

Summary

Natural Resource Commission

Thursday, July 22, 2010

8:30 AM

DNR Air Quality Building

7900 Hickman Road

Windsor Heights, IA 50324

*Public Participation time will be at approximately 10:30pm

1	Approve Agenda		
2	Approve Minutes of 06/10/10		
3	Director / Deputy Director Remarks		
4	Honey Creek Destination Resort State Park – Monthly Update		
5	Honey Creek Destination Resort State Park - Asset Manager Contract	Decision	Approved
6	Construction Items		
	6.1	Emerson Bay, West Okobojo, Dickinson County – Flush Toilets	Decision Approved
	6.2	Honey Creek State Park, Appanoose County – FEMA Trail-Road Rock Replacement	Decision Approved
	6.3	Sedan Bottoms WMA, Appanoose County – Wetland Restoration	Decision Approved
	6.4	Copeland Bend WMA, Fremont County – Wetland Excavation	Decision Approved
	6.5	Lewis & Clark State Park, Monona County – Visitor Center Parking Lot	Decision Approved
	6.6	Union Grove State Park, Tama County – Utilities for shower, cabin and campground	Decision Approved
7	Professional Services Contract – Delivery Order Approval – Deer Creek Lake Investigation, Analysis & Design of Repairs		Decision Approved
8	Professional Services Contract – Delivery Order Approval – Wastewater Treatment System at Big Creek State Park		Decision Approved
9	Small Construction Projects Contracts		Information N/A
10			
	10.1	Artesian Lake Wildlife Management Area – Carroll County – D.K. Holdings	Decision Approved
	10.2	Lansing Wildlife Management Area – Allamakee County – Scholtes	Decision Approved
	10.3	West Lake Okobojo – Dickinson County – INHF (Peace Properties)	Decision Approved
11			
	11.1	Chapter 18 Lease - Clear Lake – Cerro Gordo County – Sunset Beach Marina	Decision Approved
	11.2	Chapter 18 Lease – Mississippi River – Scott County – River/Gulf Grain Co.	Decision Approved

11.3	Management Agreement – Brown’s Lake – Woodbury CCB	Decision	Approved
11.4	Easement Issuance – Missouri River – Harrison County	Decision	Approved
11.5	Pine Ridge Recreation Area – Hardin County – Hardin CCB	Decision	Tabled
11.6	Crabb Island, Mississippi River – Louisa County – MidAmerican Energy	Decision	Approved
12	Contract - Lewis & Clark State Park Visitor Center Exhibit Design, Fabrication and Installation	Decision	Approved
13	Agreement with Hartman Historical Services	Decision	Approved
14	Contract with Infinite Computing Systems, Inc. for Web Content Management System	Decision	Approved
15	Contract with Salem Associates for Application Maintenance and Enhancement Contract	Decision	Approved
16	Contract with Northeast Iowa RC&D for Forestry Outreach in the Upper Iowa, Turkey and Yellow Rivers Watersheds of the Driftless Area	Decision	Approved
17	Agreement with The Nature Conservancy – Habitat Management	Decision	Approved
18	Rulemaking Petition for the adoption of rules relating to use of leashed tracking dogs to assist in recovery of legally shot deer	Decision	Approved
19	Contract with City of Emmetsburg for Dredging at Five Island Lake (Palo Alto County)	Decision	Approved
20	Contract with Lake Improvements Commission (LIC) for Dredging at Storm Lake (Buena Vista County)	Decision	Approved
21	Contract with Ducks Unlimited, Inc. for Construction Management Services at Lost Island Lake (Palo Alto County)	Decision	Approved
22	Final – Chapter 15 (residency), “General License Regulations”	Decision	Approved
23	Final – Chapter 15 (revocation), “General License Regulations”	Decision	Approved
24	Notice Rule: Chapter 571--101 – Falconry Regulations	Decision	Approved
25	Notice Rule: Chapter 571--102 – Falconry Hunting Regulations	Decision	Approved
26	Donations	Decision	Approved
27	Community Outreach and Visioning Contract	Decision	Approved
28	State Forest Nursery Computer Order System	Decision	Approved
General Discussion			
Items for Next Meeting			
Next Meetings:			
<ul style="list-style-type: none"> • 8/12/10 – Polk County • 9/9/10 – Henry 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
JULY 22, 2010

IOWA DEPARTMENT OF NATURAL RESOURCES
DNR Air Quality Office Building
7900 HICKMAN ROAD
WINDSOR HEIGHTS, IOWA 50324

TABLE OF CONTENTS

Call to Order.....	1
Commissioners Present	1
Commissioners Absent.....	1
Public Comment.....	1
1. Approval of Agenda.....	1
2. Approval of Minutes from June 10, 2010	1
3. Director / Deputy Director Remarks	2
INFORMATIONAL ONLY	2
4. Honey Creek Destination Resort State Park – Monthly Update	3
INFORMATIONAL ONLY	3
5. Honey Creek Destination Resort State Park – Asset Manager Contract.....	3
APPROVED AS PRESENTED.....	4
6. Construction Items	4
6.1 Emerson Bay, West Okoboji, Dickinson County – Flush Toilets.....	4
APPROVED AS PRESENTED.....	4
6.2 Honey Creek State Park, Appanoose County – FEMA Trail-Road Rock Replacement.....	5
APPROVED AS PRESENTED.....	5
6.3 Sedan Bottoms WMA, Appanoose County – Wetland Restoration.....	5
APPROVED AS PRESENTED.....	5
6.4 Copeland Bend WMA, Fremont County – Wetland Excavation	6
APPROVED AS PRESENTED.....	6
6.5 Lewis & Clark State Park, Monona County – Visitor Center Parking Lot.....	6
APPROVED AS PRESENTED.....	6
6.6 Union Grove State Park, Tama County – Utilities for shower, cabin and campground	7
APPROVED AS PRESENTED.....	7
7. Professional Services Contract – Delivery Order Approval – Deer Creek Lake Investigation, Analysis & Design of Repairs	7
APPROVED AS PRESENTED.....	8
8. Professional Services Contract – Delivery Order Approval – Wastewater Treatment System at Big Creek State Park	8
APPROVED AS PRESENTED.....	9

9. Small Construction Projects Contracts.....	9
INFORMATIONAL ONLY	9
10. Land Acquisition Projects	10
10.1 Artesian Lake Wildlife Management Area – Carroll County – D.K. Holdings.....	10
APPROVED AS PRESENTED.....	10
10.2 Lansing Wildlife Management Area – Allamakee County – Scholtes	10
APPROVED AS PRESENTED.....	11
10.3 West Lake Okoboji – Dickinson County – INHF (Peace Properties).....	11
APPROVED AS PRESENTED.....	12
11. Land Management Projects.....	12
11.1 Chapter 18 Lease - Clear Lake – Cerro Gordo County – Sunset Beach Marina.....	12
APPROVED AS PRESENTED.....	12
11.2 Chapter 18 Lease – Mississippi River – Scott County – River/Gulf Grain Co.....	12
APPROVED AS PRESENTED.....	13
11.3 Management Agreement – Brown’s Lake – Woodbury CCB	13
APPROVED AS PRESENTED.....	13
11.4 Easement Issuance – Missouri River – Harrison County.....	13
APPROVED AS PRESENTED.....	14
11.5 Pine Ridge Recreation Area – Hardin County – Hardin CCB	14
ITEM TABLED	15
11.6 Crabb Island, Mississippi River – Louisa County – MidAmerican Energy.....	16
APPROVED AS PRESENTED.....	17
12. Contract - Lewis & Clark State Park Visitor Center Exhibit Design, Fabrication and Installation	17
APPROVED AS PRESENTED.....	18
13. Agreement with Hartman Historical Services.....	18
APPROVED AS PRESENTED.....	18
14. Contract with Infinite Computing Systems, Inc. for Web Content Management System	19
APPROVED AS PRESENTED.....	20
15. Contract with Salem Associates for Application Maintenance and Enhancement Contract ..	20
APPROVED AS PRESENTED.....	21
16. Contract with Northeast Iowa RC&D for Forestry Outreach in the Upper Iowa, Turkey and Yellow Rivers Watersheds of the Driftless Area	22
APPROVED AS PRESENTED.....	22

17. Agreement with The Nature Conservancy – Habitat Management	22
APPROVED AS PRESENTED.....	23
18. Rulemaking Petition for the adoption of rules relating to use of leashed tracking dogs to assist in recovery of legally shot deer	23
APPROVED AS PRESENTED.....	29
19. Contract with City of Emmetsburg for Dredging at Five Island Lake (Palo Alto County)	30
APPROVED AS PRESENTED.....	30
20. Contract with Lake Improvements Commission (LIC) for Dredging at Storm Lake (Buena Vista County).....	30
APPROVED AS PRESENTED.....	31
21. Contract with Ducks Unlimited, Inc. for Construction Management Services at Lost Island Lake (Palo Alto County)	31
APPROVED AS PRESENTED.....	32
22. Final – Chapter 15 (residency), “General License Regulations”	32
APPROVED AS PRESENTED.....	35
23. Final – Chapter 15 (revocation), “General License Regulations”	35
APPROVED AS PRESENTED.....	36
24. Notice Rule: Chapter 571--101 – Falconry Regulations.....	36
Notice of Intended Action	36
APPROVED AS PRESENTED.....	41
25. Notice Rule: Chapter 571--102 – Falconry Hunting Regulations.....	42
Notice of Intended Action	42
APPROVED AS PRESENTED.....	43
26. Donations	44
APPROVED AS PRESENTED.....	44
27. Community Outreach and Visioning Contract.....	45
APPROVED AS PRESENTED.....	45
28. State Forest Nursery Computer Order System.....	45
APPROVED AS PRESENTED.....	46
25. General Discussion.....	46
INFORMATIONAL ONLY	46
Items for Next Meeting	47
Next Meetings:	47
Adjournment.....	47
APPROVED – MEETING ADJOURNED.....	47

MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by the NRC Chairperson, Gregory Drees on July 22, 2010 at 8:31 a.m. He thanked staff for conducting the joint EPC/NRC commission meeting the previous day. He also thanked Jeff Vansteenburgh and Scott Grummer for the presentation on aerial spraying and Deputy Director Boddy and Jennifer Nelson for the presentation on the 2011 Budget & Strategic Plan. 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 COMMENT

Dan Kling – Iowa OHV Association

- June 18-19, 2010 Trails Summit Update and Gypsum City OHV Park

1. APPROVAL OF AGENDA

Motion – Commissioner Kircher moved that items 27 and 28 follow item 15, and item 18 to be presented at approximately 11:00am.

Seconded – Commissioner Underwood

Decision – Approved by Unanimous Vote

2. APPROVAL OF MINUTES FROM JUNE 10, 2010

Motion – Commissioner Kircher

Seconded – Commissioner Garst

Decision – Approved by Unanimous Vote

3. DIRECTOR / DEPUTY DIRECTOR REMARKS

- The Director recently attended the Midwest Association of Fish and Wildlife Agencies (MAFWA) in Indianapolis, Indiana. Topics of discussion were; lead, hunter/angler recruitment and retention, and climate change.
- This year there will be an agency wide themed approach at the Iowa State Fair entitled “Take it Outside”. 
- Audit Report Newspaper Article
 - The Director received an out pouring of support from Governor Culver, Lt. Governor Patty Judge, Senator Gronstal, as well as numerous other legislators.
 - Audit report is done annually in two parts; budget numbers and IA Code
 - Numbers
 - Are great with the budget the DNR has.
 - IA Code
 - Mainly administrative issues
 - Some issues are decades old
 - Some codes contradict more recent legislation and federal laws
 - Commissioner Rettig stated that she felt it was bad practice for the Director to make comments that the audit findings are vapor and there is nothing to them. She stated that Iowa law should be taken seriously and be followed to the letter of the law.
 - Director Leopold stated that he was not trying to make light of the audit report. He agreed that the report is important and that Iowa Law’s should always be taken seriously.
- Deputy Director Boddy
 - Introduced new Management Services Division Administrator Cindy Axne
 - State Parks Pilot Recycling Program
 - State Parks Volunteer Program –
 - Commissioner Underwood – suggested an article in the IA Outdoors Magazine about the program
 - Commissioner Kircher – asked for a presentation to commission in January
 - Commissioner Francisco – recommended the creation of a seed fund

INFORMATIONAL ONLY

4. HONEY CREEK DESTINATION RESORT STATE PARK – MONTHLY UPDATE

- Deputy Director Boddy
 - Rathbun Lake is at flood stage
 - Hatchery is at risk of being flooded
 - Honey Creek Resort golf course is currently still open
- Andy Woodrick, Honey Creek State Park Resort General Manager and Linda Caird, Central Group Companies updated the commission on the financials ending May 31, 2010.
- Darrin Fisher – updated the commission on the status golf course and the work being done to try and keep it open for play.
 - Director Leopold commented that he has asked the Army Corps to rethink Iowa’s main reservoirs due to flooding in recent years.

INFORMATIONAL ONLY

5. HONEY CREEK DESTINATION RESORT STATE PARK – ASSET MANAGER CONTRACT

The Commission is requested to approve the selection of Capital Hotel Management, LLC of Beverly, MA at a cost not to exceed \$100,000 as the Asset Manager for Honey Creek Destination Resort State Park. This will be funded through Special Appropriations.

The purpose of the Request for Proposal (RFP) was to solicit bids from qualified service providers to perform the duties of an asset manager for the Honey Creek Destination Resort State Park in a manner that would ensure the resort becomes increasingly self sustaining and better positioned to make the required bond payments. The Department of Natural Resources sought proposals from individuals or companies that have hospitality, hospitality marketing, and asset management experience. A successful asset manager was to have at least five years of hospitality management experience, including at least three years of asset management experience with properties similar in size and quality to Honey Creek Destination Resort State Park resort. A successful asset manager was to have proven experience in developing, implementing, and reviewing hospitality sales and marketing plans for properties similar in size and quality to the resort.

Notice of the RFP availability was sent to firms nationwide and placed on the Targeted Small Business website and the Department of Natural Resources website. RFP’s were accepted from May 21, 2010 to June 23, 2010. Two proposals were received by the deadline.

All bids were scored based on section 4.4 of the Request for Proposal “Evaluation of Proposals” criteria. The scoring team recommends Capital Hotel Management, LLC at a cost of \$99,950 (including expenses) as the Asset Manager.

The recommendation was unanimous based on both the initial proposal scoring and the in person interview presentations.

The proposal review team consisted of the following members:

- Patricia Boddy, DNR Deputy Director
- Jennifer Nelson, DNR Budget & Finance Bureau Chief
- Michelle Wilson, DNR Honey Creek Project Lead
- Julie Tack, DNR Communications & Marketing
- Jim Lawson, DNR State Parks Bureau Supervisor
- Shashi Goel, Iowa Department of Management

Also in attendance was Warren Jenkins from the State Auditor’s Office who participated in the proposal review, interviews and discussion but did not score the proposals.

Motion – Commissioner Underwood
Seconded – Commissioner Schemmel
Discussion – Deputy Director Boddy explained to the commission the process in which the selection team underwent in making the selection of the proposed Asset Manager. Commissioner Rettig asked about the requirement in the RFP that stipulates the selected asset manager would be on site at the resort at least once a month. She noted that in CHM’s submitted proposal they had included two options; one with monthly visits, and the other with reduced visits. If the proposal with site visits were selected CHM would reduce their professional services by approximately 50 hours, Commissioner Rettig stated that she was concerned about this and asked for further explanation. Deputy Director Boddy explained that the selection team had selected the proposal with monthly site visits as they felt it to be higher benefit to the resort.
Decision – Approved – 6-Aye and 1-Nay (Rettig)

APPROVED AS PRESENTED

6. CONSTRUCTION ITEMS

6.1 EMERSON BAY, WEST OKOBOJI, DICKINSON COUNTY – FLUSH TOILETS

This project involves the installation of underground utilities (water, sewer, electric), interior utility connections (water, sewer, electric), grade preparation, and PCC paving for two new pre-fabricated restroom facilities and a new RV dump station located in Emerson Bay State Recreation Area, West Okoboji, IA.

This project was designed by Jeff Felts and will be inspected by Jeff Felts, District Inspector. DNR estimate is \$90,000.00. Funding source is I-Jobs (Capital Link #187). 5 sets of plans were issued and 2 bids were received.

Valley Contracting Inc.	Estherville, IA	\$68,627.90
School Construction Inc.	Cherokee, IA	\$77,622.43

DNR recommends awarding project to the low bidder, Valley Contracting Inc.

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

APPROVED AS PRESENTED

6.2 HONEY CREEK STATE PARK, APPANOOSE COUNTY – FEMA TRAIL-ROAD ROCK REPLACEMENT

This project consists of the placement of riprap revetment along the lake shoreline in several locations, surfacing of several trails and one jetty and incidental work as required by the Plans and the DNR Construction Inspector. This design repairs several sites damaged by the 2008 floods, armors a portion of lakeshore adjacent to existing boat ramps, and re-armors a small jetty also adjacent to existing boat ramps.

This project was designed by Ken Jackson and will be inspected by Jason Kruse, District Inspector. DNR estimate is \$92,000. Funding source is FEMA, US Coast Guard and Marine Fuel Tax (FY10 Capital Link #236). 15 sets of plans were issued and 8 bids were received.

TK Concrete Inc.	Pella, IA	\$120,885.50
Hatch Grading & Contracting Inc.	Dysart, IA	\$124,633.60
Joiner Construction Co. Inc.	Plano, IA	\$124,635.50
Cole Construction Co. Inc.	Keosauqua, IA	\$134,752.90
C.L. Carroll Co. Inc.	Des Moines, IA	\$153,161.00
Kelly Cortum Inc.	Norwalk, IA	\$164,662.17
Hammes Bulldozing	Sigourney, IA	\$182,520.00
K & L Landscape & Construction Inc.	Sergeant Bluff, IA	\$216,682.00

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

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

APPROVED AS PRESENTED

6.3 SEDAN BOTTOMS WMA, APPANOOSE COUNTY – WETLAND RESTORATION

This project consists of construction of earth dike, placement of water control structure, shallow water excavation, spillway construction pipe removal, and any other activities required therein.

This project was designed by David Rohlf and will be inspected by Jason Kruse, District Inspector. DNR estimate is \$149,122.00. Funding source is Federal NRCS (Capital Link #31). 9 sets of plans were issued and 2 bids were received.

Spring Lake Construction	Polk City, IA	\$134,354.55
Kevin Kent Construction	Lucas, IA	\$177,506.22

DNR recommends awarding project to the low bidder, Spring Lake Construction.

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

APPROVED AS PRESENTED

6.4 COPELAND BEND WMA, FREMONT COUNTY – WETLAND EXCAVATION

This project consists of the excavation of wetlands within the Copeland Bend WMA and incidental work as require by the Plans and the DNR Construction Inspector. This project consists of excavation to create approximately 12 acres of new wetland/waterfowl habitat, as well as mitigate future flood damage to the area.

This project was designed by Ken Jackson and will be inspected by Mark Johnson, District Inspector. DNR estimate is \$270,000.00. Funding source is Other. 9 sets of plans were issued and 5 bids were received.

Spring Lake Construction	Polk City, IA	\$224,902.80
Kevin Kent Construction	Luca, IA	\$255,524.72
Joy Dirt Construction	Cushing, IA	\$260,926.20
Big River Construction	Nebraska City, NE	\$264,266.08
K & L Landscape & Construction Inc.	Sergeant Bluff, IA	\$579,215.60

DNR Recommends awarding project to the low bidder, Spring Lake Construction.

Motion – Commissioner Rettig
Seconded – Commissioner Schemmel
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

6.5 LEWIS & CLARK STATE PARK, MONONA COUNTY – VISITOR CENTER PARKING LOT

This project consists of construction and paving of access roadways, parking areas and other related work as required by the Plans and the DNR Construction Inspector.

This project was designed by Ken Jackson and will be inspected by Mark Johnson, District Inspector. DNR estimate is \$400,000.00. Funding source is P&I Funds and REAP Land Management (Capital Links #64 and #135). 10 sets of plans were issued and 1 valid bid was received. 1 other bid was received but deemed invalid.

Western Engineering Co. Inc.	Harlan, IA	\$349,001.25
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DNR Staff will make a recommendation at the NRC meeting.

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

APPROVED AS PRESENTED

6.6 UNION GROVE STATE PARK, TAMA COUNTY – UTILITIES FOR SHOWER, CABIN AND CAMPGROUND

This project consists of earthwork, grading and site preparation for shower building; utilities run to 9 campsites, one shower building and future cabin location; and a septic system servicing the entire campground, including incidental work as required by the Plans and the DNR Construction Inspector.

This project was designed by Jason Kruse and will be inspected by Jason Kruse, District Inspector. DNR estimate is \$180,000.00. Funding source is REAP OS Acquisition and Development (Capital Link #132). 10 sets of plans were issued. 6 bids were received. 1 other bid was received but deemed invalid.

Hatch Grading & Contracting Inc.	Dysart, IA	\$152,980.15
Schoon Construction	Grinnell, IA	\$169,655.41
Weidner Construction Inc.	Marshalltown, IA	\$184,355.01
Con-Struct Inc.	Marshalltown, IA	\$193,040.90
Vieth Construction Corp.	Cedar Falls, IA	\$242,656.05
TK Concrete Inc.	Pella, IA	\$244,132.50

DNR Recommends awarding project to the low bidder, Hatch Grading & Contracting Inc.

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

APPROVED AS PRESENTED

7. PROFESSIONAL SERVICES CONTRACT – DELIVERY ORDER APPROVAL – DEER CREEK LAKE INVESTIGATION, ANALYSIS & DESIGN OF REPAIRS

The Department has negotiated a delivery order under a master contract with Schemmer Associates Incorporated to provide geotechnical engineering consultation services for the investigation, analysis, and design of the Deer Creek lake repairs.

Deer Creek Lake in Plymouth County, Iowa was constructed in the mid 1990’s through the placement of a dam across Deer Creek. The dam was completed and the proposed lake allowed to be filled by area runoff and stream flow. However, the lake has never filled. After dam construction, a “spring” developed in the side of the ground slope, above the natural creek floodplain, located immediately south of the downstream and west edge of the dam. Water flows from this spring at a rate estimated to be equal to the rate of water entering the proposed lake area from its various sources.

A previous attempt has been made to stem the flow of water around the west side of the dam. A grout curtain wall was installed during the summer of 1999. The data suggest the grout wall was placed from about the center of the dam and extended west a distance of about 160 feet from the west end of the dam. Measurements of the lake water surface level before and after the grout installation finds no change in the lake level from before to after the placement of the grout curtain. The spring has continued to flow at a consistent rate.

This project will consist of additional geotechnical investigation and analyses to determine the location of the permeable soil or rock layer causing the bypass of water around the dam, the extent of the permeable layer, and the recommendations for the sealing of the layer to allow the lake to finally fill and perform as originally intended.

This project will be divided into two phases. Phase 1 is a geotechnical investigation and analyses of new and existing data to determine the extent of the leakage problem and to provide repair recommendations. A report of the geotechnical findings will be provided. This Phase was approved at \$23,641.13 with its' cost under the \$25,000 limit and is currently in progress.

Phase 2 will consist of the formulation of plans and specifications for repair of the dam. This phase will include work and project reviews to complete the final plans and specifications to the point where bids can be solicited.

The estimated cost of the Phase 2 work is \$7,395.00 with the work billed on a time and materials basis with a not to exceed amount equal to the estimate. The billing rates shall be as established in the master contract.

Prior Schemmer Associates Delivery orders:

Phase 1 Deer Creek Lake Repairs \$ 23,641.13

IDNR recommends awarding the delivery order to Schemmer Associates Inc.

Motion – Commissioner Underwood

Seconded – Commissioner Francisco

Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

8. PROFESSIONAL SERVICES CONTRACT – DELIVERY ORDER APPROVAL – WASTEWATER TREATMENT SYSTEM AT BIG CREEK STATE PARK

The Department has negotiated a delivery order under a master contract with **Stanley Consultants, Inc.** to explore different options to convert the existing *total retention* lagoon system at Big Creek into a discharging system. The two main options that will be explored under this contract is to convert the existing lagoons into an Aerated Lagoon system or to a Controlled Discharge Lagoon system. The treated effluent will then be pumped through an existing forcemain to Wolf Creek.

The scope of the work includes:

1. Estimating Park water use.
2. Estimate design flows to the lagoon system.
3. Evaluate existing lagoon system for conversion to controlled discharge system.
4. Evaluate aerated lagoon alternative including lagoon size and aeration equipment.
5. Opinions of probable construction costs for the proposed lagoon and pumping alternatives.
6. A final report documenting the finding with recommendations.

The estimated cost of the work is **\$21,130** with the work billed on a time basis with a not-to-exceed amount equal to the estimate. The billing rates shall be as established in the master contract. Current Iowa Code requires that delivery orders under a single contract be brought to the NRC for approval when the amount of a Delivery Order, or cumulative amount of Delivery Orders, exceed \$25,000. With this proposed Delivery Order, the cumulative total amount will exceed \$25,000. The total amount, including this & the previous Delivery Orders to Stanley Consultants add up to \$34,369.00.

Prior Stanley Delivery orders on this master contract:

- 1. Televising of Sewer Lines Consulting \$13,239.00**

IDNR recommends awarding the delivery order to Stanley Consultants Inc.

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

APPROVED AS PRESENTED

9. SMALL CONSTRUCTION PROJECTS 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
6/10/10	10-03-98-01	Worth	Silver Lake Marsh	Water control structure replacement	\$15,000.00	\$16,500.70
6/10/10	10-06-44-01	Henry	Geode State Park	Sidewalk around new playground	\$15,000.00	\$24,587.00
6/17/10	11-02-77-05	Polk	Big Creek State Park	Televise Sewer Lines	\$35,090.00	\$12,608.94 \$18,513.00
6/17/10	11-04-01-01	Adair	Meadow Lake	Sediment Pond Construction	\$55,000.00	\$49,229.50 \$58,055.50
6/17/10	10-01-32-02	Emmet	Grass Lake WMA	Shallow Water Excavations	\$26,000.00	\$24,996.00 \$26,700.00 \$34,020.00
6/24/10	10-06-52-07	Johnson	Lake Macbride State Park	Sign shop sewer replacement	\$16,000.00	\$14,752.00 \$16,209.88 \$17,718.01 \$18,309.50
6/24/10	09-06-70-11	Muscatine	Wildcat Den	CXT Pad and plumbing	\$13,064.00	\$10,877.64 \$10,928.21
6/24/10	10-06-52-01	Johnson	Lake Macbride State Park	CXT Pad and plumbing	\$9,820.00	\$9,176.03 \$12,013.00 \$15,426.60

INFORMATIONAL ONLY

10. LAND ACQUISITION PROJECTS

10.1 ARTESIAN LAKE WILDLIFE MANAGEMENT AREA – CARROLL COUNTY – D.K. HOLDINGS

The Natural Resource Commission is requested to approve the acquisition of a tract of land located 1.5 miles south of Lanesboro, and 14 miles northeast of Carroll. This approximately 54-acre parcel is offered by D.K.Holdings (a partnership consisting of Kenneth Snyder and Douglas Ireland) for the appraised price of \$55,500.00. The property is encumbered by an Emergency Watershed Protection easement.

Licensed appraiser, David W. Nebel of Hertz Appraisal Services, Nevada, Iowa submitted the appraisal. The purchase agreement was negotiated by Jerry Gibson.

The subject tract contains approximately 54 acres of open grassland, timber, and wetland ponds on bottomland adjacent to the Raccoon River. 50.46 acres are encumbered by an EWP easement. The tract connects land owned by the Carroll County Conservation Board to land owned by the Iowa DNR. The tract has excellent public access from local county roads on the north and east. The EWP restoration has been completed with approximately 28 acres seeded to native prairie; and 20 acres of wetlands. There are no buildings.

Acquisition funding will be I-Jobs. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

<p>Motion – Commissioner Underwood Seconded – Commissioner Schemmel Decision – Approved by Unanimous Vote</p>
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<p>APPROVED AS PRESENTED</p>

10.2 LANSING WILDLIFE MANAGEMENT AREA – ALLAMAKEE COUNTY – SCHOLTES

The Natural Resource Commission's approval is requested to purchase a tract of land located in Allamakee County adjacent to state-owned and managed Lansing Wildlife Management Area. Steven Scholtes offers this 30-acre tract for the appraised price of \$64,500.

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

This rectangular-shaped property is located 3 miles northwest of Lansing in northeastern Allamakee County. The steep, heavily wooded tract has a small creek within the northern third of the property and a 5 acre riparian buffer enrolled in CRP. The seller reserves the right to the CRP payment as may be earned through September 30, 2011. There are no building improvements. Access is provided by state-owned land adjacent east.

This tract will provide for interior bird habitat, and enhance public recreation to this area. The Wildlife Bureau will manage the property in accord with the area management plan.

Acquisition funding will be \$32,250 from Wildlife Habitat Stamp, and \$32,250 from State Wildlife Grant (federal). The tract will remain on the property tax rolls. No boundary survey or fencing cost is anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the easement acquisition.

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

<p>APPROVED AS PRESENTED</p>

10.3 WEST LAKE OKOBOJI – DICKINSON COUNTY – INHF (PEACE PROPERTIES)

The Natural Resource Commission is requested to approve the acquisition of a tract of land located one mile south of the junction of Iowa Hwys. 9 & 86, and one half mile west of West Okoboji Lake. The 90-acre tract is offered by the Iowa Natural Heritage Foundation for \$478,000.00. The tract was appraised for \$578,000.00. The Iowa Natural Heritage Foundation has received a grant of \$100,000.00 from the Dickinson County Water Quality Commission. Sellers have stipulated as a condition of sale that they retain agricultural rights through March 1, 2011.

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 is part of a larger tract of 230 acres acquired by the Iowa Natural Heritage Foundation in March 2010. The U.S. Fish & Wildlife Service is presently appraising the remaining 140 acres for acquisition. This portion of the larger tract consists of 62 acres of cropland, 27 acres of pasture, and one acre of road right-of-way. After restoration the tract will contain 54 acres of native prairie plantings, and 35 acres of restored wetlands that will provide watershed protection. There are no buildings.

Acquisition funding is as follows: \$250,000.00 Lake Restoration; \$150,000.00 NAWCA; and \$78,000.00 REAP Open Spaces. Incidental closing costs and surveying will be the responsibility of the Department.

Staff recommends approval of the acquisition.

<p>Motion – Commissioner Kircher Seconded – Commissioner Francisco Discussion – Commissioner Rettig thanked Travis Baker for previously supplying information to the commission about how much land is currently owned in Dickinson County. She then reiterated her concern that she feels there is already too much land owned in Dickinson County</p>
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and that other counties would like the opportunity to have a portion of the state’s natural resource funding. She would like to see some focus in other parts of the state. Mark Ackelson, Iowa Natural Heritage Foundation commented that this acquisition is a part of a larger project which will benefit area water quality and wildlife habitat.

Decision – Approved 5-Aye, 1-Nay (Rettig), 1-Abstention (Drees)

APPROVED AS PRESENTED

11. LAND MANAGEMENT PROJECTS

11.1 CHAPTER 18 LEASE - CLEAR LAKE – CERRO GORDO COUNTY – SUNSET BEACH MARINA

The Natural Resource Commission is requested to approve, for submission to the Iowa Executive Council for final approval, a Chapter 18 lease renewal with Dale Entner, dba Sunset Beach Marina, on Clear Lake.

The lease area consists of an artificially filled land area approximately 70’ x 10’ in the sovereign bed of Clear Lake. The use consists of a wooden seawall with fill behind it and a portion of concrete walk and steps along the south side of the Marina building. The lease will authorize the maintenance of a sidewalk and steps extending across the common boundary between Dale Entner’s property and Clear Lake State Park.

The proposed lease will be for a five year period ending December 31, 2014. The annual fee is \$600.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees.

Staff recommends approval of the lease.

Motion – Commissioner Underwood

Seconded – Commissioner Garst

Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

11.2 CHAPTER 18 LEASE – MISSISSIPPI RIVER – SCOTT COUNTY – RIVER/GULF GRAIN CO.

The Natural Resource Commission is requested to approve, for submission to the Iowa Executive Council for final approval, a new lease with River/Gulf Grain Company for a portion of the riverbed of the Mississippi River.

The lease area consists of an irregular portion of the riverbed, approximately 585 feet of river frontage by 40 feet of depth, totaling approximately 24,000 square feet, located at River Mile 486.5, in the NE ¼ of Section 33, Township 78 North, Range 4 East in Scott County.

The site will be used to load grain onto barges using an enclosed conveyor system and three anchored dock barges.

The proposed lease will be for a five year period. The annual fee is \$3,600.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees.

Staff recommends approval of the lease.

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

APPROVED AS PRESENTED

11.3 MANAGEMENT AGREEMENT – BROWN’S LAKE – WOODBURY CCB

The Natural Resource Commission’s approval is requested for a management agreement with the Woodbury County Conservation Board and the DNR.

This agreement authorizes the Woodbury County Conservation Board to manage 35.437 acres at Brown’s Lake/Bigelow Park. This would replace the current management agreement with the county, which runs through December 31, 2027, with a new, but substantially similar, agreement running through December 31, 2061. The county has requested a new agreement of 50 years in duration so that it may qualify for FEMA grant funding. This funding would be used to construct a new shower/restroom facility which would also serve as a tornado safe room for Bigelow Park.

Staff recommends approval of the management agreement.

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

APPROVED AS PRESENTED

11.4 EASEMENT ISSUANCE – MISSOURI RIVER – HARRISON COUNTY

The Natural Resource Commission’s approval is requested to issue a fifty year easement to the U.S. Army Corps of Engineers to construct and maintain wetland habitat improvements and expand the backwater area in the Three Rivers Wildlife Area/Little Sioux Bend area in Harrison County. Three Rivers Wildlife Area is located on the Missouri River adjacent to Deer Island Wildlife Area and approximately 2 miles west of the town of Little Sioux.

The easement will cover approximately 37.57 acres of the 316 acre state owned wildlife area. Federal funding under the Missouri River Bank Stabilization and Navigation, Fish and Wildlife

Mitigation Project will be used for construction. DNR Wildlife and Fisheries Bureau staffs have participated in the project review and concur with the proposed project plan.

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

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

Staff recommends approval of the easement.

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

<p>APPROVED AS PRESENTED</p>

11.5 PINE RIDGE RECREATION AREA – HARDIN COUNTY – HARDIN CCB

The Hardin County Board of Supervisors and the Hardin County Conservation Board have approved a resolution requesting that title to the 131 acre state owned Pine Ridge Recreation Area be transferred to the County for no consideration. The Commission is requested to approve a recommendation to the Executive Council to approve Hardin County's request. Upon approval by the Executive Council, title will be transferred to Hardin County by state patent.

Pine Ridge Recreation Area is located along the west side of the Iowa River, immediately northwest of the City of Steamboat Rock. The Iowa River Conservation and Improvement Club owned the property in the 1950's. The Club constructed a small lake, camping area, picnic area and planted many trees and shrubs. The state acquired the property from the Club in 1977 with Open Spaces funding. The Hardin County Conservation Board has managed the area under a management agreement with the DNR since 1980. Approximately three-fourths of a mile of the river borders the property. A small lake, a camping area and a small picnic area are maintained on the area. Under the Board's management a new electrical system was provided for campers, the bathhouse remodeled and a new picnic shelter constructed. The County has gradually acquired several adjacent properties resulting in 550 acres of public land in the complex. The county believes the state property supported by the adjacent county land provides an ideal location for development and expansion. In the immediate future, the county proposes to provide rental cabins, fishing docks, cross country ski trails and a new sanitation handling system for the campground. The County believes that its ownership of the entire complex will simplify their pursuit of the planned improvements.

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

DNR staff recommendation is based on the following evaluation:

What is the DNR’s capability to operate the area from a resource perspective?

- The State Park Bureau’s ability to effectively manage the area resource is limited since they have lost one full-time employee to retirement and due to a 45% loss in general fund dollars our seasonal positions have been reduced at Pine Lake State Park. The CCB currently employees a campground host, 2 full-time staff, and 8 seasonal employees to manage the Pine Ridge Unit. We currently have 1 camp ground host (volunteer), 1 full-time park manager, 2 seasonal positions, and 1 seasonal AmeriCorps(Volunteer) located at Pine Lake State Park.

Does the property require especially intensive resources (staffing or dollars) to manage the property?

- Yes. Pine Ridge is 132 acres and contains an 80-site campground with electricity and shower building, enclosed shelter, 8-acre lake and river front property, boat ramp, playground, and shooting range.

If so, does our partner (CCB) feel comfortable investing the resources without an ownership stake?

- The CCB is very apprehensive about further investing without ownership; in fact, they compare this to a rental house vs. home ownership. The CCB is interested and capable of making improvements on the area, but are hesitant if any opportunity remains that the state could take back the area.

Does our partner intend to significantly invest in capital improvements?

- The CCB has acquired most if not all of the property around Pine Ridge and their intention is to invest in a cabin development, a campground relocation and redevelopment, new sanitary sewer project including a campground dump station to mention a few.

If so, are the improvements possible devoid of an ownership position?

- Limited development would be undertaken but not to the level that would be taken if they owned the property outright.

Is the ability to apply for and receive grant money hindered without ownership?

- Yes

What are the geographic considerations from a staffing perspective?

- Pine Ridge is 4 miles from Pine Lake State Park. Given the extent of the facilities and visitation at Pine Ridge, the State Parks Bureau could not adequately manage Pine Ridge as a satellite area. We would have to create new full time and seasonal positions, which would displace staff and money resources away from higher priority areas.

Staff recommends approval of the transfer.

Motion (1) – Commissioner Francisco

Seconded – Commissioner Underwood

Discussion – The commission addressed concerns that the Best Management Practices (BMP’s) they had requested be included in agreements of this nature are not incorporated in this item.

Motion (2) – Commissioner Francisco motioned to table the item to allow staff to modify the agreement to incorporate BMP’s into the agreement before the commission reconsiders the item.

Seconded – Commissioner Kircher

Decision – Approved by Unanimous Vote

ITEM TABLED

11.6 CRABB ISLAND, MISSISSIPPI RIVER – LOUISA COUNTY – MIDAMERICAN ENERGY

The Natural Resource Commission is requested to approve issuance of a 4.9-acre permanent easement to MidAmerican Energy Company for existing electric transmission lines across Crabb Island in the Mississippi River.

Crabb Island is state owned by sovereignty. It is located approximately five miles downstream from the City of Muscatine at River Mile 447.2, in Section 10, Township 75 North, Range 2 West of the 5th P.M., Louisa County, Iowa. It has an area of approximately 29 acres, 2,800 feet long by 500 feet wide. Typical flood plain trees and shrubs occupy the entire island.

Two transmission line towers are the only structures on the island. The DNR's Wildlife Bureau manages it as wildlife habitat.

The area occupied by the transmission lines was leased to MidAmerican Energy Company in 1982 (\$1,500 annual fee). The lease has expired. At the time the lease was issued, the Conservation Commission did not have authority to issue an easement. Therefore, a lease was utilized to authorize MidAmerican's use of the property. Today, the Natural Resource Commission has authority to approve issuance of an easement, pursuant to Iowa Code Section 461A.25. Easements are the usual instrument now used by the DNR to authorize electric transmission lines. Staff recommends an easement to authorize use of the property.

The easement will cover a 410 foot north south by 520 foot east-west corridor across the island. Only trees and shrubs which grow to a height of twelve feet or greater may be cut and trimmed to preserve the wildlife habitat value. Only treating of stumps with herbicides will be permitted.

The value of the easement is \$10,000.00 as determined by a private licensed real estate appraiser. The appraised value of the entire island is \$39,000 (\$29,000 after value). MidAmerican paid for the cost of the appraisal. A DNR staff appraiser reviewed the appraisal and found it to be accurate and meet required appraisal standards.

Staff recommends approval of the easement issuance.

Motion (1) – Commissioner Kircher moved to untable the item for commission consideration.

Seconded – Commissioner Garst

Motion (2) – Commissioner Kircher moved to approve item

Seconded – Commissioner Francisco

Discussion – Commissioner Rettig asked why another 25 year lease agreement could not be offered. Travis Baker explained that it is not an option per Iowa Code. Commissioner Rettig addressed concerns that the proposal did not seem fiscally beneficial to the state.

Tamara Mullen advised the commission that the statute mandates that if the commission adopt rules providing for granting easements to utility companies on land under their jurisdiction they have to provide rules. The rule covered under chapter 18, leases and easements does this. The value (\$10,000 and \$600/year) presented to the commission is pursuant the rules outline in chapter 18.

Motion (3) – Commissioner Kircher Motioned to withdraw her motion to approve

Seconded – Commissioner Francisco

Motion (4) – Commissioner Francisco moved to table until after lunch break

Seconded – Commissioner Kircher

Motion (5) – Commissioner Kircher motioned to untable the item and continue discussion

Seconded – Commissioner Francisco

Discussion – After legal counsel consulted with David Dorff from the Attorney General’s office it was determined that chapter 18 currently does have a provision that allows the commission to deem a rate as inappropriate and adjust to what they feel is a more appropriate amount.

Deputy Director Boddy stated that the department’s recommendation still stands.

Motion (6) – Commissioner Rettig motioned to offer a 5 year lease at \$1,500 per year for a total of \$7,500

Seconded – Commissioner Kircher

Roll Call Vote

Commissioner Drees – Aye

Commissioner Francisco – Nay

Commissioner Garst – Nay

Commissioner Kircher – Aye

Commissioner Rettig – Aye

Commissioner Schemmel – Aye

Commissioner Underwood – Nay

Decision – Approved 4- Aye’s and 3-Nay’s

APPROVED AS PRESENTED

12. CONTRACT - LEWIS & CLARK STATE PARK VISITOR CENTER EXHIBIT DESIGN, FABRICATION AND INSTALLATION

The Commission is requested to approve the selection of Split Rock Studios at a cost of \$256,000 for exhibit design, fabrication, and installation at the Lewis & Clark State Park Visitor Center. This will be funded through REAP Open Spaces (capital link #134).

The purpose of the Request for Proposals (RFP) is to solicit proposals from qualified service providers to design, fabricate and install an exhibit for the Lewis and Clark Visitors Center in Onawa, Iowa. The exhibit must engage the visitor and connect them to the meaning of Lewis & Clark State Park and the Lewis & Clark Expedition. This should be accomplished through interactive displays, applicable and relevant to all ages while maintaining high quality imagery and appropriate content. The exhibit theme will be focused (75%) on the boats of the Lewis & Clark expedition with (25%) on the natural and manmade changes to the Missouri River including transportation and natural resources from the expedition to today.

An RFP was submitted to approximately 10 firms across the nation and placed on the Targeted Small Business website and the Request for Proposals link on the Department’s website. The Department received 27 letters of intent to bid and on June 25th 14 proposals were received from 13 firms.

All bids were scored based on the Review and Evaluation Criteria described in the RFP. The scoring team selected Split Rock Studios at a cost of \$256,000 to design, fabricate, and install the exhibit in the Lewis & Clark State Park Visitor Center.

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

APPROVED AS PRESENTED

13. AGREEMENT WITH HARTMAN HISTORICAL SERVICES

The Commission is requested to approve an agreement between the Department and Hartman Historical Services. The purpose of this agreement is to provide historical restoration to three boats at Lewis and Clark State Park and construct specialized cradles to support the boats for their placement in the visitor’s center.

The historic restoration will include repair to the White Pirogue, Red Pirogue, and Keelboat from stern to bow. Some of the work will include replacing missing or broken items (i.e. main awning, awning supports, and bow cannon), replacing dry rot, and refinishing surfaces. Cradles to support the boats in the visitor’s center will be constructed and the boats will be moved into the center.

A Request for Proposal (RFP) was submitted to solicit bids. Harman Historic Services, 16626 Y Street, Omaha, NE, was the sole bidder with an original bid of \$110,000. After discussion with Hartman Historic Services, a revised bid of \$65,000 was negotiated.

The contract with Harman Historic Services will be for \$65,000 and the funding will be from FY11 capital link 134 (Lewis and Clark Interpretive Exhibits and Boat Repair).

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

APPROVED AS PRESENTED

14. CONTRACT WITH INFINITE COMPUTING SYSTEMS, INC. FOR WEB CONTENT MANAGEMENT SYSTEM

Recommendations:

Commission approval is requested for an eighteen month service contract with Infinite Computing Systems, Inc. of Cedar Rapids, Iowa. The contract will begin on July 23 and terminate on December 23, 2011. The fixed amount of this contract shall not exceed \$87,700. In addition, the DNR received prices for additional content management (\$4,200 per 100 pages) and an hourly rate for custom module development and support (\$55 per hour). The amount allocated to this portion of the contract shall not exceed \$22,300. The total amount of this contract will not exceed \$110,000. DNR shall have the option to renew this contract for two one-year periods.

Funding Source:

This contract will be funded through the following:

❖ Conservation and Recreation Division	not to exceed \$50,000
❖ Environmental Services Division	not to exceed \$50,000
❖ Management Services Division	\$5,000 (software license)
❖ Director's Office	not to exceed \$5,000

Background:

The Iowa Department of Natural Resources' (DNR) current system for publishing and maintaining online web material is restrictive in its functionality and increasingly difficult to manage content. The current website consists of more than 3,500 static html pages, and approximately 16,500 PDF, Word and Excel documents. The site receives in excess of 1.3 million hits and more than 200,000 unique users visit the DNR website each month for forms, permits, information, maps, charts, hunting schedules, etc.

The current Iowa DNR website was launched nine years ago using static HTML pages. The maintenance of old content and development of static web pages has become cumbersome, time consuming and the content publishing process fails to meet current communication workflows. Navigation is also based on DNR program areas, making navigation cumbersome and not intuitive to the user. Many pages and files are difficult to find.

In addition to the difficulty in managing the website, the current DNR website does not allow for many of the technological conveniences that many of today's users expect. Some of these features include Really Simple Syndication (RSS feeds), image galleries, and interactive event calendars.

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to develop a Web Content Management System for the DNR website using DotNetNuke software. The project includes usability research, web site design and template development, security module customization, testing and optimization, web site content migration, documentation, training, and technical support.

This project will result in a DNR website that is more user friendly for the visitors to the website and more easily managed by DNR staff. The new content management system will allow program areas to more easily update their webpage information in a timely manner. Visitors to the DNR website will also be able to subscribe to RSS feeds and be notified of updates or news releases automatically, as well as view an event calendar.

Contractor Selection Process:

Infinite Computing Systems, Inc. was chosen using the open competitive RFP process. Five companies submitted proposals; however one was disqualified following the technical scoring due to a failure to achieve half of the technical points. Infinite Computing Systems, Inc. was chosen for this project for several reasons. These reasons include the following; the technical proposal submitted by Infinite clearly outlined how they would meet the needs of the DNR web content management system; the quality of the personnel selected for this project, including a subcontractor that has been hired to complete the usability study and site design; the cost proposal submitted by Infinite was the lowest submittal received.

Bidder	Bid Cost	Cost Points	Technical Points	TOTAL POINTS
Infinite	\$82,700	700	1045	1745
Alliance	\$120,000	482	898	1380
Caveo	\$175,490	330	768	1098
Salem #1*			453	
Salem #2	\$196,428	295	753	1048

*Salem #1 was disqualified because they had less than half of the minimum technical score (453 of 1300 total possible) required per section 5.4.6 of the RFP.

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

APPROVED AS PRESENTED

15. CONTRACT WITH SALEM ASSOCIATES FOR APPLICATION MAINTENANCE AND ENHANCEMENT CONTRACT

Recommendations:

Commission approval is requested for an amendment to the one year-service contract with Salem Associates of Des Moines, IA. The contract will begin on March 5, 2010 and terminate on March 4, 2011. The original contract amount was for \$400,000 and this amendment will increase the contract value by \$150,000 to a total of \$550,000. DNR shall have the option to renew this contract for one year.

Funding Source:

This contract will be funded through various program area EPA grants or other funds. The additional hours requested for this project will primarily be used by the Water Quality Bureau and none of these projects use general fund money. One specific project is funded through the State Drinking Water Revolving Loan Fund through the federal SRF capitalization grant.

Background:

The Department issued a bid in 2008 to put in place a contract and process for application design and development services for the maintenance and enhancement of over 100 different applications. This contract allows the Department to have the appropriate support resources available on an “as needed” basis and guarantees better oversight of this work with input from ITB. This contract was renewed by commission in February 2010 for an additional year. Due to additional federal requirements such as the EPA CROMERR and many staff changes in ITB, additional resources are needed to meet various programs requirements. Several program areas are hoping to enhance their existing web applications to allow for online payment of fees and this amendment will allow us to complete these changes.

The Department shall pay Salem Associates at a rate not to exceed \$85 per hour, with most services anticipated to be billed at \$75 per hour for not more than 5,000 hours. Program bureaus will be responsible for paying for the services from their own budgets.

The Department requests the Commission to approve the contract amendment with Salem Associates to provide application maintenance and enhancement support to the Department’s Information Technology Bureau (ITB).

Purpose:

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide information technology services.

Contractor Selection Process:

An RFP was issued in the fall of 2008 for IT staff augmentation. Five companies responded the RFP. After review of the resumes by a team of three DNR staff, two companies were selected for interviews. ITB then selected Salem & Associates, Inc. as the vendor with the highest score.

Motion – Commissioner Rettig
Seconded – Commissioner Francisco
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

16. CONTRACT WITH NORTHEAST IOWA RC&D FOR FORESTRY OUTREACH IN THE UPPER IOWA, TURKEY AND YELLOW RIVERS WATERSHEDS OF THE DRIFTLESS AREA

The Commission is asked to approve a two year \$60,000.00 contract with Northeast Iowa RC&D Inc. to deliver forestry resource outreach via direct mailings, print and radio media, exhibits, promotional materials and one on one landowner contact. “Call Before You Cut” program materials will also be promoted and distributed through this contract.

This contract is funded entirely through a United State Department of Agriculture Forest Service Competitive Funding grant entitled “Landscape Level Management in the Upper Iowa, Turkey and Yellow River Watersheds in Iowa’s Driftless Area”. Northeast Iowa RC&D is providing \$15,000 of match to the grant project.

Funding for this project is authorized under Section 456A.24(13) of Iowa Code.

Motion – Commissioner Francisco
Seconded – Commissioner Schemmel
Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

17. AGREEMENT WITH THE NATURE CONSERVANCY – HABITAT MANAGEMENT

The Commission is requested to approve the contract agreement with The Nature Conservancy for habitat improvement at Maytag Preserve.

Grant Title

1) Implementing Adaptive Management for Improving Herpetofaunal Habitat within the Nature Conservancy's Maytag Preserve (SWG funded) \$41,089.51.

Summary of Project

Implementing Adaptive Management for Improving Herpetofaunal Habitat within the Nature Conservancy's Maytag Preserve

Through restoration and adaptive management, The Nature Conservancy (TNC) is working to improve amphibian and reptile habitat in floodplain habitats of the Lower Cedar River Valley (Lower Cedar). The Lower Cedar has been designated the nation’s first Amphibian and Reptile Conservation Area due to the region’s exceptional reptile and amphibian diversity. Specifically, the project will seek to implement active management activities to improve reptile and amphibian habitat at TNC’s Maytag preserve. These activities primarily involve canopy clearing, reintroduction of fire, control of invasive species, implementing pre- and post-management monitoring of habitat changes and reptile and amphibian (“herpetofauna”) use within one parcel of TNC’s Maytag Family Preserve (Maytag). The primary benefit of this project will be an improvement in declining habitat for herpetofauna (including 4 Species of Greatest Conservation

Need (SGCN)) in a reptile and amphibian “hotspot” in Iowa. The project will build upon ongoing restoration and protection efforts in TNC’s preserves in the Lower Cedar.

Objectives:

1. Targeted control of invasive species (primarily Reed Canary grass) and woody encroachment based on the recommendations of the DNR district forester (Vitosh, 2006) for Maytag and Dettman’s (2006) recommendations for nearby Swamp White Oak (SWO) Preserve.
2. Increase herbaceous diversity and cover (sedges, forbs, grasses) and document and monitor populations.
3. Herpetofauna documentation and monitoring.

This project furthers TNC’s overall goal of restoring key habitats in core areas of the Lower Cedar – the lands in and around our existing Maytag and SWO preserves. We are losing habitat more quickly than we can restore it under current funding levels. We expect this grant to be a catalyst to ramp up our existing stewardship by establishing connections with local contractors, testing a new AmeriCorps program in Iowa, and leveraging private funding sources. This project’s results will also inform future management of the Maytag preserve and may elucidate some protection priorities adjacent to our ownership. Knowledge gained from this project will also inform management at SWO.

More immediate though is the benefit to existing herpetofaunal habitat at Maytag. There is a great need to increase stewardship at Maytag and to learn more about the existing inventory of the flora and fauna. Species anticipated to benefit from this work include eastern massasauga rattlesnakes, eastern newts, and Blanding’s turtles as well as other non-SGCN amphibians and reptiles. Knowledge gained from this project will be applied to other savanna restorations in nearby TNC properties (SWO and other parcels within the Fred Maytag II Family Preserve).

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

APPROVED AS PRESENTED

18. RULEMAKING PETITION FOR THE ADOPTION OF RULES RELATING TO USE OF LEASHED TRACKING DOGS TO ASSIST IN RECOVERY OF LEGALLY SHOT DEER

Attached is a petition for rulemaking requesting rules that allow the use of leashed tracking dogs to assist in the recovery of legally-shot deer. The Commission must decide whether to pursue rulemaking or deny the petition.

Mr. Hibbs’ petition is attached and he shall also give a presentation at the meeting.
 Attachment: Rulemaking petition

IOWA DEPARTMENT OF NATURAL RESOURCES

Petition by Brian Robert Hibbs
for the adoption of rules relating to
use of leashed tracking dogs to assist
in recovery of legally shot deer.

PETITION FOR RULE MAKING

**RULE CHANGE SOUGHT PERMITTING THE TRACKING OF LEGALLY SHOT
DEER WITH LEASHED TRACKING DOGS**

Petitioner seeks a rule change permitting the use of leashed tracking dogs to assist in locating legally shot deer. Petitioner seeks to amend 571 IAC 94.7(4) and 571 IAC 106.7(6) to remove the word “dogs” and to add 571 IAC 94.7(7) and 571 IAC 106.7(9) which will state: “The use of leashed tracking dogs to assist in the recovery of legally shot deer is permitted. Before initiating tracking with a dog, the handler must first notify the Department of Natural Resources Fish, Wildlife and Law Enforcement Office.”

**THE RULE CHANGE SOUGHT IS WITHIN THE AUTHORITY GRANTED THE
NATURAL RESOURCE COMMISSION UNDER IOWA CODE 455A(6)(a)**

The Natural Resource Commission has the power to make the rule change sought under the authority conferred upon it by Chapter 455A.5A (6)(a) of the Iowa Code.

SUMMARY OF PETITIONER’S ARGUMENTS

- 1) According to a recent survey by the United Blood Trackers Organization (unitedbloodtrackers.org) 50% of shot animals tracked by its members across the United States in 2009 were recovered with the use of a trained tracking dog and its handler that would have otherwise been lost. Studies have shown that 13% of killed deer were not recovered by the hunter who supplied the mortal wound. In 2008 and 2009, more than 140,000 deer were harvested and recovered in Iowa. Assuming that recovery rates and mortality are the same in Iowa as the study’s population, in excess of 18,000 Iowa deer were killed both in 2008 and 2009, but were not recovered.
- 2) It is a hunter’s ethical responsibility to use all means possible to recover a shot animal. A leashed tracking dog and handler have proven to be an effective tool in helping recover a shot animal.
- 3) If there are more deer that are recovered there will be more deer tags bought from the DNR to pursue harvesting another deer. The original deer tag won’t go to waste because the shot deer was unable to be recovered.
- 4) Currently free running dogs are legal to be used in Iowa to aid in hunting waterfowl, upland birds, rabbits, coyote, squirrel and turkey. Hunting and recovering deer is just as important as hunting and recovering these animals. Deer and deer hunters deserve to be able to use a leashed trained dog to help in their ethical recovery if other methods fail.

- 5) A leashed tracking dog is used to aid in the recovery of a shot deer. It is not used to hunt a deer. The deer has already been hunted prior to the use of a leashed dog.
- 6) If the Iowa DNR suspects possible deer poaching in an area a leashed tracking dog and handler could be used to assist in finding a poached deer.
- 7) Ethical hunters want to be able to either recover a shot deer or know that the shot was probably not lethal and the deer will survive. An experienced tracker will be able to tell the hunter from the shot description and any sign found when searching with the leashed tracking dog if the deer can be recovered or will likely survive.
- 8) Many hunting guide services in neighboring states currently use leashed tracking dogs to help recover shot deer. By recovering deer that might otherwise be lost, the hunters have a more positive outcome and are more likely to return or recommend the guide service. There are many hunting businesses in Iowa that would be positively impacted by this.
- 9) There are people who do not support hunting. If all means are used to aid in the recovery of a shot deer, including the use of a leashed tracking dog, the people that oppose hunting will appreciate that the Iowa DNR is doing all it can to help in the ethical recovery of the animal.
- 10) Leashed tracking dogs are trained to follow the scent of a single shot deer. They are not permitted off leash to run and bay deer, or to follow the trail of another deer.
- 11) Among the easiest deer to track are gut shot, liver shot and deer recovered after a light to moderate rain, since the tracking dog is relying upon its nose to track and these conditions actually enhance the trail, while these types of trails probably result in a large portion of mortally wounded deer lost by hunters.

The overwhelming majority of Iowans I have spoken with are surprised to learn it is not legal in Iowa to use a leashed dog to aid in the recovery of a shot deer. The overwhelming majority of Iowans I have talked to support the use of a leashed dog to help recover a shot deer. By permitting the use of leashed tracking dogs for finding legally shot deer, Iowa DNR is supporting a practice which promotes the highest ethics of this sport.

SUMMARY OF DATA SUPPORTING THE EFFICACY OF USING LEASHED DOGS TO
TRACK AND RECOVER LEGALLY SHOT DEER

Exhibit 1: C.R. Ruth and H.L. Simmons, Jr. 1999, *Answering Questions About Guns, Ammo and Man's Best Friend*, pp. 28-29. In the Twenty Second Annual Meeting of the Southeast Deer Study Group, Fayetteville, AR.

A study in South Carolina by Charles Ruth, Deer Project Supervisor for the South Carolina DNR reflected the benefits of using trained tracking dogs. Hunters in this study used rifles. Trained tracking dogs were brought in to recover animals that ran beyond the hunter's sight. A total of 493 deer were harvested- 305 bucks and 188 does. Ruth determined that trained tracking dogs deserved credit for the recovery of 15 to 20 percent of all those deer. This study points out that dogs can be very beneficial in finding mortally wounded deer. The most obvious benefits in

using dogs are in searching the woods for wounded deer when there is no blood or other signs to follow, or when conditions such as darkness; rain or snow; rough/dense terrain; or water/wetlands enter the picture.

Exhibit 2: C.J. Winand, *Using Dogs to Track Wounded Deer*, Bowhunter Magazine, Dec.-Jan. 2000, www.deersearch.org/articles.htm.

A nonprofit group called Deer Search, Inc.; (DSI) has a membership of 150 volunteers who use tracking dogs to help find wounded deer. DSI members regularly hit trails that are 24 hours old or older. John Jeanneney of DSI reports a 30-year recovery rate of approximately one-third of all tracking attempts, or 2,777 deer that would not have been recovered without a dog. This is remarkable since the hunter or hunters have already accounted many, many hours in the woods. He believes many of the unrecovered deer survive. Jeanneney polled bow hunters and found that they were in favor of tracking dogs as long as the dog was kept on a leash at all times.

Exhibit 3: Wendy Krueger, Jay B. McAninch and David E. Samuel, *Retrieval and Loss Rates of White-tailed Deer by Minnesota Bowhunters*, 1995, www.bowhuntersofutah.net/phocadownload/Miscellaneous/wend%lruieger%20wounding%.

In the 80's and 90's exaggerated criticisms were being made of bow hunting losses. In response to this, detailed and very expensive studies were conducted to determine how many deer are wounded by bow hunters, and what happens to these wounded deer. The best known study is Wendy Krueger's Aspects of Wounding White-tailed Deer by Bow hunters, which was researched on a U.S. Army instillation, Camp Ripley in Minnesota, during 1992 and 1993. Several leading deer biologists were involved in this study, which was supported by \$250,000 in grant money from interested corporations and other organizations. Some other organizations, highly critical of hunting in general and bow hunting in particular, were invited to participate but chose not to do so. The Camp Ripley study used a helicopter equipped with infra-red video to establish the location of probable wounded or dead deer not found by bow hunters. Ground crews were then sent out to investigate these sites. It was a complex study that provided data on many different aspects of bow hunting, but the key piece of information for the purposes here, was the percentage of deer mortally wounded and not recovered by the hunter. The Camp Ripley study concluded that 13% of the deer, which were killed in the hunts, were not recovered by the hunter who made the killing shot. Other hunters found more of these wounded deer, since the concentration of hunters was high.

Exhibit 4: Stephen S. Ditchkoff, Edgar R. Welch, Jr., Robert L. Lochmiller, Ronald E. Masters, William R. Starry and William C. Dinkines, *Wounding Rates of White-tailed Deer with Traditional Archery Equipment*, 1998 Proc. Annu. Conf. Southeast Assoc. Fish and Wildl. Agencies 52:244-248.

More data about the effectiveness of bow hunting was compiled in a smaller research project in McAlester Oklahoma conducted by Stephen S. Ditchkoff and five associates. Their study, Wounding Rates of White-tailed Deer with Traditional Archery Equipment, was published in 1998 and found that 3 of the 22 deer, shot by traditional bow hunters and not found, actually died of their wounds.

In this study, 80 male deer on the McAlester Army Ammunition Plant Reservation were trapped and fitted with radio collars which included a four-hour mortality sensor. When deer were hit and not found by the hunter, their location and condition was monitored every four to eight hours for about five days. When a deer died, researchers went in to determine the nature of the wound that caused death.

Exhibit 5: John Jeanneney, Tracking Dogs for Finding Wounded Deer, Teckel Time, Inc. 2006, pp. 316-317.

“Neither the Camp Ripley, nor the McAlester study considered the use of tracking dogs in any way. However, the structure of the McAlester study does provide a frame work for better understanding the effectiveness of tracking dog work.

In the McAlester study, 22 radio-collared deer were shot and 11 of these were recovered by hunters. Of the 11 deer not recovered, nine deer survived non-mortal wounds; and three (about one in four) died but were never found by the hunters. Looking at this data in another way, half of the deer hit were not found by the hunter and would have been potential candidates for a tracking dog to follow.

These 11 deer are representative of a pool of deer calls with which a tracking dog and handler has to deal. Of course, more accurate information was gathered on wounded deer at the McAlester Study than would have been available to a tracking dog handler who has to depend upon estimates of hunters who telephone him. In the McAlester survey of the wounded deer not found by hunters, all three of the deer that died had damage to their stomach or gut. Two of the deer died within 24 hours, and the third lived for five to seven days.

Here is an estimate, based on experience, of what would have happened if a good handler and dog had been used on the unretrieved wounded deer at McAlester. This is only an estimate, and is not intended to prove anything. Some of the deer reported to the handler would probably been rejected as “ungettable”. For example, leg muscle wounds, or high back muscle wounds that stop bleeding are extremely unlikely to kill the deer. On all of the nine wounded deer that were survivors in the McAlester Study, the use or non-use of a leashed tracking dog would not had any influence on final results.

Of the three “gut shot deer”, any good dog would have been able to find the two that died within 24 hours. In the case of the deer that lived five to seven days, the results are more difficult to predict. If a handler and leashed dog had sufficient time to keep pressure on the deer and exhaust him, he could recover that deer. In the real world, this kind of time, one or two days, is seldom available.

Wrapping up the discussion of this McAlester-based model, we could say that if the handler took all 11 deer calls and found only the two deer that died within 24 hours, then his recovery rate would be only 18%. If he rejected 1/3 of the least promising bow season calls, then his recovery rate would come up to 27%. Most that track seriously during bow season come up with percentages close to this figure.

Why are we concerned about the loss of deer through wounding when the percentage is already low? Almost 20 years ago the national Shooting Sports Foundation polled non-hunters on the aspects of hunting they did not like. At that time, five out of the top seven objections, involved the wounding of game. The concerns about wounded deer are certainly still with us. When a handler and tracking dog find wounded deer and report on healthy survival of most the others they track, it is, among other things, very good public relations. Many non-hunters are amazed that trackers of wounded game exist. This does not fit in at all with their preconceived notion of hunters as uncaring and irresponsible.

A strong case can be made for the use of tracking dogs, both as a means of reducing animal suffering, and as a way of avoiding the waste of a valuable natural resource.”

Exhibit 6: <http://unitedbloodtracker.org/phpBB3/viewtopic.php?f=7&t=55>[2/25/2010 9:22:17 AM]

Statistics from an informal 2007 survey done in Georgia by Ken Parker, a dog handler and wounded deer tracker, showed that of 716 deer tracked for hunters across the state, 357 were recovered. That comes out to just under a 50% recovery rate.

Exhibit 7: R.T. Morton, David Guynn, Jr., R.H. Hortman and J.G. Williams, *Efficiency of Archery Equipment for White-tailed Deer on Medway Plantation*, 1995 Proc. Annu. Conf. Southeast. Assoc. Fish and Wildl. Agencies 49:432-438.

This study was conducted to determine the efficiency of archery equipment in conjunction with tracking dogs for harvesting white-tailed deer on Medway Plantation in South Carolina. 61 deer were shot from elevated stands over corn feeders. For each of the 41 deer that did not fall within sight of the hunter, a tracking dog was used. 60 of 61 deer were recovered. Average recovery time with a dog was 30 minutes, and 95% of deer were recovered in the first 4 hours. The authors concluded that: “Careful shot selection, shooting skill, *and using tracking dogs* may be the main factors contributing to our high recovery rate.”

Exhibit 8: Letter of February 8, 2004, Jerry McDermott, Supervising Environmental Conservation Officer, Albany and Schenectady Counties, New York.

Mr. McDermott has professional experience as a wildlife officer in New York in observing leashed deer tracking dogs since 1996. His opinions are compelling for the use of leashed tracking dogs:

1. Tracking dogs are effective in both finding deer and in determining the mortality of the wound inflicted (i.e. Will the deer live?);
2. Leash tracking dogs assure control of the animals at all times;
3. Tracking dogs are trained to follow wounded deer only;
4. He has never heard complaints from the public concerning tracking wounded deer and bear with dogs;
5. He has never met anyone that was not completely receptive to the use of leashed tracking dogs;
6. He is not aware of anyone using a licensed tracking dog in illegal activities;
7. Law enforcement cost for notification is minimal;

8. He has used the same dogs and volunteer handlers to assist his officers in their official duties; and

9. Finally, *“In my opinion, all states would benefit from the licensing and use of licensed leashed tracking dogs for deer and bear. It presents a win/win situation for the hunter as well as the sport. Less mortally wounded animals are lost, and hunters are more satisfied knowing they have done everything possible to recover their game.”*

REQUEST FOR MEETING

Petitioner and his representative request a meeting to discuss this change pursuant to rule X.4(17A).

Respectfully submitted,

Brian R. Hibbs, Petitioner
1323 Upper Old Hwy 6 NW
Oxford, IA 52322

CERTIFICATE OF SERVICE

The undersigned certifies that on the ___ day of _____, 2010, this Petition was served on the Iowa Department of Natural Resources by regular mail.

Brian R. Hibbs, Petitioner
1323 Upper Old Hwy 6 NW
Oxford, IA 52322

Motion – Commissioner Francisco

Seconded – Commissioner Schemmel

Discussion – Commissioner Kircher asked if this would turn into a tacking business. Brian Hibbs responded that it would not. Commissioner Underwood asked if dogs would be required to be certified. Brian Hibbs explained that Ohio use to require this but does not any longer. Commissioner Underwood then asked what kind of reporting mechanism would be utilized to know how many deer were recovered. Brian Hibbs explained that currently there is no tracking system in place. Commissioner Rettig asked about adding modifications to add the following requirements; request landowner permission before entering property, call to local conservation officer before going out to track, and that dogs must be leashed at all times. The Department addressed concerns about; the welfare of wildlife animals being pushed by dogs while being trailed, trespassing issues as Iowa law allows one to enter property without permission if retrieving game, the message sent to hunters to take marginal shots and compenstate with a tracking dog, and the overall administration/regulation such a rule would require.

Tamara Mullen, DNR Legal Counsel advised that if today’s item is approved it only begins the rule making process and that the next step would be to draft the rule for a Notice of Intended Action which can be modified to address all of the commission concerns.

Decision – Approved by Unanimous Vote to initiate rule making process

APPROVED AS PRESENTED

19. CONTRACT WITH CITY OF EMMETSBURG FOR DREDGING AT FIVE ISLAND LAKE (PALO ALTO COUNTY)

Commission approval is requested for a one year contract with the City of Emmetsburg, Iowa. The contract will begin on July 15, 2010 and terminate on June 30, 2011. The total amount of this contract shall not exceed \$200,000 and the 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 Lake Restoration Program with funding appropriated under SF376, Section 24. The parties propose to enter into this Contract for the purpose of reimbursing the City of Emmetsburg for continued and planned lake dredging operations at Five Island Lake (Palo Alto County).

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

This Agreement is made pursuant to statutory authority granted to the parties pursuant to Iowa Code Chapter 28E (2009). The DNR and the City of Emmetsburg enter into this agreement pursuant to a program established under Iowa Code §456A.33B, LAKE RESTORATION PLAN AND REPORT, known as the State Lake Restoration Program.

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

<p>APPROVED AS PRESENTED</p>

20. CONTRACT WITH LAKE IMPROVEMENTS COMMISSION (LIC) FOR DREDGING AT STORM LAKE (BUENA VISTA COUNTY)

The Department requests Commission approval of a two year contract with the Lakes Improvements Commission (LIC), Buena Vista County, Iowa. The LIC is a nonprofit corporation pursuant to Iowa Code Chapter 504 and the DNR recognizes the creation and governance of the LIC, as defined by the Articles of Agreement established under Joint Agreement #024020 filed with the Buena Vista County Recorder. The contract will begin on July 15, 2010, and terminate on June 30, 2012. The total amount of this contract shall not exceed \$1,000,000. 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 Lake Restoration Program as one of the 35 significant public lakes prioritized for restoration. Lake Restoration Program guidelines recommend the Department give priority for funding to active lake projects so long as progress toward

completion of the project remains consistent with the goals of the program. The LIC is in the final stages of a multi-year dredging project. The goal of the project is to increase lake mean water depth and improve the lake water quality. The parties propose to enter into this contract for the purpose of reimbursing the LIC for continued and planned lake dredging operations at Storm Lake (Buena Vista County).

This Agreement is made pursuant to statutory authority granted to the parties pursuant to Iowa Code Chapter 28E (2009). The DNR and the LIC enter into this agreement pursuant to a program established under Iowa Code §456A.33B, LAKE RESTORATION PLAN AND REPORT, known as the State Lake Restoration Program.

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

<p>APPROVED AS PRESENTED</p>

21. CONTRACT WITH DUCKS UNLIMITED, INC. FOR CONSTRUCTION MANAGEMENT SERVICES AT LOST ISLAND LAKE (PALO ALTO COUNTY)

Commission approval is requested to execute a contract amendment with Ducks Unlimited, Inc. (DU) for Engineering Services at Lost Island Lake, Palo Alto County, Iowa. The total amount of this contract amendment shall not exceed \$113,000. 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 and conceptual designs for construction of fish barriers and water control structures on Barringer Slough, Blue Wing Marsh, and a small portion of Lost Island Lake for the purposes of renovation and rehabilitation. In addition, the DNR requested that DU provide final engineering designs and construction plans for five (5) fish barriers, four (4) water control structures (WCS) and two (2) channel cleanouts at Lost Island Lake, Palo Alto County, Iowa (see attached Fig. 1). These final design and construction plans were based on the conceptual design, developed in cooperation with the DNR.

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.

The Lost Island Lake Watershed covers parts of Palo Alto and Clay counties in northwest Iowa and includes Lost Island Lake (1,170 acres), Barringer Slough (800 acres), Blue Wing Marsh (125 acres), DU Marsh (90 acres) and other privately held areas. The goal of the Lost Island Lake Watershed Enhancement Project is to restore ecological health to the area so that these basins contain cleaner water and diverse plants, sustain a sport fishery, attract migrating waterfowl and water birds, and provide improved recreational and educational opportunities for citizens.

The proposed management involves removing carp from much of the watershed, using strategically placed fish barriers to prevent carp from reaching breeding areas, and stocking predatory fish to further control carp recruitment. Aggressive commercial harvesting will be continued to remove most carp from Lost Island while temporary drawdowns will be used to eliminate problem fish from Barringer Slough, Blue Wing Marsh, and DU Marsh. The drawdowns will also expose and consolidate bottom sediments thereby allowing beneficial aquatic plants to germinate.

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

22. FINAL – CHAPTER 15 (RESIDENCY), “GENERAL LICENSE REGULATIONS”

The Commission is requested to approve the Final amended Chapter 15, “General License Regulations,” Iowa Administrative Code.

The changes clarify what additional information may be sought by the Department to determine residency status of license applicants and license holders and provide a process for suspension and revocation of licenses not properly obtained.

A public hearing was held on May 25, 2010 and two comments were received.

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 15, “General License Regulations,” Iowa Administrative Code.

These adopted changes clarify what additional information may be sought by the Department to determine residency status of license applicants and license holders and provide a process for suspension and revocation of licenses not properly obtained.

Notice of Intended Action was published May 5, 2010, as ARC 8729B. A public hearing was held on May 25, 2010, and two comments were received. The first comment suggested implementing a three-prong residency test in which a person could prove residency by having a state driver’s license, a state registered vehicle, and by filing state income taxes. The Department feels this test mirrors the previous standards too closely, which resulted in fraud. It is for this reason, combined with related inequity and loss of revenue, that the Department amended Iowa Code chapter 483A and these rules to add more specific criteria. In short, the Department feels the new standards will ensure those claiming to be Iowa residents, and those receiving the privileges thereof, are true residents.

The second comment sought clarification on who would be required to submit the

additional documents and expressed concern that the process was burdensome to applicants and the Department alike. The Department intends to seek additional information from individuals only when there are reasonable grounds for questioning their residency. The Department has a long-standing process for performing such inquiries under the old rules and is more than prepared to continue this practice under the new standards. The second commenter also wanted to ensure a license applicant or license holder could challenge the Department's finding. Iowa Administrative Code 571--Chapter 7 provides appeal rights to affected persons. Finally, the second commenter wanted to know how the Department would make the residency determination. The Department shall review all submitted documents and, weighing the totality of the evidence submitted by the person, shall make a residency determination.

These amendments implement Iowa Code chapter 483A.

These amendments shall become effective September 15, 2010.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definitions in rule 571—15.2(483A):

“Immediate family member” means the spouse, a domestic partner, and all minor children of the licensee or person seeking a license.

“Nonresident” means a person who is not a resident as defined in this rule.

“Principal and primary residence or domicile” means the one and only place where a person has a true, fixed, and permanent home, and to where, whenever the person is briefly and temporarily absent, the person intends to return. Relevant factors used to determine a person's principal and primary residence or domicile include the following:

1. Proof of place of employment, which must include the address of the person's place of employment or business, including the area or region where a majority of the person's work is performed.

2. Physical address, which shall be the person's 911 address(es) or the address of an immediate family member. A post office box or a forwarded address shall not be accepted by the department to verify the person's principal and primary residence or domicile.

3. Utility records, which must include the person's name and be associated with the physical address provided for as the person's principal and primary residence or domicile. The types of records that may be submitted include rental and lease documents and telephone, cellular phone, electricity, water, sewer, cable or satellite television, and any other utility records.

4. Real estate records, which include legal documents showing ownership or leasehold interests of any and all real estate related to the physical address used by the department to verify the person's principal and primary residence or domicile. These records should also provide the time period of such ownership or rental.

5. Vehicle registration(s) for any vehicles owned or leased by the person and immediate family members.

6. Portion of federal, state or local income tax returns filed during the relevant time period showing the address provided on those forms by the person.

7. Documentation of homestead tax exemption allowed to the person or immediate family member(s) for all states in which such exemption is allowed.

8. Documentation of any coinhabitants, other than the person's immediate family members, who use the same principal and primary residence or domicile.

“Resident” means a natural person who meets any of the following criteria during each year in which the person claims status as a resident:

1. Has physically resided in this state as the person's principal and primary residence or domicile for a period of not less than ninety consecutive days immediately before applying for or purchasing a resident license, tag, or permit under this chapter and has been issued an Iowa driver's license or an Iowa nonoperator's identification card. A person is not considered a resident under this rule if the person is residing in the state only for a special or temporary purpose including but not limited to engaging in hunting, fishing, or trapping.
2. Is a full-time student at either of the following:
 - a. An accredited educational institution located in this state and resides in this state while attending the educational institution.
 - b. An accredited educational institution located outside of this state, if the person is under the age of twenty-five and has at least one parent or legal guardian who maintains a principal and primary residence or domicile in this state.
3. Is a student who qualifies as a resident pursuant to paragraph "b" only for the purpose of purchasing any resident license specified in Iowa Code sections 483A.1 or 484A.2.
4. Is a resident under eighteen years of age whose parent is a resident of this state.
5. Is a member of the armed forces of the United States who is serving on active duty, claims residency in this state, and has filed a state individual income tax return as a resident pursuant to Iowa Code chapter 422, division II, for the preceding tax year, or is stationed in this state.

ITEM 2. Adopt the following new rules 571—15.9(483A) to 571—15.11(483A):
571—15.9(483A) Proof of residency required. The department shall have the authority to require persons applying for or who have received resident licenses to provide additional information to determine the person's principal and primary residence or domicile and residency status. Whether a person was issued resident or nonresident licenses by the department in previous years shall not be a determining factor of residency. Persons required to provide additional information under this rule shall be notified in writing by the department and shall have 60 days to submit all required information to the department.

571—15.10(483A) Residency status determination. Upon receipt of information requested from the person, the department may determine whether the person is a resident or a nonresident for purposes of these rules and Iowa Code chapter 483A. The department shall provide the person with written notice of the finding.

571—15.11(483A) Suspension or revocation of licenses when nonresidents obtain resident licenses.

15.11(1) Suspension or revocation of license. If the department finds that a nonresident has obtained a resident license, the department shall provide written notice of intent to revoke and suspend hunting, fishing, or trapping licenses as provided in 571—Chapter 7. If the person requests a hearing, it shall be conducted in accordance with 571—Chapter 7. If the department finds that a nonresident has obtained a resident license fraudulently or through intentional misrepresentation, the person shall be guilty of a simple misdemeanor, punishable as a scheduled violation under Iowa Code section 805.8B.

15.11(2) Dates of suspension or revocation. The suspension or revocation shall be effective upon failure of the person to request a hearing within 30 days of the notice described in 15.10 or upon issuance of an order affirming the department's intent to suspend or revoke the license after the hearing. The person shall immediately surrender all licenses and shall not apply for or obtain new licenses for the full term of the suspension or revocation.

15.11(3) Magistrate authority. Nothing in this chapter shall limit the magistrate's authority as described in Iowa Code section 483A.21 to suspend or revoke licenses.

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

<p>APPROVED AS PRESENTED</p>

23. FINAL – CHAPTER 15 (REVOCAION), “GENERAL LICENSE REGULATIONS”

The Commission is requested to approve the Notice of Intended Action to amend Chapter 15, “General License Regulations,” Iowa Administrative Code.

The Legislature adopted a law in 2008 allowing the Department of Revenue to require license-issuing state agencies to suspend, revoke, and not renew licenses for failure to pay state liabilities. The Iowa College Student Aid Commission gained similar authority prior to that session. The new chapter provides a mechanism through which the department is able to comply with the requirement to suspend, revoke, or deny issuance or renewal of licenses of persons who owe the state money, in compliance with the requirements in Iowa Code chapter 272D and section 261.126.

No comments were received.

NATURAL RESOURCE COMMISSION[571] Final

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby amends Chapter 15, “General License Regulations,” Iowa Administrative Code.

The amendments extend the mechanism through which the Department may suspend, revoke or deny issuance or renewal of licenses of persons who owe the state money through the Iowa College Student Aid Commission in conformance with Iowa Code section 261.126.

Notice of Intended Action was published June 6, 2010, as ARC 8813B. Public comments were received through June 24, 2010. No comments were received. There have been no changes to the Notice of Intended Action.

These amendments implement Iowa Code section 261.126.

These amendments shall become effective September 15, 2010.

The following amendments are adopted.

ITEM 1. Amend rule 571--15.52(272D), definition of “Unit,” as follows:

“Unit” means the centralized collection unit of the department of revenue or the college student aid commission.

ITEM 2. Amend subrule 15.53(3), introductory paragraph, as follows:

15.53(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 Iowa Code chapter 272D or section 261.126 of the Iowa Code, whichever is appropriate. 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:

ITEM 3. Amend rule 571--15.54(272D) as follows:

571--15.54(272D) No administrative appeal of the department's action. Pursuant to Iowa Code ~~section~~ sections 261.126 and 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 rule 571—15.55(272D) of this rule.

ITEM 4. Amend 571—Chapter 15, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 272D, 321G, 456A, 462A, 481A, 482A, 483A, and Iowa Code section 261.126.

Motion – Commissioner Kircher

Seconded – Commissioner Rettig

Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

24. NOTICE RULE: CHAPTER 571--101 – FALCONRY REGULATIONS

This notice includes rule changes/amendments to Chapter 101 Falconry Regulations. These changes are in response to Federal administrative changes made by the US Fish & Wildlife Service's Migratory Bird Permits section and changes to the Code of Federal Regulations under 50 CFR 21 – Migratory Bird Permits. Specifically, 50 CFR 21.28 and 21.29 having to do with falconry and falconry permits. In addition, department staff has proposed changes to up-date the rule text and include changes requested by the Iowa Falconers Association, a private group.

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 101, "Falconry Regulations," Iowa Administrative Code.

The proposed changes are requested by Department staff and the Iowa Falconers Association (IFA) to update the existing rule and align it with recent Federal Code changes made by the U.S. Department of the Interior; Fish and Wildlife Service's Migratory Bird Office.

Any interested person may make written suggestions or comments on the proposed amendments on or before September 7, 2010. Such written materials should be directed to Steve Dermand, Department of Natural Resources, Wallace State Office Building, 502 E 9th Street, Des Moines, Iowa 50319-0034; fax (515) 281-6794; or email steve.dermand@dnr.iowa.gov.

Persons who wish to convey their views orally should contact the Law Enforcement Bureau at (515) 281-4515.

Also, there will be a public hearing on August 30, 2010 at 9:00am in the 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 those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

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

The following amendments are proposed.

ITEM 1. Amend 571—101.1(481A) as follows:

571—101.1(481A) Falconry regulations. No person may take, transport, or possess any raptor without having first obtained a valid state/federal falconer's permit. ~~Only raptors from the family Accipitridae (excluding the bald eagle), the family Falconidae, and the great horned owl of the family Strigidae may be taken, transported, or possessed, except any species listed as endangered or threatened.~~ Falconry permit holders shall comply with the department's rules and with the current Code of Federal Falconry regulations and standards. Only the following raptors may be taken from the wild: American kestrel; Coopers hawk; Ferruginous hawk; Goshawk; Great-horned owl; Gyrfalcon; Harris' hawk; Merlin; Prairie falcon; Red-tailed hawk; Rough legged hawk; and Sharp-shinned hawk. Raptors taken from the wild cannot be sold, bartered or traded. All wild raptors legally trapped or taken by a resident or nonresident falconer must be marked with an Iowa marker band provided by the department.

101.1(1) ~~Said~~ A falconry permit allows for the purchase, capture, possession and use of designated legal raptors in hunting subject to state regulations.

101.1(2) A falconry ~~license~~ permit may be issued to any person 14 or more years of age who has successfully passed a written examination provided ~~or by the department and~~ approved by the U.S. Department of the Interior covering basic biology, care and handling of raptors, laws, regulations or other appropriate subject matter, with a minimum score of 80 percent, and who has satisfied the minimum requirements for keeping raptors as determined by inspection of the applicant's facilities. In the event an individual fails the examination, this individual may reapply.

101.1(3) There shall be three classes of falconer's permits as follows:

a. Apprentice falconer. Applicant shall be at least 14 years old. ~~A and have a sponsor who is a holder of a general or master falconry license is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee~~ and has at least two years active experience as a general falconer. A qualifying sponsor must submit a signed letter to the department in which the sponsor agrees to assist and mentor the apprentice falconer for the duration of the apprenticeship. A sponsor may have no more than two apprentices at any one time. Apprentice permit holders shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period. Apprentice permit holders shall possess only a red-tailed hawk (Buteo jamaicensis). Apprentice permit holders shall be restricted from taking nestling or fledgling birds. A sponsor has the right to withdraw sponsorship at any time and must submit a signed letter to the department requesting withdrawal of sponsorship. If an apprenticeship falconer fails to successfully complete the required two-year apprenticeship,

the red-tailed hawk will be transferred to the sponsor of record. The sponsor will be required to properly care for the bird until it is transferred to another falconer or hatched back into the wild. Upon completion of the apprenticeship requirement, the apprentice's sponsor must submit a signed letter of endorsement confirming that the apprentice has satisfied the terms and conditions of the apprenticeship as required by these rules and approved by this department and the Iowa Falconers Association (IFA) Apprenticeship Guideline manual.

b. General falconer. Applicant shall be at least 18 years old. Applicant shall have at least two years' of field experience in the practice of falconry at the apprentice level or its equivalent; ~~this shall be field experience and~~ the mere keeping of raptors shall not count as field experience and will be strongly discouraged. General ~~license permit~~ holders shall not possess more than ~~two~~ three raptors and may not take more than one raptor for a replacement bird from the wild during any 12-month period. Licensed general class falconers may purchase properly marked captive-bred raptors only from a federally licensed raptor propagator.

c. Master falconer. Applicant shall have at least five years' of field experience in the practice of falconry at the general level or its equivalent. The keeping of raptors without actively hunting the bird(s) shall not be considered field experience. A master falconer shall possess no more than ~~three~~ five raptors at any one time and be permitted to take no more than two replacement birds from the wild in any 12-month period. ~~Licensed general~~ Master class falconers may purchase properly marked captive-bred raptors only from a federally licensed raptor propagator.

101.1(4) ~~All falconry~~ Falconry permits are \$61.50 and are valid for a three year period and are nontransferable ~~and~~. Permits shall expire June 30 of the third year after issuance. Permits may be renewed without examination following the falconer's submission of an annual report of birds possessed during the previous year and provided the department of natural resources is satisfied as to the competency of the applicant whose permit has expired.

101.1(5) A federal raptor propagation permit is required before any person may take, possess, transport, sell, purchase, barter, or transfer any captive-bred raptor, raptor egg, or raptor semen for propagation or sale ~~purposes~~. This rule is intended to implement Iowa Code section 481A.48 and conforms to the federal regulations promulgated under the "Migratory Bird Treaty Act."

ITEM 2. Amend paragraph 101.2(1)"c" as follows:

c. Outdoor facilities. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators ~~except that perches more than 6½ feet high need not be covered or roofed.~~ The enclosed area shall be large enough to ensure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

ITEM 3. Amend subule 101.2(2) as follows:

101.2(2) Equipment. The following items shall be in the possession of the applicant before the applicant can obtain a permit, ~~or license:~~

a. Jesses. At least one pair of Alymeri jesses or similar-type jesses constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional one-piece jesses may be used on raptors when not being flown.)

b. through d. No change.

e. Weighing device. A ~~reliable~~ working scale or balance suitable for weighing ~~the~~ raptors held and graduated to increments of not more than ~~one half ounce (15 gram)~~ two-tenths of an ounce, or five grams shall be provided by the falconer.

f. and g. No change.

ITEM 4. Amend rule 571—101.3(481A) as follows:

571—101.3(481A) Taking and possession provision. The taking of raptors from the wild ~~in Iowa~~ by resident falconers shall be limited to the following conditions:

101.3(1) Nestling birds may be taken only by general class or master class permit holders. ~~All wild raptors legally trapped or taken by a resident falconer must be marked with a black federal marker band provided by the department.~~

101.3(2) Young birds not yet capable of flight may be taken at any time following hatch by a general class or master class falconer, ~~provided, however, that an individual~~ The falconer may take no more than two nestlings and ~~that~~ at least one nestling shall be left in any nest from which a nestling is taken. The taking of nestlings and branches is permitted only between ~~May 24 April 1 and June 30 July 31~~. Removal of eggs from nests is prohibited.

101.3(3) First year (passage) birds shall be taken only from ~~September 15 August 1~~ through ~~January March~~ 31.

101.3(4) Only American kestrels (*Falco sparverius*) and great horned owls (*Bubo virginianus*) may be taken when over one year old; however, the permissible period for taking shall be no different than that prescribed for passage birds of all other legal species.

101.3(5) No permittee shall employ any method of taking raptors which is injurious to the bird.

101.3(6) Any species except endangered or threatened species or exotic birds, the import of which has been banned by the international convention, federal regulation or the ~~natural resource commission~~ department of natural resources, may be possessed and used for falconry provided the license holder can provide evidence that the bird was legally acquired, ~~and provided that no~~ No one may import a raptor into Iowa or export a raptor out of Iowa, for a period greater than 30 days, without having first obtained written permission of the department of natural resources.

101.3(7) Recapture. Banded raptors that are lost to the wild through accident may be retrapped provided that the department of natural resources has been advised of the loss and is notified of the attempt to recapture. Should the banded raptor be recaptured, the department of natural resources shall be notified of the recovery within 48 hours.

101.3(8) Nonresident raptor trapping. A permit may be issued upon application by a nonresident for the purpose of taking a raptor in Iowa, provided that the applicant's resident state is listed in Paragraph (K), Subpart C, Part 21-29, Chapter 1, of Title 50, Code of Federal Regulations, as a participating state, and the applicant's resident state ~~issues nonresident raptor trapping permits or licenses, or otherwise~~ provides for the taking of raptors by nonresidents. Nonresidents shall submit a photocopy of a ~~valid import permit from their resident state and a photocopy of a current,~~ valid, state or federal falconry permit. Nonresident raptor trapping permits shall be issued only in the General Class or Master Class.

a. Trapping provisions. Trapping of raptors in Iowa by ~~nonresidents~~ permitted nonresident falconers shall be limited to the following legal species listed in these rules, ~~red-tailed hawk, American kestrel, and great horned owl~~.

b. Marking requirements. Raptors legally trapped by nonresidents must be marked with a ~~black federal Iowa~~ marker band provided by the department. No raptor shall be transported from

Iowa without first having had the ~~black~~ Iowa marker band attached. Permittees may, with written permission from the department, provide their own ~~black~~ marker band issued by their state of residency. Permittees who provide their own ~~black~~ marker band shall place the band on the raptor immediately upon capture, and must notify the department within five days of the capture and of the corresponding ~~black~~ marker band number.

c. Fees. Fees for nonresident raptor-trapping applications shall be reciprocal to the fee charged by the applicant's resident state. If the applicant's resident state does not provide for a nonresident raptor-trapping fee, then the Iowa nonresident raptor-trapping application fee shall be ~~\$50~~ \$100.

d. Restrictions. Nonresident falconers may apply for one raptor-trapping permit per trapping season. All nonresident raptor-trapping permits shall be valid for a period not to exceed 60 consecutive days, beginning on the date of issuance. No nestlings or raptor eggs may be taken. First year (passage) birds may be taken only from September ~~15~~ 1 through January 31. The nonresident raptor-trapping permit shall be valid for only one raptor of the species designated on the permit. The raptor-trapping permit shall be carried by the permittee while in the act of trapping and the transportation of any subsequently trapped raptor.

ITEM 5. Amend rule 571—101.4(481A) as follows:

571—101.4(481A) Annual reports. Each holder of a falconer's permit shall submit an annual report to the department of natural resources by July 31 of each year. This report shall list all raptors in possession on the preceding thirtieth day of June and any raptor held during the year by species; sex (if known); age (if known); date and where or from whom acquired; and whether escaped, died, was recaptured, or was released during this time period and when the event occurred.

ITEM 6. Amend rule 571—101.5(481A) as follows:

571—101.5(481A) Other provisions.

101.5(1) ~~No permittee shall purchase, offer for sale, sell, trade or barter any native raptors acquired from the wild in Iowa. A holder of a federal raptor propagation permit may not sell, trade, barter, purchase, or offer for sale any captive-reared, properly marked raptor of a native species nesting in Iowa, except captive-reared peregrine falcons (*Falco peregrinus*), hybrids of peregrine falcons, and nonnesting species. Any raptor captured with a research radio transmitter attached must be reported to the department within five days and the raptor released immediately.~~

101.5(2) No permittee may take, purchase, receive or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits federal Form 3-186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the issuing regional fish and wildlife service office within five days of such transaction. ~~Falconry permit holders~~ A falconry permittee shall notify the department of natural resources in writing of the death, replacement, loss, release or temporary transfer or other such change in the status of their raptors within five days of such occurrence, ~~provided, however, that written~~ Written authorization shall be obtained from the department of natural resources before a replacement raptor may be secured, ~~and further provided that each~~ Each dead bird raptor shall be surrendered to the department of natural resources or disposed-of at the departments direction. Primary, secondary, and tail feathers may be retained and exchanged from these birds ~~for imping purposes only to imp or repair broken feathers.~~

101.5(3) Raptor exportation and importation permits may be issued to resident and nonresident falconers licensed to practice falconry in other states. Such permits shall be issued

only when the export or import term will exceed 30 days. In the case of exportation or importation terms of less than 30 days, the permittee shall have in possession a photocopy of raptor possession documentation (3-186A) and a photocopy of a valid state or federal falconry permit. Persons wishing to participate in hunting will be required to possess appropriate hunting licenses or permits.

101.5(4) A falconry permit holder shall obtain written authorization from the department of natural resources before any raptor not indigenous to the state is intentionally released to the wild, at which time the marker band from the released bird shall be removed and surrendered to the department of natural resources. The marker band from an intentionally released bird which is indigenous to the state shall also be removed and surrendered to the department of natural resources. A standard federal bird band shall be attached to such birds by the state or a service-authorized federal bird bander whenever possible. A falconer cannot permanently release to the wild a captive-bred raptor.

101.5(5) A raptor possessed under a state/federal falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by the properly completed Form 3-186A (Migratory Bird Acquisition/Disposition Report) designating the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

101.5(6) A General or Master falconer may charge a fee for presentation of a raptor education program to the public. The fee cannot exceed the amount required to cover the falconer's expenses.

101.5(7) When a hybrid or exotic falconry bird is flown free it must be fitted with two radio telemetry transmitters.

Motion – Commissioner Rettig

Seconded – Commissioner Underwood

Discussion – Commissioner Francisco recommends adding ‘working’ to verbage in 101.5(7)

Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

25. NOTICE RULE: CHAPTER 571--102 – FALCONRY HUNTING REGULATIONS

This notice includes rule changes/amendments to Chapter 102 Falconry Hunting Regulations. Department staff has proposed changes to up-date the rule text, including suggested changes requested by the Iowa Falconers Association, a private organization.

NATURAL RESOURCE COMMISSION[571] Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 102, "Falconry Regulations for Hunting Game," Iowa Administrative Code.

The proposed changes have been requested by department staff and the Iowa Falconers Association (IFA) to update the existing rule and align it with recent Federal Code changes made by the U.S. Department of the Interior; Fish and Wildlife Service's Migratory Bird Office.

Any interested person may make written suggestions or comments on the proposed amendments on or before August 18, 2010. Such written materials should be directed to Steve Dermand, Department of Natural Resources, Wallace State Office Building, 502 E 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or email steve.dermand@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Law Enforcement Bureau at (515)281-4515.

Also, there will be a public hearing on August 18, 2010, at 9 a.m. in the fourth floor east conference room of the 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 intend to attend the public hearing and have special needs such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

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

The following amendments are proposed.

ITEM 1. Amend rule 571—102.1(481A) as follows:

571—102.1(481A) General. Game may be taken annually, by ~~licensed~~ permitted falconers only, subject to the following:

102.1(1) Definitions. For the purposes of this rule, the following definitions are used:

"*Falconer*" means any person ~~licensed~~ permitted under the provisions of 571—Chapter 101, Iowa Administrative Code, who pursues the sport of falconry.

"*Falconry*" means the sport of taking ~~quarry game~~ by means of a ~~trained~~ raptor.

"*Raptor*" means ~~a live migratory bird of the family Accipitridae, other than the bald eagle (Haliaeetus leucocephalus), or of the family Falconidae, or the great horned owl (Bubo virginianus) of the family Strigidae.~~ any of the following wild species: American kestrel; Coopers hawk; Ferruginous hawk; Goshawk; Great-horned owl; Gyrfalcon; Harris' hawk; Merlin; Prairie falcon; Red-tailed hawk; Rough legged hawk; Sharp-shinned hawk and any captive-bred species.

102.1(2) Licenses and permits. In addition to the falconry ~~license permit~~, a falconer must have all other licenses, stamps, and permits required by law. A falconry observer is not required to be licensed for hunting, but an observer may not assist in the hunt.

102.1(3) Other requirements. Except for the provisions of rule 571—102.2(481A), any person taking game by falconry must comply with all other statutes and rules governing this activity.

ITEM 2. Amend subrules 102.2(2) and 102.2(4) as follows:

102.2(2) Geese. The season for taking geese by means of falconry may vary among goose hunting zones. Falconry seasons for white-fronted geese and light geese (white and blue-phase snow geese and Ross’ geese) shall begin each year on the first day of the conventional (gun) hunting season for these geese in each zone, as described in rule 571—91.3(481A), and continue in each zone for 107 consecutive days. Falconry seasons for Canada geese and brant shall be open concurrently with the conventional (gun) hunting season for these geese as well as any days between the ~~end of the second segment of the season for Canada geese and brant and the start of the third segment of the season~~ first, second, or third segments of the conventional (gun) hunting season for Canada geese and brant.

102.2(4) Hawking hours and limits. Hawking hours for migratory game birds are one-half hour before sunrise to sunset. The daily bag limit may include no more than three migratory game birds, singly or in aggregate. The possession limit is twice the daily bag limit. There are no hawking hour restrictions for non migratory game during the legal season.

ITEM 3. Amend rule 571—102.4(481A) as follows:

571—102.4(481A) Means and methods of take. ~~No person shall have in possession any firearm or any other implement for the taking of game while hunting game by means of falconry. No falconer or observer may carry a firearm while in the field with a raptor and in the act of falconry.~~

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

APPROVED AS PRESENTED

26. DONATIONS

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

Donation To:	Amount:	Description:	Donation Provided by (Name/Org):
Fish and Game Trust Fund	\$20.00	Funds to support the Fish and Game Trust Fund in memory of Dorothy Cornwell, an avid birdwatcher	Karen Hawkins
Fish and Game Trust Fund	\$20.00	Funds to support the Fish and Game Trust Fund in memory of Dorothy Cornwell	Gerald and Jeri Brown
Fish and Game Trust Fund	\$20.00	Funds to support the Fish and Game Trust Fund in memory of Dorothy Cornwell	Wilbur and Doris Davison
Iowa DNR	\$20.00	Funds to support Iowa's natural resources	Woodsman Construction
Lacey-Keosauqua State Park	\$22.50	Repair mower deck wheel	John McQuoid
Fish and Game Trust Fund	\$30.00	Funds to support the Fish and Game Trust Fund in memory of Dorothy Cornwell	Douglas and Linda Steele
Fish and Game Trust Fund	\$50.00	Funds to support the Fish and Game Trust Fund in memory of Dorothy Cornwell	Ronald and Susan Edwards
Brushy Creek Rec Area	\$100.00	Food and prizes for fishing derby at Brushy Creek State Recreation Area	Wal-Mart
Wapsipinicon State Park	\$150.00	Funds to support Wapsipinicon State Park	Duke Synder
Improvements in Lake Macbride State Park	\$500.00	Funds to support Lake Macbride State Park	Kohl's Dept Stores
Mines of Spain	\$577.50	16.5 hours of drywall work at the new visitor's center at Mines of Spain State Park	Jeff Frick
Law Enforcement Hunter Education Program – Muscatine County	\$640.00	Two Stack On GC-14P-B gun cabinets to be used to store hunter safety firearms. and one Thompson Center Triumph .50 caliber muzzleloading rifle for use in the hunter safety program. Donation made in memory of Hunter Safety Instructor Dennis Soppe.	Woodland Heights Practical Shooters
Mines of Spain	\$1,200.00	16 foot Wenonah canoe	Earl Brimeyer
Iowa DNR	\$236,243.75	A bequeath in memory of Christopher Desjardins to support renewable energy efforts in State Parks	Peter Desjardins

Motion – Commissioner Underwood

Seconded – Commissioner Garst

Decision – Approved by Unanimous Vote

APPROVED AS PRESENTED

27. COMMUNITY OUTREACH AND VISIONING CONTRACT

The Commission is asked to approve a two year \$60,114.00 contract with Trees Forever Inc. to select and work with twenty four eastern Iowa communities. Trees Forever will assist selected Iowa communities with visioning, planning and managing their urban tree resources. Trees Forever will utilize community forest inventory data and community forestry management plans provided by the Iowa DNR Forestry Bureau to assist these communities with the development of emerald ash borer (EAB) response plans, community resource pooling, and development of grass roots community forest resource advocacy. Trees Forever will also meet with communities to discuss the values and benefits provided by the urban tree resource. Under the terms of this contract the IDNR Forestry Bureau has final approval of the selected communities.

This contract is funded entirely through a United State Department of Agriculture Forest Service Competitive Funding grant entitled “Emerald Ash Borer Monitoring Evaluation, Outreach and Community Forestry Assessment and Assistance in Eastern Iowa and Western Illinois”. Trees Forever is providing \$32,000 of match to the grant project.

Funding for this project is authorized under Section 456A.24(13) of Iowa Code.

Motion – Commissioner Rettig
Seconded – Commissioner Schemmel
Decision – Approved – 6-Aye and 1-Abstention (Underwood)

APPROVED AS PRESENTED

28. STATE FOREST NURSERY COMPUTER ORDER SYSTEM

The Commission is asked to approve a \$45,277.00 contract with Salem Associates of Des Moines, IA for the development and implementation of a new State Forest Nursery computerized ordering system.

Professional services for application development and implementation of an enhanced nursery sales web application. The goal of this project is to streamline processes for Forestry, DNR Accounting, and DNR staff, while providing improved services to the customer. The plan is to add functionality to the current web application that will add the State’s E-Payment process interfacing with US Bank so that manual reconciliation can be eliminated by DNR’s Budget and Finance staff. New reports will be automated as well as the picking lists. The expected results of this RFP is a fully functional electronic payment processing.

DNR issued competitive bids for this project. We received proposals from four vendors. All four vendors have offices in the State of Iowa. DNR intends to award to Salem Associates which received the highest evaluation total.

Vendor	Technical Points	Cost Points	Total	Cost
Salem Associates	845	300	1145	45,277
QCI	890	90	980	149,800
Infinite	870	60	930	221,200
Symphony	510	90	600	148,500

Funding for this project is from the American Recovery and Reinvestment Act (ARRA) of 2009 and is authorized under Section 456A.24(13) of Iowa Code.

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

APPROVED AS PRESENTED

25. GENERAL DISCUSSION

- Commissioner Drees
 - Next month waterfowl item will come before the NRC, asked Guy Zenner to come prepared to update commission on the issues.
- Commissioner Francisco
 - HCR has reserved parking for hybrid vehicles
 - Legislative breakfast – 3rd week of January
- Commissioner Garst
 - Policies on farm land leases
 - Staffing Plan – What is being done with Conservation Easement position and Trails Coordinator positions
 - Economic Impact of Rivers Report
- Commissioner Kircher
 - None
- Commissioner Schemmel
 - Would like to have tours if at all possible in the upcoming fiscal year
- Commissioner Underwood
 - Invited fellow commissioners to visit the Clear Lake during RAGBRAI
- Commissioner Rettig
 - RAGBRAI next week – great opportunity to get word out to public on everything DNR does
 - Trails – received twitter message about possible federal grant opportunities

INFORMATIONAL ONLY

ITEMS FOR NEXT MEETING

- Presentation on Donation from Chris Desjardins
- Policies on Farm Land Leases
- Economic Impact of Rivers Report – possibly October
- Info on Arial Spraying – IDALS rep
- Donation Policy
- Special Events Update

NEXT MEETINGS:

- 8/12/10 – Polk County, 9:00am
- 9/9/10 – Henry County, 10:00am

ADJOURNMENT

Motion was made by Commissioner Kircher to adjourn the meeting. Seconded by Commissioner Rettig. Approved by Unanimous Vote. With no further business to come before the Natural Resource Commission, Chairperson Gregory Drees adjourned the meeting on July 22, 2010 at 2:53 p.m.

APPROVED – MEETING ADJOURNED

INDEX

A

Adjournment, 47
 Agreement with Hartman Historical Services, 18
 Agreement with The Nature Conservancy – Habitat Management, 22
 Approval of Agenda, 1
 Approval of Minutes from June 10, 2010, 1
 Artesian Lake Wildlife Management Area – Carroll County – D.K. Holdings, 10

C

Call to Order, 1
 Chapter 18 Lease - Clear Lake – Cerro Gordo County – Sunset Beach Marina, 12
 Chapter 18 Lease – Mississippi River – Scott County – River/Gulf Grain Co., 12
 Commissioners Absent, 1
 Commissioners Present, 1
 Community Outreach and Visioning Contract, 45
 Construction Items, 4
 Contract - Lewis & Clark State Park Visitor Center Exhibit Design, Fabrication and Installation, 17
 Contract with City of Emmetsburg for Dredging at Five Island Lake (Palo Alto County), 30
 Contract with Ducks Unlimited, Inc. for Construction Management Services at Lost Island Lake (Palo Alto County), 31
 Contract with Infinite Computing Systems, Inc. for Web Content Management System, 19
 Contract with Lake Improvements Commission (LIC) for Dredging at Storm Lake (Buena Vista County), 30
 Contract with Northeast Iowa RC&D for Forestry Outreach in the Upper Iowa, Turkey and Yellow Rivers Watersheds of the Driftless Area, 22

Contract with Salem Associates for Application Maintenance and Enhancement Contract, 20
 Copeland Bend WMA, Fremont County – Wetland Excavation, 6
 Crabb Island, Mississippi River – Louisa County – MidAmerican Energy, 16

D

Directors Remarks, 2
 Donations, 44

E

Easement Issuance – Missouri River – Harrison County, 13
 Emerson Bay, West Okoboji, Dickinson County – Flush Toilets, 4

F

Final – Chapter 15 (residency), “General License Regulations”, 32
 Final – Chapter 15 (revocation), “General License Regulations”, 35

G

General Discussion, 46

H

Honey Creek Destination Resort State Park – Asset Manager Contract, 3
 Honey Creek Destination Resort State Park – Monthly Update, 3
 Honey Creek State Park, Appanoose County – FEMA Trail-Road Rock Replacement, 5

I

Items for Next Meeting, 47

L

Land Acquisition Projects, 10
 Land Management Projects, 12

Lansing Wildlife Management Area –
Allamakee County – Scholtes, 10
Lewis & Clark State Park, Monona County
– Visitor Center Parking Lot, 6

M

Management Agreement – Brown’s Lake –
Woodbury CCB, 13

N

Next Meetings, 47

Notice Rule: Chapter 571--102 – Falconry
Hunting Regulations, 42

Notice Rule: Chapter 571--101 – Falconry
Regulations, 36

P

Pine Ridge Recreation Area – Hardin
County – Hardin CCB, 14

Professional Services Contract – Delivery
Order Approval – Deer Creek Lake
Investigation, Analysis & Design of
Repairs, 7

Professional Services Contract – Delivery
Order Approval – Wastewater Treatment
System at Big Creek State Park, 8

R

Rulemaking Petition for the adoption of
rules relating to use of leashed tracking
dogs to assist in recovery of legally shot
deer, 23

S

Sedan Bottoms WMA, Appanoose County –
Wetland Restoration, 5

Small Construction Projects Contracts, 9

State Forest Nursery Computer Order
System, 45

U

Union Grove State Park, Tama County –
Utilities for shower, cabin and
campground, 7

W

West Lake Okoboji – Dickinson County –
INHF (Peace Properties), 11