 12 or more participants where an entry fee is charged or prizes or other inducements are awarded, except for waters of the Mississippi River, where the number of boats shall be 20 or more or the number of participants shall be 40 or more.
- 2. An entry fee is charged.
- 3. Prizes or other inducements are awarded.

Motion – Commissioner Kircher
Seconded – Commissioner Underwood
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

18. CHAPTER 113, RESTITUTION FOR POLLUTION CAUSING INJURY TO WILD ANIMALS - FINAL

Natural Resource Commission approval is requested to amend Chapter 113, “Restitution for Pollution Causing Injury to Wild Animals.” The purpose of the amendments are to define “priority watershed” and direct compensation collected for natural resource damages from the vicinity of the loss to priority watersheds selected by the Department.

There were no public comments and no one attended the July 20, 2010 public hearing.

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455A.5(6) and 481A.151, the Natural Resource Commission hereby amends Chapter 113, “Restitution for Pollution Causing Injury to Wild Animals,” Iowa Administrative Code.

The proposed amendments define “priority watershed” and direct compensation collected for natural resource damages from the vicinity of the loss to priority watersheds selected by the Department.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 30, 2010, as ARC 8883B. There were no public comments and no one attended the July 20, 2010 public hearing.

These amendments are intended to implement Iowa Code sections 456A.23, 481A.2, and 481A.151.

These amendments will become effective on October 13, 2010.

The following amendments are adopted.

ITEM 1. Adopt the following new definition of “Priority watershed” rule 571--113.2(481A):

“*Priority watershed*” means a watershed for which:

1. The department of natural resources, in partnership with other state or federal agencies, the agriculture community or nonprofit organizations, creates and implements plans, programs or projects to sustain and enhance watershed and stream functions; and
2. The principle objective is to manage wild animals and their habitats.

ITEM 2. Amend subrules 113.5(1) and 113.5(2) as follows:

113.5(1) *Direct monetary payment.* Compensation shall normally be by direct monetary payment to the department for projects in priority watersheds selected by the department. To the extent reasonable and practical, the money received will be used to replace, restore or rehabilitate the lost or injured animals. Resource enhancement projects, support of educational programs relating to resource protection or enhancement, or resource acquisition of equal or greater value also may be funded. If practical, such alternatives should provide similar services to the public ~~and should be in the vicinity of the loss.~~

113.5(2) *Indirect monetary payment.* In ~~appropriate~~ cases where the destruction of or injury to wild animals is in a selected priority watershed, an equal or greater amount of compensation may be made by monetary payment to another government agency or private nonprofit group in the natural resource field for the same purposes as provided in subrule 113.5(1).

ITEM 3. Amend 571—Chapter 113, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 456A.23, ~~and~~ 481A.2 and ~~2002 Iowa Acts, Senate File 2293, section 58~~ 481A.151.

<p>Motion – Commissioner Francisco Seconded - Commissioner Rettig Decision – Approved by Unanimous Vote</p>
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<p>APPROVED AS PRESENTED</p>

19. WILDLIFE HABITAT PROMOTION WITH LOCAL ENTITIES PROGRAM GRANT REVIEW

In 1979, the Iowa General Assembly passed legislation requiring hunters and trappers to purchase a wildlife habitat stamp. All revenue derived from the sale of habitat stamps are used within the state of Iowa for acquisition of land, leasing of land, obtaining easements from willing sellers for use as wildlife habitats, and for the development and enhancement of wildlife lands and habitat areas. At least 50 percent of the stamp revenues are apportioned to local entities (county conservation boards) on a semiannual basis each year. Cost sharing will not be approved for more than 75 percent of the approved appraised value. The Wildlife Habitat Stamp Fund Program is administered by the DNR in compliance with 571 Iowa Administrative Code Chapter 23.

Natural Resource Commission approval is requested for the wildlife habitat grant recommendations. The Wildlife Habitat Promotion with Local Entities Program Grant Review Committee met on July 16, 2010 to review a total of 9 county conservation board projects requesting \$2,322,470.00 in Habitat Funds. A total of \$450,000.00 was available for this grant review.

The committee recommends fully funding the top one (1) ranked project and the remaining funds of \$48,000.00, along with any undistributed funds from previous grant cycles, to the next ranked projects. Undistributed funds may be available from cost savings on other projects and/or previous funds declined by county conservation boards. If the next ranked project declines the remaining funding, the Department requests authority to offer those funds to the next highest scored project.

Rank by Score	County	Project	Acres	Grant Request	Grant Awarded	Total Project Cost
1	Story	Jennett Heritage Area	171	\$402,000.00	\$402,000.00	\$565,000.00
2	Mitchell	Rock Creek Wildlife Area	160	\$345,000.00	\$48,000.00	\$521,000.00
3	Jones	North Bluff Hill Prairie	34	\$33,966.00	\$0.00	\$116,700.00
4	Chickasaw	Troyna Acquisition	189	\$294,750.00	\$0.00	\$393,000.00
5	Linn	Matsell Bridge Natural Area	79	\$214,150.00	\$0.00	\$327,150.00
6	Greene	Horseshoe Bend Wildlife Area	42	\$22,180.00	\$0.00	\$84,180.00

The project described in the table below represents the unsuccessful grant applicants. It is provided for the Commission’s information but is not recommended for funding at this time.

County	Project	Acres	Grant Request	Total Project Cost
Howard	Minear Wildlife Area	66	\$98,000.00	\$198,000.00
Dubuque	Duggan Addition to Bankston Park	15.45	\$35,000.00	\$52,640.00
Dubuque	Schmitt Addition to Bankston Park	19.25	\$48,600.00	\$64,800.00

Motion – Commissioner Kircher
Seconded - Commissioner Underwood
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

***20. AGREEMENT AMENDMENT WITH PHEASANTS FOREVER**

The Commission is requested to approve an amendment to the agreement among the Department and Pheasants Forever (PF). The primary purpose of the original agreement was to fund 2 Reload Iowa PF Farm Bill Biologist positions for 1 year to work with private landowners utilizing best management practices that improve wildlife habitat. The amendment would expand this to 5 Reload Iowa PF Farm Bill Biologists through October 2011. This agreement will further achieve the goals of the Iowa Department of Natural Resources Wildlife Bureau and the objectives of the Contribution Agreement between DNR and the Natural Resources Conservation Service (NRCS).

The DNR enters into an Contribution Agreement with NRCS annually in which NRCS provides funding for staff in the Wildlife Bureau’s Private Lands Program (PLP), in return the PLP staff complete specific work products associated with Federal Farm Bill Programs. The PF Farm Bill Biologists will also work to complete the work products outlined in the agreement.

The intent of this agreement is for DNR to enter into an amended agreement with PF where PF hires 5 Reload Iowa Farm Bill Biologists. The PF employees will complete work products from the DNR/NRCS Contribution Agreement. Partnering with PF will allow the DNR to meet the terms of the Contribution Agreement as well as expand the ability to provide technical assistance to private landowners in Iowa on the needs of wildlife and available financial incentive programs.

DNR will provide a total funding in the amount of \$133,000 (\$55,000 of which was spent during the original agreement), \$103,400 in federal funds (27%) from the NRCS Contribution Agreement and \$29,600 (8%) to come from the Fish and Wildlife Trust Fund. PF will provide the remaining \$252,000 of the cost of the 5 Farm Bill Biologists (65%)

APPROVED BY GENERAL CONSENSUS

21. CHAPTER 91 - WATERFOWL AND COOT HUNTING SEASONS, EMERGENCY FINAL RULE

NRC approval is requested to adopt a final rule to amend Chapter 91, Waterfowl and Coot Hunting Seasons. These rules set regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and designation of areas open to hunting. The duck season length is the same as used for the 2009-2010 season and the maximum allowed by federal regulations which is sixty days. The dates for the second segment of duck season in the South Zone are changed from the notice of intended action and open October 23, a week later than the season in the North Zone. Federal regulations for 2010-11 allow the same bag limits for ducks to be used this year as were used last year, except the daily bag limit for pintails was increased from 1 to 2. The Youth Waterfowl Hunting season dates were changed in the north zone from October 9-10 to October 2-3. The Youth Waterfowl Hunting dates in the south zone remained Oct. 9-10. This change was made to increase opportunities for youth hunters to be in the field.

The Canada goose season dates were changed in both the North and South Zones because federal regulations increased the length of the Canada goose season from 90 to 107 days. These changes in the Canada goose season dates made it necessary to modify the season dates for the light goose season and Conservation Order. The Canada goose daily bag limit was increased from 2 to 3, as permitted by federal regulation, after October 31. Although the 3-bird daily bag limit was available to be used throughout the entire Canada goose season, population and harvest data suggests that Iowa's Canada goose population may not be able to maintain itself at its current level if a 3-bird daily bag limit is used for the entire season

A public hearing was held on April 27th. A total of 41 comments were received during the comment period. The majority of the comments received wanted the duck season to open a week later in the South Zone. A few participants also preferred more time to hunt Canada geese in October rather than in December and January. The changes made from the notice reflect those preferences as well as changes in federal regulations.

NATURAL RESOURCE COMMISSION[571] Adopted and Filed Emergency after Notice

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby approves the following amendments to Chapter 91, "Waterfowl and Coot Hunting Seasons," Iowa Administrative Code.

The duck season length is the same as used for the 2009-2010 season and the maximum allowed by federal regulations, which is sixty days. The dates for the second segment of duck season in the South Zone are changed from the Notice of Intended Action and will open October 23, a week later than the season in the North Zone. Federal regulations for the 2010-2011 season allow the same bag limits for ducks to be used this year as were used last year, except the daily bag limit for pintails was increased from 1 to 2. The Youth Waterfowl Hunting season dates have been changed in the North Zone from October 9 and 10 to October 2 and 3. The Youth Waterfowl Hunting dates in the South Zone remained October 9 and 10. This change was made to increase the opportunity for youth hunters to be in the field.

The Canada goose season dates were changed in both the North and South Zones because federal regulations increased the length of the Canada goose season from 90 to 107 days. These changes in the Canada goose season dates made it necessary to modify the season dates for the light goose season and Conservation Order. The Canada goose daily bag limit was increased from 2 to 3, as permitted by federal regulation, after October 31. Although the 3-bird daily bag limit was available to be used throughout the entire Canada goose season, population and harvest data suggests that Iowa's Canada goose population may not be able to maintain itself at its current level if a 3-bird daily bag limit is used for the entire season.

Notice of Intended Action was published April 7, 2010, as ARC 8682B. A public hearing was held on April 27th. A total of 41 comments were received during the comment period. The majority of the comments received wanted the duck season to open a week later in the South Zone. A few participants also preferred more time to hunt Canada geese in October rather than in December and January. The changes made from the Notice reflect those preferences as well as changes in federal regulations.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments should be waived and these amendments should be made effective upon filing with the Administrative Rules Coordinator on August 20, 2010, as the amendments confer a benefit.

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

The following amendments are adopted.

ITEM 1. Amend subrules 91.1(2), 91.1(3) and 91.1(4) as follows:

91.1(2) Season dates - north zone. For all ducks: September ~~19~~ 18 through September ~~23~~ 22 and October ~~16~~ 16 through December ~~3~~ 2.

91.1(3) Season dates - south zone. For all ducks: September ~~19~~ 18 through September ~~23~~ 22 and October ~~17~~ 23 through December ~~10~~ 16.

91.1(4) Bag limit. The daily bag limit of ducks is 6, and may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, 3 wood ducks, ~~4~~ 2 pintails, 1 mottled duck, 1 canvasback, 2 redheads, and 2 scaup. The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers.

ITEM 2. Amend subrules 91.3 (2), 91.3(3), and 91.3(4) as follows:

91.3(2) Season dates - north zone. Canada geese and brant: September ~~26~~ 25 through October ~~4~~ 10 and October ~~16~~ 16 through ~~December 13 and December 19~~ through January ~~3,~~ 2010 5, 2011. White-fronted geese: September ~~26~~ 25 through December ~~6~~ 5. Light geese (white and blue-phase snow geese and Ross' geese): September ~~26~~ 25 through January ~~10,~~ 2010 9, 2011.

91.3(3) Season dates - south zone. Canada geese and brant: ~~September 26~~ October 2 through October ~~4~~ 17 and October ~~17~~ 23 through ~~December 13 and December 19~~ through January ~~10,~~ 2010 12, 2011. White-fronted geese: ~~September 26~~ October 2 through December ~~6~~ 12. Light geese (white and blue-phase snow geese and Ross' geese): ~~September 26~~ October 2 through January ~~10,~~ 2010 14, 2011.

91.3(4) Bag limit. ~~Daily bag limit is 2 Canada geese, 2 white fronted geese, 1 brant, and 20 snow geese.~~ The daily limit for Canada geese is 2 from September 25 through October 31 and 3 from November 1 through the end of the season. The daily limits for white-fronted geese, brant, and light geese are 2 white-fronted geese, 1 brant, and 20 light geese (white and blue-phase snow geese and Ross' geese).

ITEM 3. Amend subrule 91.3(7) as follows:

91.3(7) Light goose conservation order season. Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January ~~11, 2010~~ 15, 2011, through April 15, ~~2010~~ 2011.

a. to e. No change.

ITEM 4. Amend subrule 571--91.6(481A) as follows:

571—91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held on October ~~3 and 4, 2009~~ 2 and 3, 2010, in the north duck hunting zone and October ~~3 and 4, 2009~~ 9 and 10, 2010, in the south duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 571—91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

Motion – Commissioner Francisco

Seconded - Commissioner Underwood

Discussion – Commissioner Kircher would like to see first season days moved up two days and those days added to the end of the second season. Guy Zenner, DNR Wildlife biologist shared with the commission a document of last year's season data which gave the number of ducks killed per day. He explained that the average killed on the first three days of the season were 11 times more than the last week of the season and because of that data did not recommend the changing the proposed dates. Commissioner Francisco complemented the department on responding to the public comments from public meetings. Commissioner Rettig commented that she was pleased with the change of the split season and is looking forward to seeing the additional research in preparation of season setting next year. Commissioner Underwood asked about next years survey plans. Guy Zenner explained who would be surveyed is being decided now.

Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

GENERAL DISCUSSION

- Guiding Expectations for Commissioners
 - Revisit in October
- Donation Policy and External Communication
 - Pat explained to the commission strides being made to do article in IA Outdoor Mag.
- Lead Action Plan Development
 - Framework formed, draft to NRC for review
- Annual Report to the Governor/Legislature by the NRC
 - Commissioner Drees asked for volunteer to lead committee effort
 - Commissioner Francisco volunteered
 - Commissioner Rettig suggested the commission first compile a list of 4-5 items that are of highest concern and then split that list up and write each section before compiling into the final letter.

INFORMATIONAL ONLY

NEXT MEETING DATES:

- 9/9/10 – Henry County Conservation Center, Mt. Pleasant
- 10/14/10 – Henry Wallace Building, Polk County
- 11/10/10 – Henry Wallace Building, Polk County
- 12/9/10 – Henry Wallace Building, Polk County

ADJOURNMENT

Motion was made by Commissioner Rettig to adjourn the meeting. Seconded by Commissioner Francisco. Approved by Unanimous Vote. With no further business to come before the Natural Resource Commission, Chairperson Gregory Drees adjourned the meeting on August 12, 2010 at 3:12 p.m.

APPROVED – MEETING ADJOURNED

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