

Summary

Natural Resource Commission

8:30 AM

Thursday June 10, 2010

502 E. 9th Street

Des Moines, IA 50319

Henry Wallace Building - 4th Floor Conference Room

1	Approve Agenda			
2	Approve Minutes of 05/13/10			
3	Director's Remarks			
4	Honey Creek Update			
5	Construction Items			
	5.1	Boone Research Station, Boone County – Replace Service Building	Decision	Carried
	5.2	Butch Olofson Range, Polk County – Range Building Addition	Decision	Carried
	5.3	Otter Creek WMA, Tama County – Headquarters Pole Storage Building	Decision	Carried
	5.4	EB Lyons Interpretive Center, Dubuque County – Fire Lane Access Driveway	Decision	Carried
	5.5	Wildcat Den State Park, Muscatine County – Restroom and Septic System Installation	Decision	Withdrawn – No Bids
6	Small Construction Project Contracts		Information	N/A
7	Lost Grove Lake – Consultant Contract for the inspection of the Dam and Spillways		Decision	Carried
8	Professional Services Contract – Delivery Order Approval		Decision	Carried
9				
	9.1	Brushy Creek State Recreation Area – Webster County Conservation Board	Decision	Carried
	9.2	Prairie Rose State Park – Shelby County – Hoogensen Estate	Decision	Carried
	9.3	Boone Forks Wildlife Management Area, Hamilton County – Steven & Diana Kelley	Decision	Carried
10	Publicly Owned Lakes Program Watershed Eligibility		Decision	Carried
11	DNR and County Conservation Board Land Conveyance Procedure		Information	N/A
12 11:00am	Brush & Weed Control Specialists, Inc., New Farmers Drainage District Oral Argument on Appeal of ALJ'S Proposed Decision		Decision	Carried to Uphold ALJ's Ruling
13	Appeal of Dock Permit of Smith Mobile Home Park by Appellants Clark Christensen, Patricia Jones and Ronald Wasmund		Decision	Carried to Not Take Action on Appeal
14	NOIA Chapter 71 Nursery Stock Sale Administrative Rules Change		Decision	Carried
15	Commercial Concession Contracts – Various Parks		Decision	Carried

16	Brushy Creek Trails Advisory Board 2009 Annual Report	Information	N/A
17	State Park Centralized Reservation System RFP	Information	N/A
18	Final Rule: Chapter 40 – Boating Speed & Distance Regulations	Decision	Carried
19	Chapter 46: All-terrain Vehicles, Off-road Motorcycles and Off-road Utility Vehicles	Decision	Carried
20	Chapter 47: Snowmobiles	Decision	Carried
21	Chapter 50: All-Terrain Vehicle and Snowmobile Accident Reports, Titling, Registration, and Numbering	Decision	Carried
22	Brass Bluegill Award	Information	N/A
23	Chapter 81, Fishing Regulations - Notice of Intended Action	Decision	Carried
24	Chapter 88, Fishing Tournaments - Notice of Intended Action	Decision	Carried by Amendment
25	Chapter 113, Restitution for Pollution Causing Injury to Wild Animals - Notice of Intended Action	Decision	Carried
26	Contract with Iowa State University for Urban Fishing Formative Assessment and Case Study	Decision	Carried
27	Contract with Iowa State University for 2010 Iowa Lakes Monitoring	Decision	Carried
28	Contract with the Department of the Army for Section 206 Clear Lake, IA (Ventura Marsh Aquatic Ecosystem Restoration)	Decision	Carried
29	Contract with Tetra Tech for Diagnostic and Feasibility Study of Lake Manawa, Pottawattamie County, Iowa	Decision	Carried
30	Agreement with Iowa State University - Research Studies	Decision	Carried
31	Cultural Resource Evaluation contract with ISU – Amendment No. 1	Decision	Carried
32	Cultural Resource Evaluation Contract with University of Iowa – Amendment No. 1	Decision	Carried
33	Final rule – Chapter 23, “Wildlife Habitat Promotion with Local Entities Program”	Decision	Carried
34	Final rule – Chapter 53, “Controlled Hunting Areas”	Decision	Carried
35	Final rule – Chapter 94, “Nonresident Deer Hunting”	Decision	Carried
36	Chapter 105 – 2010 Deer Management Zone Hunts	Decision	Carried
37	Final rule – Chapter 106, “Deer Hunting by Residents”	Decision	Carried
38	Final rule – Chapter 108, “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf and Spotted Skunk Seasons”	Decision	Carried
39	FY 2011 Department of Natural Resources Proposed Capital Plan	Decision	Carried by Amendment

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
JUNE 10, 2010

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

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by the NRC Chairperson, Gregory Drees on June 10, 2010 8:30a.m. He thanked the IDNR staff and IDPH for the informational session on 'Public Health and Lead'. He also thanked staff for the tour of Walnut Woods State Park and surrounding area. 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
Margo Underwood
Janelle Rettig

COMMISSIONERS ABSENT

Dennis Schemmel

PUBLIC COMMENT

None

1. APPROVAL OF AGENDA

Moved – Commissioner Francisco moved to change item 22 to follow item 4, item 34 to follow immediately after lunch break, and consent vote items: 5.1, 5.2, 5.5, 6, 7, 8, 9.1, 9.3, 10, 14, 17, 19, 20, 26, 27, 28, 29, 30, and 33.

Seconded – Commissioner Kircher

Motion – Carried 5 Aye, 1 Nay (Rettig)

Discussion – Tamara Mullen, DNR Legal Counsel explained that if it was not unanimous to package all suggested items into a consent vote the commission could not proceed in that manner. However, the commission could ask for a consent vote on each item as the agenda is worked through.

Moved (2) – Commissioner Francisco restated his motion as; change item 22 to follow item 4, and item 34 to follow immediately after lunch break.

Second – Commissioner Underwood

Motion – Approved by Unanimous Vote

2. APPROVAL OF MINUTES FROM MAY 13, 2010

Moved – Commissioner Underwood

Seconded – Commissioner Francisco

Motion – Approved by Unanimous Vote

3. DIRECTOR / DEPUTY DIRECTOR REMARKS

- Director Leopold updated the commission on the following:
 - He recently attended the Association of Fish & Wildlife Agencies (AFWA) and explained how the group's mission affects Iowa.
 - Iowa is part of the Midwest Association of Fish & Wildlife Agencies (MAFWA) and 2011 is the state's turn to host the annual conference so next year it will be held at Honey Creek Resort State Park.
 - 3 new Conservation Law Enforcement Supervisors and 14 new Conservation Law Enforcement Officers were hired; tomorrow June 11th there will be a swearing in ceremony for the newly hired 14 conservation officers.

- Deputy Director Boddy updated the commission on the following:
 - Status of the department's strategic plan that includes the staffing plan and SERIP plan.
 - Recognition of Management Services Division Administrator, Sally Jagnandan who is retiring today June 10th.
 - There is a stakeholders meeting scheduled in August for development of future legislative initiatives. She encouraged commissioners to attend if their schedule would allow.
 - ARRC Meeting – The NOIA on alcohol ban at Gull Point beach was approved. The Special Events (Chapter 44) final rule was issued a 70 day waiting period. The final rule on Chapter 62 "State Forest Camping" immediate family language definition was also approved.

- Interim Conservation & Recreation Division Administrator, Diane Ford spoke about Representative Paul Bell who recently passed away. She explained how important his work had been to the department noting that he had played a key role in the starting the sustainable funding initiative. He will be greatly missed.

INFORMATIONAL ONLY

4. HONEY CREEK RESORT STATE PARK UPDATE

- Deputy Director Boddy updated the commission on:
 - The status of remaining construction items.
 - Asset Manager – The Request for Proposal (RFP) deadline has been extended to June 23rd. There will be another tour of the resort on June 15th for interested individuals or companies. The department plan is to have a decision on a candidate to bring before the commission at the July 22nd commission public meeting.

- Andy Woodrick, Honey Creek State Park Resort General Manager & Linda Caird, Central Group Companies updated the commission on the financials for May 2010. As well, reviewed the forecast for the current summer season.

INFORMATIONAL ONLY

5. CONSTRUCTION PROJECTS

5.1 BOONE RESEARCH STATION, BOONE COUNTY – REPLACE SERVICE BUILDING

This project consists of the construction of a one story, pre-engineered wood type building with metal roofing and siding including translucent panels to admit daylight, a concrete floor approximately 40’ x 80’ in size, exterior concrete apron and other work as required by the Plans and/or the DNR Construction Inspector. The design includes translucent plastic panels to admit daylight and reduce energy costs, and exterior concrete apron paving that has less “heat island” effect than Asphalt pavement.

This project was designed by DNR Engineering staff and will be inspected by the DNR District Inspector. DNR estimate is \$160,000. Funding source is Fish and Wildlife Trust - Boat Registration Fund (Capital Link #72). 35 sets of plans were issued and 5 bids received, 1 rejected.

R H Grabau Construction Inc	Boone, IA	\$129,127.00
C L Carroll Company Inc	Des Moines, IA	\$166,931.00
Tri-County Cash Lumber Mart Inc.	Jefferson, IA	\$169,151.24
Hansen Company Inc.	Johnston, IA	\$187,001.14

DNR recommends awarding project to the low bidder, R H Grabau Construction Inc.

Moved – Commissioner Kircher
Seconded – Commissioner Francisco
Motion – Approved by Unanimous General Consensus

5.2 BUTCH OLOFSON RANGE, POLK COUNTY – RANGE BUILDING ADDITION

This project consists of an addition to the existing range office, remodeling of the existing building and incidental work as required by the Plans and/or the DNR Construction Inspector. The design provides an addition to the existing range office to allow more space for the Range Operator, and includes a high efficiency HVAC system and interior amenities to provide the Public with an enhanced experience at this range, as well as a closed circuit security camera system to monitor the range site 24 hours a day.

This project was designed by DNR Engineering staff and will be inspected by the DNR District Inspector. DNR estimate is \$60,000. Funding source is Fish and Wildlife Trust – Law Enforcement (Capital Link #31). 23 sets of plans were issued and 4 bids received, 1 rejected.

Hansen Company Inc.	Johnston, IA	\$155,000.00
Story Construction Company	Ames, IA	\$159,910.00
Brothers Construction	Des Moines, IA	\$169,990.00

DNR recommends awarding project to the low bidder, Hansen Company Inc.

Moved – Commissioner Francisco
Seconded – Commissioner Garst
Motion – Approved by Unanimous General Consensus

5.3 OTTER CREEK WMA, TAMA COUNTY – HEADQUARTERS POLE STORAGE BUILDING

This project consists of the construction of a one story, pre-engineered wood type building with metal roofing and siding including translucent panels to admit daylight, a concrete floor approximately 40’ x 100’ in size, an exterior concrete apron and other work as required by the Plans and/or the DNR Construction Inspector. The design includes translucent plastic panels to admit daylight and reduce energy costs, and exterior concrete apron paving that has less “heat island” effect than Asphalt pavement.

This project was designed by DNR Engineering staff and will be inspected by Jason Kruse, PE, and DNR District Inspector. DNR estimate is \$130,000. Funding source is Wildlife REAP Land Management – 75% (Capital Link #165) and Wildlife MFT – 25% (Capital Link #131). 26 sets of plans were issued and 5 bids received, 1 rejected.

Hatch Grading & Contracting Inc.	Dysart, IA	\$109,189.40
Hay Construction Services Inc.	Marshalltown, IA	\$132,652.00
C L Carroll Company Inc	Des Moines, IA	\$153,207.00
Hansen Company Inc.	Johnston, IA	\$178,202.42

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

Moved – Commissioner Francisco
Seconded – Commissioner Underwood
Discussion – Commissioner Drees commented that he is concerned that the marine fuel tax is appropriately being used. Diane Ford, Interim Conservation and Recreation Division Administrator assured the commission that the marine fuel tax funds are carefully vetted according to law.
Motion – Approved by Unanimous Vote

Bids will be opened June 3, 2010, for the following projects:

5.4 EB LYONS INTERPRETIVE CENTER, DUBUQUE COUNTY – FIRE LANE ACCESS DRIVEWAY

This Project consists of constructing a fire lane access driveway to the new EB Lyons Interpretive Center with some clearing & grubbing, Class 10 excavation, furnishing & placing special backfill, granular shoulders, 1,563 SY 7" PCC Pavement, and seeding disturbed areas.

This project was designed by DNR Engineering staff and will be inspected by Mel Pacovsky, DNR District Inspector. DNR estimate is \$90,000. Funding source is Park and Institutional Roads Fund (Capital Link #81) and REAP Open Space Fund (Capital Link #149).

DNR staff will bring the bid results and recommendation for award to the NRC meeting.

Moved – Commissioner Kircher
Seconded – Commissioner Francisco
Motion – Approved by Unanimous General Consensus

5.5 WILDCAT DEN STATE PARK, MUSCATINE COUNTY – RESTROOM AND SEPTIC SYSTEM INSTALLATION

This project consists of preparing an 18” thick crushed rock pad for a precast CXT Restroom Building, stub out plumbing underneath CXT Building and connecting utilities after building placement, trenching new water lines w/ boring under road, installation of 3 septic tanks and two AdvanTex Treatment systems with UV light disinfection units, trenching new power and phone lines, hooking up power inside of a school house, installation of drain down pit, tree removal, pump and clean 2 existing septic tanks and pumping, breaching existing evaporation lagoon and all other work required therein.

This project was designed by DNR Engineering staff and will be inspected by David Heer, PE, and DNR District Inspector. DNR estimate is \$99,580. Funding source is I-Jobs (Capital Link #226).

DNR staff will bring the bid results and recommendation for award to the NRC meeting.

Moved – N/A
Seconded – N/A
Discussion – Don Labate, Engineering Bureau Chief explained that no bids had been received for this item.
Motion – N/A

6. SMALL CONSTRUCTION PROJECT CONTRACTS

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

BID DATE	PROJECT	COUNTY	AREA	DESCRIPTION	ESTIMATE	BIDS
5/6/10	10-01-30-01	Dickinson	East Lake Okoboji	Restroom Site Prep/utilities	\$65,000.00	\$32,314.95 \$40,061.37
5/6/10	10-06-06-02	Benton	Dudgeon Lake	House demolition	\$25,000.00	\$27,648.00 \$470378.50
5/13/10	10-01-81-04	Sac	Black Hawk State Park	Reroof shower bldg	\$9,500.00	\$9,634.00
5/20/10	10-06-89-02	Van Buren	Lacey Keosauqua State Park	Gatehouse restoration	\$30,000.00	\$49,770.00
5/20/10	10-03-96-01	Fayette	Grannis Creek WMA	Repair damaged trout habitat	\$14,000.00	\$8,451.75 \$8,527.40 \$8,871.25 \$9,955.50 \$10,477.18 \$13,332.25 \$18,941.00 \$24,234.00
5/20/10	10-03-96-02	Winneshiek	North Bear CR WMA	Repair damaged trout habitat	\$13,000.00	\$7,569.50 \$7,805.55 \$8,313.40 \$9,047.25 \$17,747.50 \$21,115.00
5/20/10	10-04-80-01	Ringgold	Mount Ayr Fish Hatchery	Pond Harvest Kettle Replacement	\$24,150.00	\$29,839.94 \$61,447.70
5/27/10	10-02-40-01	Hamilton	Little Wall Lake	New outlet structure and line	\$15,000.00	\$18,500.00 \$20,393.00
5/27/10	10-02-77-08	Polk	Big Creek State Park	Concession concrete approach	\$15,000.00	\$7,500.00 \$10,500.00

5/27/10	10-02-94-04	Webster	Brushy Creek State Park	Pit Vault Roof Replacement	\$5,000.00	\$9,275.00
5/27/10	10-01-67-05	Monona	Badger Lake WMA	Storage Building	\$13,500.00	\$12,817.17
						\$13,596.20
						\$15,539.60
						\$17,125.94
5/27/10	10-03-95-04	Winnebago	Hogsback Marsh WMA	Tenold WRP Wetland Restoration	\$40,000.00	\$29,790.00
						\$29,870.00
						\$34,690.00
5/27/10	09-03-31-09	Dubuque	EB Lyons Interpretive Center	Water System Improvements	\$40,000.00	\$35,465.00
						\$39,519.70
						\$62,542.00
5/27/10	10-02-08-03	Boone	Ledges State Park	Lift Station Replacement	\$23,000.00	\$37,951.00
						\$52,351.00
						\$54,500.00
						\$62,498.00

INFORMATIONAL ONLY

7. LOST GROVE LAKE – CONSULTANT CONTRACT FOR THE INSPECTION OF THE DAM AND SPILLWAYS

A scope of work and inspection fee has been negotiated for professional services to inspect the construction of the Lost Grove Dam in Scott County. J.B. Holland was awarded the \$4.16 million dollar construction contract in May. Construction is expected to start by the end of June. This inspection contract with AECOM, of Waterloo, IA, represents the second and final phase of the design-bid-build project for Lost Grove. AECOM designed this project and has been active with Lost Grove since August 1996. Because of the unique geological conditions at the dam site, a bentonite slurry trench approximately 5 feet wide, thirty feet deep and the length of the dam is required to reduce water movement under the dam. The tolerances and methods to build such a trench require a specialist familiar with the process to ensure proper construction.

The scope of this contract covers the day to day inspection duties as well as the technical investigation and reporting necessary for this project. AECOM will provide staff on site during construction to determine if the work is preceding in general accordance with the contract documents. Their design engineers will be reviewing soil data, monitor compaction, test concrete, review shop drawings, maintain documentation and advise the DNR on all aspects of the construction process.

To construct this project will require constant supervision and expertise that is not available with the in-house engineering team. The staff feels hiring this consulting firm, who is familiar with this project, will result in a well built dam, while allowing the in-house engineering team to continue contracting other scheduled projects.

Staff recommends approving the phase two contract. The firm has proposed a fee for services at their scheduled billable rates with a not-to-exceed amount of \$490,000. **Funding source is Federal Dingle Johnson and Marine Fuel Tax (Capital Link #134).**

Moved – Commissioner Underwood
Seconded – Commissioner Francisco
Motion – Approved by Unanimous General Consensus

8. PROFESSIONAL SERVICES CONTRACT – DELIVERY ORDER APPROVAL

The Department has negotiated a delivery order under a master contract with **RDG Planning and Design** to provide architectural and design consultation services for the construction of a cabin at Nine Eagles State Park. The Nine Eagles State Park Cabin project will consist of RDG Planning & Design utilizing the design parameters established in the schematic design drawings previously created by the Iowa Department of Natural Resources (IDNR) to complete design development, construction documents, limited bidding assistance, and construction administration services for the project. The project will consist of a year-round cabin structure of approximately 500 SF and a covered elevated deck area directly adjacent to the structure. The IDNR has established a construction budget of \$125,000.00 for the project. Services to be provided by RDG Planning & Design include architectural, landscape architectural, lighting design, electrical engineering, mechanical engineering and structural engineering. The IDNR has previously completed or will be completing design and construction of the sanitary sewer, domestic water, gas, electric and required data and communication utilities to within five feet of the cabin structure, thus these design and construction period services are not included as part of RDG Planning & Design services for this project.

Included in the scope of work are four main areas including **Design Development, Construction Documents, Bidding, and Construction Administration**. Each of these tasks will be accomplished utilizing a team approach with architects, engineers, and IDNR staff.

The **Design Development** will develop outline specifications and drawings to communicate overall design intent of the cabin. A review meeting is included to confirm design intent.

The **Construction Documents** phase will utilize design development criteria to complete bid ready plans and specifications. A second meeting between the design team and the IDNR staff is scheduled to review and revise plans for design intent or budgetary concerns. RDG Planning and Design will coordinate approval of the plans and specs through the Department of Public Safety.

The **Bidding** phase will consist of RDG Planning and Design providing technical assistance to the IDNR and prospective bidders for clarification of the plans and specs.

The **Construction Administration** will support construction through issuance of additional documents as needed to complete construction. RDG will also participate in 2 construction progress meetings and author the project punch list after the Substantial Completion Inspection.

RDG has proposed a schedule to complete the design work in time for a July 15th bid letting and a Substantial Completion Inspection of the construction in mid October.

The estimated cost of the work is **\$18,262.00**, 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. 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 accumulative amount of Delivery Orders, exceeds 25,000. With this proposed Delivery Order, the total amount will exceed \$25,000 when adding Delivery Order #2. The total amount since the last approval by the NRC is \$35,072.00.

IDNR recommends awarding the delivery order to RDG Planning and Design.

Prior RDG Delivery orders on this master contract:

1. State Parks Image guide \$281,368.00 Approved by the NRC on April 8, 2010
2. Union Grove cabin design \$16,810.00

Moved – Commissioner Kircher

Seconded – Commissioner Francisco

Discussion – Commissioner Underwood asked for further explanation of the green design of the proposed cabins. Don Labate explained the cabins are the first to be built utilizing materials of this nature. They will have efficient heating and cooling systems as well as other green building materials. This is part of the 2020 State Park design that was previously presented to the commission. Commissioner Underwood asked if the cost savings would be monitored as a learning tool. Don Labate responded that savings would be monitored so future structures could be modified to increase efficiency even further.

Motion – Approved by Unanimous Vote

9. LAND ACQUISITION PROJECTS

9.1 BRUSHY CREEK STATE RECREATION AREA – WEBSTER COUNTY CONSERVATION BOARD

The Natural Resource Commission is requested to approve the donation of 29 acres of land adjacent to the Brushy Creek State Recreation Area. The land is offered by the Webster County Conservation Board, and is approximately 5 miles northwest of Stratford, Iowa.

Jerry Gibson negotiated the donation.

The 29-acre wildlife area was given to the Webster County Conservation Board in 1973. The tract consists of 29 acres of timber, and is accessible only from the Des Moines River. The Parks Bureau will manage the property in accord with the area management plan.

Incidental costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

Moved – Commissioner Garst

Seconded – Commissioner Francisco

Motion – Approved by Unanimous General Consensus

9.2 PRAIRIE ROSE STATE PARK – SHELBY COUNTY – HOOGENSEN ESTATE

The Natural Resource Commission's approval is requested to purchase a tract of land located in Shelby County adjacent to state-owned and managed Prairie Rose State Park. The Estate of Victor L. Hoogensen and Robert Hoogensen et al offer this 77-acre tract for the price of \$340,000. The appraised price of the property is \$313,000.

Gary Thien, Licensed Appraiser of Council Bluffs, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This property is located approximately 9 miles southeast of Harlan in southeastern Shelby County. The gently sloping to steep tract contains 68 acres of terraced cropland and 9 acres of waterways and roads. There are no building improvements. Prairie Rose State Park borders along both the west and north sides of the property. Access is provided by a county paved road along the entire east boundary. This tract will serve as a dredge spoil containment site for the dredging of Prairie Rose Lake. The tract will eventually be seeded to tallgrass prairie and open to public hunting. The Wildlife Bureau will manage the property in accord with the area management plan.

Acquisition funding will be \$330,000 from Lake Restoration, and \$10,000 from the Shelby County Chapter Pheasants Forever. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the easement acquisition.

Moved – Commissioner Francisco

Seconded – Commissioner Rettig

Discussion – Commissioner Francisco asked for further explanation of why the department is proposing to pay more than the appraised value. Travis Baker, Lands and Water Bureau Chief explained that the current property owners made this offer to the department. The location has been identified by the lake restoration area as the ideal dredge site location. After dredging is complete the area could be utilized as a wildlife or park area. Mike McGhee, Lakes Restoration commented about the effort to reach out to the local area land owners about the possibility of selling land adjacent to the park and these landowners were the only owners who responded. Commissioner Francisco added that there is a lot of local support as \$10,000 will be coming from the Shelby County Pheasants Forever Chapter.

Motion – Approved by Unanimous Vote

9.3 BOONE FORKS WILDLIFE MANAGEMENT AREA, HAMILTON COUNTY – STEVEN & DIANA KELLEY

The Natural Resource Commission's approval is requested to purchase a tract of land located in Hamilton County adjacent north and west of state-owned and managed Boone Forks Wildlife Management Area. Steven and Diana Kelley offer this 10-acre tract for the appraised price of \$27,250.

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

This property is located 5 miles north of Stratford in western Hamilton County. The gently sloping to steep tract is comprised of four acres of grassland and six acres of forested land. There are no building improvements. Access is provided by adjoining DNR land to the south and east.

This tract will provide for wildlife 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 \$13,625 from REAP License Plate, and \$13,625 from REAP Protected Waters Area. The tract will remain on the property tax rolls. No survey or fencing costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

Moved – Commissioner Kircher

Seconded – Commissioner Underwood

Motion – Approved by Unanimous General Consensus

10. PUBLICLY OWNED LAKES PROGRAM WATERSHED ELIGIBILITY

The Natural Resource Commission is requested to approve the priority list of watersheds above publicly owned lakes and reservoirs where private landowners are eligible to receive cost-share funding of up to 75 percent of the cost of approved permanent soil and water conservation practices in fiscal year 2011. In accordance with Iowa Administrative Code 571, Chapter 31, Public Owned Lakes Program the Commission establishes a priority list of watersheds above publicly owned lakes. The Department is responsible to make an annual recommendation to the Commission utilizing the criteria established in the rule. The Iowa Department of Agriculture and Land Stewardship's Division of Soil Conservation manages the Public Owned Lakes Program, which makes funds available to private landowners in the watersheds above the designated publicly owned lakes. Funds for the program come from appropriations to the Iowa Department of Agriculture and Land Stewardship. Funding for fiscal year 2011 is \$347,500.

The following nine applications were submitted:

- Big Creek Lake, Polk and Boone Counties
- Lake Darling, Washington, Jefferson and Keokuk Counties (Application submitted was incomplete)
- Lake Geode, Des Moines and Henry Counties
- Hawthorn Lake, Mahaska County
- Little River Lake, Decatur County
- Littlefield Lake, Audubon County
- Lake Wapello, Davis County
- West Lake, Clarke County
- Williamson Pond, Lucas County

The applications were evaluated on their identification of locations within the watershed that contribute significant sediment to the lake and their plans for targeted installation of permanent soil conservation practices to reduce that sediment delivery.

In accordance with the administrative rules, the Department has determined the following eight watersheds adequately meet the requirements for eligibility in fiscal year 2011:

- Big Creek Lake, Polk and Boone Counties
- Lake Geode, Des Moines and Henry Counties
- Hawthorn Lake, Mahaska County
- Little River Lake, Decatur County
- Littlefield Lake, Audubon County
- Lake Wapello, Davis County
- West Lake, Clarke County
- Williamson Pond, Lucas County

Staff recommends approval of these eight watersheds for program eligibility.

Moved – Commissioner Garst

Seconded – Commissioner Francisco

Motion – Approved by Unanimous General Consensus

11. DNR AND COUNTY CONSERVATION BOARD LAND CONVEYANCE PROCEDURE

The DNR partners with county and city governments to operate state-owned land. This is accomplished by utilizing long-term management agreements. Currently, there are approximately 250 of these agreements in place. Recently, the Dept. has been faced with many of these agreements expiring. In most cases, both parties agree to request Natural Resource Commission approval to renew the agreement.

In other cases, the managing entity will request that the Dept. convey fee title. The Dept. may convey title, at no cost, to state-owned land (IC 461A.32) to other governmental agencies who will manage the area for public and conservation uses. Conveyance of state title is a rarely used land management tool; however, when the DNR does convey title, it is with careful consideration and with public trust in mind. From a DNR perspective the conveyance of title is low-risk due to a deed restriction, required by law, which mandates that title reverts back to the state (DNR) if the area is no longer managed for conservation purposes.

Every area has unique management requirements and varied management resources available to our partners vary considerably. Staff recommendations, to the NRC, are made independently from one another. Several factors are considered and negotiated to formulate a recommendation.

Typical factors include:

- What is the DNR's capability to operate the area (from a resource perspective)? Does the property require especially intensive resources (staffing or dollars) to manage the property? If so, does our partner (CCB) feel comfortable investing the resources without an ownership stake?
- Does our partner intend to significantly invest in capital improvements? If so, are the improvements possible devoid of an ownership position? Is the ability to apply for and receive grant money hindered without ownership?
- How did the state acquire the property? What was the funding source and were there any acquisition stipulations?
- What are the geographic considerations from a staffing perspective?
- If the property is currently under a management agreement, is the DNR comfortable with the partner's land management capabilities?
- What is best for the area users and the public in general?

The department is providing this information for the purpose of discussing the criteria the commission would like to see met before considering conveyance.

Discussion – Commissioner Rettig commented that Best Management Practices (BMP) should be included. These should include environmental watershed, land management, dark sky, etc. Commissioner Underwood asked what challenges the department had identified from previous agreements. Kevin Szcodronski explained that when working with county conservation boards it is difficult especially when dealing with historical buildings because they require additional permits. Commissioner Garst commented that who owns the land and who manages the land are two separate issues; and policy should clearly distinguish this. Commissioner Francisco reminded the commission of the provision written into each agreement that states if the land ceases to be used for the purpose in which the agreement was written the land would revert back to the state. Commissioner Rettig commented that the premise should be the state does not want to give away land, but in some cases where it is for the greater good of the public agreements should be written with stronger legal language as to protect the natural resources of the land. Kevin Szcodronski suggested possibly adding a clause to require a Sovereign Land Permit before any major improvements or changes could be made. Commissioner Garst commented that land management also needs to be incorporated into requirements.

INFORMATIONAL ONLY

12. BRUSH & WEED CONTROL SPECIALISTS, INC., NEW FARMERS DRAINAGE DISTRICT ORAL ARGUMENT ON APPEAL OF ALJ'S PROPOSED DECISION

The Department issued an Administrative Order against New Farmers Drainage District (NFDD) and Brush & Weed Control Specialists, Inc. (BWCS) directing BWCS to pay fish restitution costs arising from a fish kill within the NFDD's drainage stream. The order also assessed administrative penalties against both the NFDD and BWCS. Both parties appealed the order. After an evidentiary hearing, Administrative Law Judge Margaret LaMarche issued a proposed decision dated May 27, 2009 affirming the Department's First Amended Administrative Order in part and modifying it in part. BWCS and NFDD filed timely appeals of the proposed decision and the Department filed a timely cross-appeal. All parties have submitted written briefs and requested oral argument before this Commission.

All Commission members at the May meeting were provided hard copies of the (1) Department's First Amended Administrative Order; (2) Judge LaMarche's Proposed Decision; and (3) the parties' written briefs. Prior to the May meeting, all Commission members were also provided by email an electronic copy of the hearing transcript and all exhibits entered into evidence at the hearing. Prior to the May meeting, Commission members were also provided an internet link to an electronic copy of the hearing transcript and exhibits so it can viewed online.

Moved (1) – Commissioner Kircher

Seconded – Commissioner

Presentation – Attorney David Dorff, State Attorney General Office introduced the appellants to the commission. Appearing on behalf of the appellant was Attorney Craig Lavien and on behalf of the department DNR Legal Counsel David Wornson. The commission had previously been provided all materials in relation to the case for review. Oral arguments were then heard from both the appellant and the department.

Moved (2) – Commissioner Kircher moved to enter into closed session to discuss the decision to be rendered in the contested case before them sighting Iowa Code Section 21.5(1) “f”.

Seconded – Commissioner Francisco

Roll Call Vote

Gregory Drees - Aye

Richard (Kim) Francisco - Aye

Elizabeth Garst - Aye

Tammi Kircher - Aye

Margo Underwood - Aye

Janelle Rettig - Aye

The Commission then entered CLOSED SESSION

Moved (3) – Commissioner Rettig moved to return to open session

Seconded – Commissioner Francisco

Roll Call Vote

Gregory Drees - Aye

Richard (Kim) Francisco - Aye

Elizabeth Garst - Aye

Tammi Kircher - Aye

Margo Underwood - Aye

Janelle Rettig - Aye

The Commission then returned to OPEN SESSION

Moved (4) – Commissioner Garst moved to affirm the decision of the Administrative Law Judge and request that the DNR Attorney prepare a final order to that effect to be signed by NRC Chairperson Drees.

Seconded – Commissioner Francisco

Roll Call Vote

Gregory Drees - Aye

Richard (Kim) Francisco - Aye

Elizabeth Garst - Aye

Tammi Kircher - Aye

Margo Underwood - Aye

Janelle Rettig - Aye

Motion – Approved by Unanimous Vote to Uphold the Administrative Law Judge Ruling

13. APPEAL OF DOCK PERMIT OF SMITH MOBILE HOME PARK BY APPELLANTS CLARK CHRISTENSEN, PATRICIA JONES AND RONALD WASMUND

This Proposed Decision arises out of an appeal of Dock Permit #30-0761-4, as issued by the Department to the Smith Mobile Home Park for a dock system on Lake Minnewashta. The dock permit is based upon a dock configuration designed to lessen the impact of the dock system on neighboring properties when compared to prior dock configurations. After issuance of the permit, three neighboring property owners appealed the permit. Hearing on this matter was held on April 12, 2010.

A Proposed Decision was issued on May 7, 2010. The Proposed Decision upholds the Department's issuance of the dock permit and finds that the permit was issued in conformance with the applicable rules.

There has been no appeal of this Proposed Decision. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no review of this Proposed Decision, it automatically becomes the final decision of the agency.

Moved (1) – Commissioner Rettig

Seconded – Commissioner Kircher

Discussion – Commissioner Rettig asked about the appeal procedure. Jon Tack, DNR Legal Counsel explained that when there is a proposed decision rendered by an Administrative Law Judge the commission then has the option to hear the appeal.

Moved (2) – Commissioner Garst moved to not review the appeal

Seconded – Commissioner Francisco

Motion – Approved by Unanimous Vote

14. NOIA CHAPTER 71 NURSERY STOCK SALE ADMINISTRATIVE RULES CHANGE

The Commission's approval is requested for publication of a Notice of Intended Action to amend Chapter 71, "Nursery Stock Sale to the Public." This amendment allows the following change:

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

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

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

Moved – Commissioner Francisco

Seconded – Commissioner Kircher

Discussion – Commissioner Rettig asked why if there was a ban on transporting out of state wood across state lines due to the risk of Emerald Ash Borer (EAB) would the department propose this item. Paul Tauke explained the extra measures that would have to be taken to assure that the product is EAB free before shipping. He also explained the potential revenue this would generate. Diane Ford also added that the legislature supported this effort by placing it in a bill during the last legislative session.

Motion – Approved by Unanimous Vote

15. COMMERCIAL CONCESSION CONTRACTS – VARIOUS PARKS

The Department requests Commission approval for six concession contracts at various state parks.

Beed's Lake State Park – Roger Marchant dba Marchant Concessions

Commission approval is requested for a concession contract with Roger Marchant dba Marchant Concessions. Notice of concession availability was published in the Des Moines Register Sunday Business Opportunities section on March 7, 2010 for Beed's Lake State Park. A notice was also published in the local paper at Hampton. Individual notices were sent to current park concessionaires. One bid was received.

Roger Marchant, dba Marchant Concessions, of Iowa Falls proposes a five-year contract offering the following services:

1. Snack-food service (pop, candy chips, ice cream, etc.)
2. Convenience store items
3. Boat rental and some boat accessories
4. Bait and tackle sales
5. Firewood sales
6. Souvenirs
7. On-water boat storage
8. Lodge/open shelter rental operation

The proposed fee to be paid to the State is \$620 for each year for the concession operation (excluding the lodge/shelter rental). In addition, Mr. Marchant shall receive 50% of the lodge and open shelter rental that the department collects through the reservation system as Mr. Marchant will be responsible for the general maintenance of the rental facilities, posting reservations, handing out keys, collecting damage deposits and answering renter's questions. The contract will run through June 10, 2015.

Mr. Marchant operated the concession operation at Beed's Lake for seven years (late 70s and early 80s). Mr. Marchant recently retired from the Iowa DOT after 28 years of service as an equipment operator.

Green Valley State Park – Firewood – Tom King

Commission approval is requested for a concession contract with Tom King. Notice of firewood concession availability was published in the Des Moines Register Sunday Business Opportunities section on April 5, 2010 for Green Valley State Park. A notice was also published in the local paper at Creston. One bid was received and rejected as it was not in the requirement format. Pursuant to IAC 571 14.3(1), the Department can contract interested persons and attempt to negotiate a contract.

Tom King of Afton, Iowa proposes a one-year contract to sell firewood. Mr. King proposes to pay \$50 to the State for the firewood concession operation. Mr. King sold firewood at the park last year. The contract will run through June 10, 2011.

Vending Machine Contracts

Pursuant to 571 IAC 14.3(2)a, placement of vending machines in state parks and recreation areas shall not be subject to advertising and bidding processes established in IAC Chapter 14 “Concessions”. Private vending machine companies must obtain a letter/permit from the director of the department stating where and under what conditions the machines may be placed. Any fees or commissions to be paid by the vendor to the state shall be paid directly to the department’s central office in Des Moines, Iowa.

1. Clear Lake State Park – Vending Machine Contract – D & N Vending

Commission approval is requested for a concession contract with D and N Vending. Staff received a request from D and N Vending of Clear Lake to place an ice cream vending machine at Clear Lake State Park. D and N Vending propose a one year contract and propose a concession fee of \$6.00 for each case sold every month. The contract will expire June 10, 2011.

2. Green Valley State Park – Vending Machine Contract – Narigon Enterprises LLC dba Grandma’s Vending Service

Commission approval is requested for a concession contract with Narigon Enterprises LLC. Staff received a request from Narigon Enterprises LLC to place two soda machines at Green Valley State Park. Narigon Enterprises proposes a one year contract and proposes a concession fee of 10% of sales each month. The contract will expire June 10, 2011.

Friends Group Concession Contracts

Friends groups are defined in 571 I.A.C. 14.1 as “an organization incorporated under Iowa Code chapter 504A as a not-for-profit group which has been formed solely for the purpose of promoting and enhancing a particular state park or recreation area.” These groups are not subject to Chapter 14’s bidding procedures.

Pursuant to 571 IAC 14.3(2)“f”, persons selling only firewood may do so with a letter/permit from the director provided the park or recreation area has no other concessionaire, or provided the concessionaire has declined the opportunity to sell firewood.

Pursuant to 571 IAC 14.3(3), friends groups may offer souvenirs, books, photos, and other memorabilia for sale in a state park by requesting that a letter/permit be issued by the director. All proceeds from the sale of merchandise by the friends group must be spent on repair, replacement, or enhancement of facilities within the park.

Upon review of the Articles of Incorporation for these friends groups, it was identified that the purpose statements need to be updated to include language that the group was formed *solely* for the purpose of promoting and enhancing a particular state park or recreation area.

With the summer camping season fast approaching, the Department is proposing these contracts be approved with clear revocation language that is triggered if the friends group fails to amend their “statements of purpose” within 45 days of signing. This conditional acceptance will ensure the needs of park visitors and campers are immediately met upon the opening of the season and giving the friends group ample time to properly amend their Articles of Incorporation, a simple yet time-intensive change.

1. Lacey-Keosauqua State Park – Firewood Concession Contract - Friends of Lacey-Keosauqua State Park

Commission approval is requested for a one-year firewood contract with Friends of Lacey-Keosauqua State Park. The contract will terminate on June 10, 2011. All proceeds from the sale of firewood by the friends group will be spent on repair, replacement, or enhancement of facilities within the park.

2. Lewis & Clark State Park – Firewood and Souvenir Concession Contract - Friends of Lewis & Clark State Park

Commission approval is requested for a one-year firewood and souvenirs contract with Friends of Lewis & Clark State Park. The contract will terminate on June 10, 2011. All proceeds from the sale of firewood and merchandise by the friends group will be spent on repair, replacement, or enhancement of facilities within the park.

Moved – Commissioner Rettig

Seconded – Commissioner Underwood

Discussion – Commissioner Garst asked if the concessionaire at Beed’s Lake was a new. Sherry Arntzen replied it was a new contract but not a new concessionaire. Commissioner Garst then asked about firewood and the EAB quarantine. Sherry Arntzen explained the education efforts being done with the vendors to assure there is no out of state firewood brought into the parks. There is a marketing campaign ‘Buy it Here, Burn it Here’. Commissioner Garst commented that the agreement should be marketed to promote to vendors. Sherry Arntzen explained that she is currently working on the local vendor recruitment. Commissioner Underwood asked about education to the public on the EAB issue. Kevin Szcodronski explained the current education efforts being made in the state parks. He gave the example of the reservation system; in addition to the information on the reservation site itself the system automatically sends an email about in reference to EAB to out of state individuals after they make a reservation online.

Motion – Approved by Unanimous Vote

16. BRUSHY CREEK TRAILS ADVISORY BOARD 2009 ANNUAL REPORT

Pat Reed, Chairperson of the Brushy Creek Trails Advisory Board, will present the 2009 Annual Report. The written report is attached to this item. Mr. Reed will show photos and maps during the presentation to allow commissioners and attendees to better visualize the Board’s activities.

BRUSHY CREEK TRAIL ADVISORY BOARD YEAR END REVIEW 2009

The Brushy Creek Trails Advisory Board was created by Code of Iowa in 1988, which was the same time Brushy Creek Lake was authorized and funded for construction. The Board was created to foster relationships between the DNR and equestrian interests that were opposed to the lake because it would cover many miles of trails. In recognition of this controversy, the legislature also directed the DNR to use the newly created REAP program to purchase an additional 1,700 acres of land below the dam. Trails were ultimately developed on this additional property as a means to compensate for the trails lost to the lake.

The Trails Advisory Board typically meets twice a year and has at least one volunteer day to help with a trail maintenance project. The meetings during the early years of the Board were very contentious because of the bad feelings that equestrian interests had for the lake. Time and good faith cooperation between the DNR, Preserves Board, and equestrian interests have removed the friction. The Trails Advisory Board in recent years has had cooperative and mutually appreciated meetings.

The following are the major discussion items of the Brushy Creek Trails Advisory Board during 2009.

Wagon Cart Trail Use

In April 2009, the Hitchin' to Go club approached the Trail Advisory Board about allowing wagon and cart use on Brushy Creek's trail system. The board began to discuss several issues with the new proposed trail use. These included: which trails, possible impacts on trails and other users, what modification to trail design would be needed to accommodate the new use, and how to disseminate the information on the trail.

A special meeting was held in July 2009 for the board to approve a staff proposed plan for wagon routes. Two sections of the park were used to create over 5 miles of wagon routes on existing trails. The board supported this plan and recommended its implementation as soon as possible. The proposed trails were opened in mid-August 2009.

Members of the Hitchin' to Go Club attended the October 2009 meeting to report their views of the trails. The club is pleased with the new trails and thanked the board for the support it had provided. The club has also made a donation to Brushy Creek in order to offset the costs of the new signs used on the wagon trails.

Boardsmanship Presentation

At the request of Chairman Pat Reed, Dr. David Haggard of Encore Consulting was asked to speak to the group on "Boardsmanship." He spoke on achieving organizational effectiveness with boards and also gave several tips on how board members should view their roles in order to function cohesively to accomplish their goals.

Lake Trail Project History (all-weather trail)

Park managers applied for and received a DOT Federal Recreational Trails Grant for \$250,000 in 2004 (80% match). This was used to purchase equipment and materials to rock surface 12 miles of trail around the lake. The purpose is to have an all-weather trail available when other trails are closed due to wet conditions. Due to unforeseen rises in rock and hauling costs, park staff eliminated the paid trail construction position that the grant called for and have been doing the work themselves in order to have enough funding. Over 14,000 tons of rock have been used so far, and it is approximately 85% complete. Water quality terrace structures have also delayed the completion due to the final determination of an archaeological study. This is now complete and the NRCS can make final plans and designs with completion expected this fall, allowing the final section of the trail to be rocked. The trail has been open for the last 3 years with a detour around the unfinished sections.

All-weather trail access from South Camp

Park staff and board addressed concerns about the lack of trail access to the all-weather rock trail from the South Campground. There currently is only immediate trail access from the North Campground and North Day Use Area. Many individuals are choosing to ride a dangerous, busy county roadway from the South Camp to get to the trail. The following options were discussed:

- 1) Camp in the North Campground (current option)
- 2) Trailer horses to the North Day Use Area (current option)
- 3) Rock a trail from a south trail head out of the south campground around to the D-46 bridge at which point riders can continue to ride Brushy Creek Road north to the all-weather trail
- 4) a. Option #3 plus continuing a rock trail through the picnic area and prairie areas to meet up with the all-weather trail. This option includes rocking a portion of trail contained within the Brushy Creek State Preserve.
b. If rocking the trail at the edge of the preserve is not allowed, a second option would be to put a trail alongside the hill portion of Brushy Creek Road to the west to meet up with the current all-weather trail.
- 5) Secure an easement with the private landowner and put a rock trail heading west from the south campground parking lot, put an at-grade trail crossing on D-46 to state ground and then hook onto the "yellow trail" which will lead north to the all-weather trail.
- 6) Put a culvert under the road directly across from the south campground and rock a trail to the east from there.
- 7) Option #6 but rock a trail heading west.
- 8) Do not hook up with current all-weather trail at all; create a separate south only route. This would include Option #3 but then riders would take the gravel Brushy Creek Road south to the parking lot and from there a trail back to the South campground would be rocked.

These options are presented with no regard to cost, logistics, or practicality. Kevin Szcodronski brought up the fact that once riders get in and out of the South camp they have already ridden a few miles and how many people actually want to ride the entire lake trail that may take 5-6 hours from the south campground? Ron Jacobson proposed maybe rocking the "yellow trail" north of D-46 and making a loop out of it for a short riding option.

Linda Jenny and Lori Lange expressed concern about the destruction and ugliness that would occur with attempting to widen and rock a trail behind the south campground. Another concern is the fact that many people still do not like the idea of having rock trails at all. After much discussion Mike Tinkham proposed a vote that the idea of rocking a trail out of the south campground be tabled for now because there is no funding available for such a project in the immediate future and why not finish one project (the lake trail) before starting another one. Linda Jenny seconded the motion and everyone was in favor.

Brushy Creek State Preserve

A 260-acre preserve was dedicated in 1989 after results of an Environmental Impact Study determined the area to have significant geological exposures, archaeological sites and habitat for the threatened woodland vole. Contrary to normal practice, a one-mile trail has been established through the heart of this preserve. Another shorter section of trail also goes through an outer edge of the preserve. The Brushy Creek Trails Advisory Board contains a representative from the state preserves board. Over the years they have lent their expertise on trail management in sensitive areas. There is a problematic area along the preserve trail where the creek is eroding very close to the trail edge. To move the trail over would be going into a naturally boggy wet area. The Trails Advisory Board along with John Pearson (DNR plant ecologist) and the entire Preserves Board met and discussed the problem in 2007. The group was not in favor of using rip rap to armor the bank at this time. They wanted to use the least invasive solution since it is a preserve and nature should be allowed to take its course to some degree. The erosion seems to have stabilized for now and has not changed much over the last three years. A volunteer day was held on May 22, 2010 to plant willow stakes into that creek bank. The hope is to slow the natural progression of stream migration by natural methods in order to protect a trail connection within the state preserve.

Current Park Issues/Budgets/Current Events

At every meeting, time is provided to discuss current park issues such as new trail erosion control techniques, facility development plans, and progress on the “All Weather Rock Trail”. Time at each meeting is also set aside for discussion on current events such as Camping Kick-off Weekend, volunteer workdays, or other special events such as a night prairie burn. Erin Ford, shared DNR/Webster County naturalist, attends the meetings and presents her activities at Brushy Creek.

INFORMATIONAL ONLY

17. STATE PARK CENTRALIZED RESERVATION SYSTEM RFP

Iowa Interactive, LLC is the current vendor who created Iowa’s reservation system and is under a master contract with the Department of Administrative Service’s Interprise Technology Enterprise (ITE). The master contract provides solutions for e-government which also includes the reservation system. The current reservation system has been operational since January 2006. The system, for the most part, has been well received by the public who use it. There are, however, problems from the administrative side of the system. The department continues to receive audit comments from the Office of the State Auditor regarding the inability to reconcile the reservation accounting report with the State’s I/3 accounting system.

In 2009, department staff spent considerable time putting together a financial requirements document for the current reservation vendor to use to make the necessary changes to the system in order to be able to reconcile the reservation system and the state accounting system. The vendor did not feel that enough information was provided in order for them to move forward. Department management decided to prepare a request for proposal for a new vendor to provide a turn-key reservation system that will be able to reconcile.

A request for proposal was issued February 26, 2010. Five potential bidders attended the mandatory vendor's conference on March 10, 2010. Bid proposals were due April 15, 2010. Two bids were received. An evaluation committee consisting of park staff, information technology staff and accounting staff have reviewed and scored the bid proposals. It is anticipated that a recommendation for approval of a new vendor and contract will go to the Natural Resource Commission at the July 2010 meeting.

INFORMATIONAL ONLY

18. FINAL RULE: CHAPTER 40 – BOATING SPEED & DISTANCE REGULATIONS

The Commission is asked to amend Chapter 40, Boating Speed & distance Regulations. The amendment changes the current no-wake zone requirements to defined boat speed restrictions of five miles per hour for the listed areas.

Several written and verbal comments were received during the comment period and during the public hearings. Nearly all comments were in favor of the proposed rule changes. No changes were made from the rule published with the Notice of Intended Action.

<p>Moved – Commissioner Kircher Seconded – Commissioner Rettig Motion – Carried by Unanimous General Consensus</p>

19. CHAPTER 46: ALL-TERRAIN VEHICLES, OFF-ROAD MOTORCYCLES AND OFF-ROAD UTILITY VEHICLES

The Department requests Commission approval of Chapter 46, "All-terrain Vehicles, Off-road Motorcycles and Off-road Utility Vehicles." The proposed new chapter clarifies the procedures for registration, renewal, titling, decal placement and accident reporting for all-terrain vehicles, off-road motorcycles and off-road utility vehicles. Division II of the new chapter establishes minimum standards for all-terrain vehicle dealers as authorized under Iowa Code Chapter 321I.22. Division III provides for the regulations of designated all-terrain vehicle riding areas.

Public comments were taken through the public hearing, which was held on May 25, 2010 in the Wallace Building.

Comments received and the Department responses are as follows:

1. The Department received a request to amend rule 571--46.23 to add a "landline" telephone service requirement. The Department agrees and has made the change.
2. The Department received a request to amend subrule 46.26(1) to remove the word "sell" under this section. The Department is keeping 46.26(1) as is because the practice is already allowed under Iowa Code Section 321I.22.

3. The Department received a request to amend 46.52(3), paragraph “d,” to remove language that would require the Department to satisfy “all” concerns of adjacent property owners to a proposed OHV park. It was expressed that the current language goes beyond the Department OHV Land Acquisition and Development Policy. There is a difference between addressing concerns and satisfying everyone. The Department agrees and has made the change.
4. The Department received a request to amend subrule 46.54(5) to require both the operator and passenger to wear a helmet. As currently written, the section only applies to the operator. The Department agrees and has made the change.
5. The Department received a request to strike subrule 46.55(8) because the language has been duplicated in other sections and is not needed. The Department agrees and has removed the section.
6. The Department received a request to amend subrule 46.58(4) to allow for seatbelts other than original manufactured equipment. Improved seatbelts are available from other suppliers and should be allowed. The Department agrees and has made the change.
7. The Department received a request to amend subrule 46.58(6) to allow for a machine width of 62 inches rather than the current 60 inches. The Department agrees and has made the change.

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

20. CHAPTER 47: SNOWMOBILES

The Department requests Commission approval of Chapter 47, “Snowmobiles.” The proposed new chapter clarifies the procedures for registration, renewal, titling, decal placement and accident reporting for snowmobiles. Division II of the new chapter establishes minimum standards for snowmobile dealers as authorized under Iowa Code Supplement section 321G.21(9). Public comments were taken through the public hearing, which was held on May 25, 2010 in the Wallace building. One comment was received with two minor changes proposed.

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

21. CHAPTER 50: ALL-TERRAIN VEHICLE AND SNOWMOBILE ACCIDENT REPORTS, TITLING, REGISTRATION, AND NUMBERING

The Department requests Commission approval of Chapter 50, “All-Terrain Vehicle and Snowmobile Accident Reports, Titling, Registration and Numbering.” The new Chapter 50 defines each of the regulated vehicles covered by these rules, clarifies the criteria that require the bonding of a regulated vehicle or vessel, and updates the process used to bond a regulated vehicle or vessel. Responsibilities for both the applicant and the Department are delineated. Public comments were taken through the public hearing, which was held on May 25, 2010 in the Wallace Building. One comment was received in favor of the rule.

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

22. BRASS BLUEGILL AWARD

Each year we at DNR sponsor an award honoring an individual for their efforts in helping our citizens become skilled anglers and advocates of fishing and natural resource conservation. This year we are recognizing both Officer Jason Thomson, Maquoketa Police Department, and Angie Christensen, Western Dubuque schools prekindergarten teacher, in celebration of the 20th anniversary of the *Fish Iowa!* program.

Jason Thomson was trained in *Fish Iowa!* in 2006. He leads an after school program with 4th grade Maquoketa School students. The program teaches life skills such as goal setting, decision making, responsibility and improving self esteem through fishing skills and experiences.

Angie Christensen was trained in *Fish Iowa!* in 1999. She enjoys taking her students fishing every spring and seeing their excitement about being outside and learning about the fish they catch. She has been a *Fish Iowa!* trainer for 10 years and has trained 50 other instructors.

The Brass Bluegill Award has been sponsored by the Iowa Department of Natural Resources Aquatic Education Program since 1997.

INFORMATIONAL ONLY

23. CHAPTER 81, FISHING REGULATIONS - NOTICE OF INTENDED ACTION

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

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

In 2004 the closed season below Lock & Dam 11, 12, and 13 was implemented on an experimental basis to evaluate its effectiveness in protecting the sauger fishery from documented high mortality rates. It was thought these rates were related to the catch and release of thousands of small sauger with inverted stomachs or extended swim bladders during mild winters with open water in the tailwater areas. Research findings have determined that the closure was not effective. The implementation of a 5/0 snagging hook restriction is to minimize injury to snagged game fish and caught and released fish. This restriction is the same as implemented on paddlefish in 2010. In recent years poaching activities have increased below the Oakland Mill's dam and snagging in general is posing safety issues to others using the area. The no snagging restriction will minimize the illegal take of game fish and increase public safety.

Moved – Commissioner Kircher

Seconded – Commissioner Francisco

Motion – Approved by Unanimous General Consensus

24. CHAPTER 88, FISHING TOURNAMENTS - NOTICE OF INTENDED ACTION

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

The proposed change redefines the definition of "Fishing Tournament" as any organized fishing event, except for fishing events held for educational purposes and sponsored by the department of natural resources, involving either of the following:

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

Prior to 2003 tournament definition requirements were the same as what is being proposed with the exception for fishing events held for educational purposes and sponsored by the Department. In the publication of a rule change on March 5, 2003 the definition was inadvertently changed to read all three of the above requirements were needed to meet the definition of a fishing tournament. A tournament organizer alerted the Fisheries Bureau of this when requesting reimbursement of the \$25 administrative fee because the event being held did not have an entry fee or award prizes or other inducements. The proposed change will allow the Department to effectively administer its Fishing Tournament program to minimize conflicts with permitted tournament fishers and recreational fishers and boaters.

Moved – Commissioner Kircher

Seconded – Commissioner Francisco

Motion – Approved as Amended by Unanimous Vote

25. CHAPTER 113, RESTITUTION FOR POLLUTION CAUSING INJURY TO WILD ANIMALS - NOTICE OF INTENDED ACTION

The Commission is requested to approve a Notice of Intended Action to amend Chapter 113, "Restitution for Pollution Causing Injury to Wild Animals."

The proposed change defines priority watersheds and will direct compensation collected for natural resource damages from the vicinity of the loss to priority watersheds selected by the Department of Natural Resources.

Current uses of compensation in the vicinity of the loss cannot measure results or document any improvement or enhancement of the loss resource. Directing compensation to priority watersheds where goals and objective have been identified and where there is a monitoring strategy in place will document measurable results to the resource and show accountability to the program.

Moved – Commissioner Kircher
Seconded – Commissioner Francisco
Motion – Approved by Unanimous General Consensus

26. CONTRACT WITH IOWA STATE UNIVERSITY FOR URBAN FISHING FORMATIVE ASSESSMENT AND CASE STUDY

Recommendations:

Commission approval is requested for a two-year service contract with Iowa State University of Ames, Iowa. The contract will begin on August 1, 2010 and terminate on September 30, 2012. The total amount of this contract shall not exceed \$75,867. DNR shall have the option to renew this contract long as this contract and any extensions do not exceed a six-year period.

Funding Source:

This contract will be funded through the Aquatic Education Federal Aid to Sportfish Restoration Grant 125E.

Background:

The Iowa DNR had not been involved in expressly urban fishing initiatives. A host of programs exist across the country, with mixed results. In order to determine the best approach to developing urban partnerships, the Fisheries Bureau will utilize the expertise of the Sociology Department at Iowa State University to determine integral components for sustainable urban initiatives and partnerships. A graduate student in Sociology under the guidance of Dr. Lois Wright Morton, Department of Sociology and Dr. Rebecca Christoffel, Department of Natural Resource & Ecology Management will work in conjunction with IDNR and the municipal governments in the Des Moines Metro and other stakeholders as appropriate to develop a research design for data collection, analyses, and dissemination. The assessment process will involve a combination of methodologies: interviews, focus groups, analyses of pre-existing survey and available archival data.

Purpose:

Through this partnership, we will document stakeholder involvement and the participatory planning process used to assess and develop an urban fishing program. The creation of this “case study” will provide concurrent guidance in structuring the goals, objectives and impacts of this pilot program and build capacity to adapt and develop similar urban fishing programs in other communities.

Contractor Selection Process:

Iowa State University was chosen using the sole source, 28E process. Iowa State University was chosen for this project because of their expertise in working with social influences and interactions in program development/establishment in communities as well as their familiarity with this type of work in the area of natural resources.

Moved – Commissioner Rettig

Seconded – Commissioner Kircher

Motion – Approved by Unanimous General Consensus

27. CONTRACT WITH IOWA STATE UNIVERSITY FOR 2010 IOWA LAKES MONITORING**Recommendations:**

Commission approval is requested for a [one] year-service contract with Iowa State University of Ames, Iowa. The contract will begin on July 1, 2010 and terminate on February 28, 2011. The total amount of this contract shall not exceed \$146,575. DNR shall have the option to renew this contract as long as this contract and any extensions do not exceed a six-year period.

Funding Source:

This contract will be funded through Infrastructure (60%) and Lake Restoration Program (40%).

Background:

This contract encompasses the majority of lake water quality monitoring conducted as part of the statewide water monitoring program and is the primary basis for assessing the state’s lake water quality. The purpose of this program is to define the condition of Iowa’s lakes, characterize existing and emerging issues, measure changes or trends in water quality, and provide information to citizens and decision-makers. Specific ways the DNR intends to utilize the information gathered and analyzed in this Contract include: to fulfill Clean Water Act requirements of the department including: biennial reports on the status of lake water quality, impaired waters listing, and total maximum daily load reports; manage and evaluate this natural resource; and allocate lake restoration funds most appropriately.

Purpose:

The parties propose to enter into this Contract for the purpose of contracting with ISU to provide the DNR with lake monitoring data. As part of this contract, ISU will provide field and analytical support for monitoring on 131 of Iowa's significantly and publicly owned lakes. The lakes are monitored three times during the field season for basic water chemistry, nutrients, plankton composition, and clarity.

Contractor Selection Process:

ISU was chosen as contractor based on the Code of Iowa (455B.103), which directs the DNR to contract with public agencies of the state.

Moved – Commissioner Kirhcer
Seconded – Commissioner Rettig
Motion – Approved by Unanimous Vote

28. CONTRACT WITH THE DEPARTMENT OF THE ARMY FOR SECTION 206 CLEAR LAKE, IA (VENTURA MARSH AQUATIC ECOSYSTEM RESTORATION)

On January 14, 2010, the Natural Resource Commission approved a request to execute a Project Partnership Agreement (PPA) with The Department of Army, represented by the U.S. ARMY DISTRICT ENGINEER, ROCK ISLAND DISTRICT for a Federal Section 206 Aquatic Ecosystem Restoration Project at Ventura Marsh, Cerro Gordo County, Iowa for an amount not to exceed \$619,849. That cost-share amount was based on a pre-bid estimate and the bids exceeded the estimated amounts.

The District received six bids for the Ventura Marsh construction work, all of which were above the government estimate for the project. The lowest bid was selected, and the construction contract was awarded to Anderson Excavating Co. on March 22, 2010 for \$2,584,050. The increased cost (\$610,000) of the awarded construction contract and additional engineering and management labor costs (primarily due to a newly required preload embankment project feature) has resulted in the project cost estimate increasing from \$4,028,140 to \$4,925,890 since signing the Project Partnership Agreement (PPA) with the IDNR in January 2010. Based on this new cost estimate, the non-Federal Sponsor's 35 percent cost share obligation for this project is now \$1,724,062

The IDNR has already provided \$619,849 towards its cost share obligation; received \$790,000 credit for Lands, Easements, Rights-if way, Relocation, and Disposal areas; and \$50,000 credit for Sponsor Project Coordination, the remaining IDNR cost share requirement is \$264,213.

This contract is funded through the Lakes Restoration Program established under Iowa Code Section 456A.33B and will require an additional \$264,213 to meet PPA Sponsor obligation.

Moved – Commissioner Garst
Seconded – Commissioner Kircher
Discussion – Commissioner Underwood asked where the additional funding would come from. Mike McGhee, Fisheries explained that it would come from the Lake Restoration Program.
Motion – Approved by Unanimous Vote

29. CONTRACT WITH TETRA TECH FOR DIAGNOSTIC AND FEASIBILITY STUDY OF LAKE MANAWA, POTTAWATTAMIE COUNTY, IOWA

Commission approval is requested for an amendment to Contract 08-57HA-08 with Tetra Tech of Omaha, Nebraska. The contract will begin on July 1, 2010 and terminate on October 31, 2010. The total amount of this contract shall not exceed \$39,810.00 and will be funded through Iowa Code 456A.33B, Lake Restoration Plan and Report, known as the State Lake Restoration Program. DNR shall have the option to renew this contract long as this contract and any extensions do not exceed a six-year period.

Lake Manawa is a natural lake located on historic Missouri River floodplain. Current lake surface area is 747 acres with a watershed to lake ratio of 3.5/1. Under controlled input, Mosquito Creek supplies additional water to the lake. Past lake dredging work in the 1980's deepened significant portions of the lake. However, maximum lake depth does not exceed 13 feet and large expanses of the lake average between 6 to 7 feet of water. The DNR still has a dredge containment site within the Lake Manawa Park Area that could potentially be utilized for the project.

The DOT approached the DNR to explore the possibility of dredging the lake for sand to use for highway construction. The DOT and DNR met in March 2007 to determine opportunities to obtain highway building materials from Lake Manawa sediments. It was determined at the meeting that while DOT is still interested in obtaining highway building materials, DNR shall solely determine how to safely supply the product. There is concern about whether sand materials can be removed from Lake Manawa while still maintaining the hydraulic seal between the lake and the fluctuating Missouri River. It is estimated that the DOT needs approximately 4 to 6 million cubic yards of sand material over a six year period, from 2011 to 2016.

The parties propose to enter into this Contract Amendment for the purpose of retaining the Contractor to conduct a Phase 1 Archaeological Survey for a Pilot Dredging Project at Lake Manawa in Council Bluffs, Iowa. The original contract required Tetra Tech to determine the feasibility of conduction dredging activities at Lake Manawa, identify any risks with respect to dredging, and identify locations and methods of in-lake dredging to obtain sand that meets DOT standards for highway building material. This amendment will allow Tetra Tech to provide the DNR with additional information required for compliance with Iowa's State Historic Preservation Office (SHPO).

<p>Moved – Commissioner Kircher Seconded – Commissioner Francisco Motion – Approved by Unanimous Vote</p>
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30. AGREEMENT WITH IOWA STATE UNIVERSITY - RESEARCH STUDIES

The Commission is requested to approve the annual agreement with Iowa State University for base funding and for research studies to be conducted through the Cooperative Fish and Wildlife Research Unit in FY 2011.

Wildlife Component

1) Testing the Use of Patch-Burn Grazing to Provide Habitat for Species of Greatest Conservation Need (SWG funded)	\$116,716
2) Impact of Windfarms on Birds and Bats in Iowa (SWG funded)	\$150,000
3) The Use of Fire and Grazing to Improve Grassland Habitats for Species of Greatest Conservation Need (National SWG Competitive Program)	\$732,904
4) Base Funding	<u>\$20,000</u>
Total Wildlife Component	\$1,019,620

Fisheries Component

1) Best Management Practices for Hybrid Striped Bass Culture	\$154,934
2) Base Funding	<u>\$20,000</u>
Total Fisheries Component	\$174,934

Moved – Commissioner Francisco
Seconded – Commissioner Underwood
Motion – Approved by Unanimous General Consensus

31. CULTURAL RESOURCE EVALUATION CONTRACT WITH ISU – AMENDMENT NO. 1

The Department requests Commission approval of Amendment No. 1 to a Contract with Iowa State University to perform cultural resource evaluations of DNR properties. This amendment will extend our contract with ISU for one year beginning July 1, 2010 and ending June 30, 2011. The contract shall be for up to \$35,000 which is the same amount as the original contract.

DNR is required to evaluate potential impacts to cultural resources as a condition of using federal funding and to comply with our agreement with the State Historical Society of Iowa. This agreement ensures that DNR complies with state and federal regulations regarding cultural resources. Information derived from these evaluations is used by area managers to protect any cultural resources that may be present on DNR land.

Moved – Commissioner Kircher
Seconded – Commissioner Francisco
Motion – Approved by Unanimous General Consensus

32. CULTURAL RESOURCE EVALUATION CONTRACT WITH UNIVERSITY OF IOWA – AMENDMENT NO. 1

The Department requests Commission approval of Amendment No. 1 to a Contract with the University of Iowa to perform cultural resource evaluations of DNR properties. This amendment will extend our contract with the University of Iowa for one year beginning July 1, 2010 and ending June 30, 2011. The contract shall be for up to \$75,000 which is the same amount as the original contract.

DNR is required to evaluate potential impacts to cultural resources as a condition of using federal funding and to comply with our agreement with the State Historical Society of Iowa. This agreement ensures that DNR complies with state and federal regulations regarding cultural resources. Information derived from these evaluations is used by area managers to protect any cultural resources that may be present on DNR land.

Moved – Commissioner Rettig
Seconded – Commissioner Francisco
Motion – Approved by Unanimous General Consensus

33. FINAL RULE – CHAPTER 23, “WILDLIFE HABITAT PROMOTION WITH LOCAL ENTITIES PROGRAM”

The Commission is requested to adopt a final rule to amend Chapter 23, “Wildlife Habitat Promotion with Local Entities Program”.

The amendments clarify the types of projects that are eligible to be cost-shared, when applications are due, how the applications are evaluated, and how the applications are scored. A public hearing was held on April 27, 2010. The only comments received were in support of the changes. No changes were made from the notice.

Moved – Commissioner Kircher
Seconded – Commissioner Underwood
Motion – Approved by Unanimous General Consensus

34. FINAL RULE – CHAPTER 53, “CONTROLLED HUNTING AREAS”

The Commission is requested to adopt a final rule to amend Chapter 53, “Controlled Hunting Areas”.

This amendment rescinds the rule requiring a controlled hunting program on Lake Odessa, Louisa County, Iowa. A public hearing was held on April 27, 2010. Comments were received both in support of closing the check station and for keeping it open. The department’s recommendation is to close the check station. Department staff believes that this will provide better recreational opportunity with fewer restrictions for Iowa’s waterfowl hunters.

Moved – Commissioner Francisco

Seconded – Commissioner Underwood

Discussion – Commissioner Drees asked if the high use days were usually opening days or dependent on weather forecast. Bill Ohde, Wildlife Unit Biologist explained it use to be on opening days but for the last few years seem to be based on forecast.

Motion – Approved by Unanimous Vote

35. FINAL RULE – CHAPTER 94, “NONRESIDENT DEER HUNTING”

The Commission is requested to adopt a final rule to amend Chapter 94, “Nonresident Deer Hunting”.

Chapter 94 gives the regulations for nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. The amendment to subrule 94.7(5) makes the regulation on shooting from a roadway for residents and nonresidents consistent. The amendments to subrules 94.8(3) and 94.8(4) provide that a person who was unsuccessful in the drawing for an any-deer license and then purchases a preference point will receive a refund for the cost of the preference point. A public hearing was held on April 27, 2010. The only comments received were from staff and the Administrative Rules Committee. These changes clarify the wording used in the subrule 94.7(5) and make the hunting regulations for shooting from the roadway the same for both resident and nonresident deer hunters.

Moved – Commissioner Kircher

Seconded – Commissioner Francisco

Motion – Approved by Unanimous General Consensus

36. CHAPTER 105 – 2010 DEER MANAGEMENT ZONE HUNTS

A list of special hunts to be held in Deer Population Management Zones in 2010 is attached. The commission is requested to approve the list as required in department administrative rules 571-Chapter 105. The list includes zones to be open to hunting, season dates, legal weapons, license types and quotas and other information required in chapter 105. Representatives from all of the cities on the list have indicated by letter that they do want to be included in the list of special hunts.

There will be hunts at 58 different locations. Some of these have multiple hunts in a year. Thirty seven hunts are at state or county parks or other federal or private refuges. Twenty one are urban hunts. New areas this fall include the cities of Eldora and Oskaloosa and Jones County Park. Lake Darling will resume their hunt this fall. Iowa City will not remove deer this year.

Table 1. The number of licenses, reported kill and type of deer killed on all of the special hunts in 2009-2010.

Licenses	Reported Harvest	Success Rate	Percent Does	Percent Antlerless
6,615	3,089	47%	84%	98%

Moved – Commissioner Francisco
Seconded – Commissioner Kircher
Motion – Approved by 5-Aye 1-Abstention (Rettig)

37. FINAL RULE – CHAPTER 106, “DEER HUNTING BY RESIDENTS”

The Commission is requested to adopt a final rule to amend Chapter 106, “Deer Hunting by Residents”.

The proposed amendments specify changes in quota numbers by county for antlerless deer licenses in order to meet the Department’s management objective for deer. The proposed amendments increase the antlerless-only license quotas by 3,900 in 8 counties and reduce the quotas by 2,600 in 14 counties. The amendments also clarify that landowner antlerless-only licenses will be issued only in those counties where paid licenses are available for the November antlerless-only season.

A public hearing was held on April 27, 2010. Comments were received both in support of increasing the county antlerless quotas and in decreasing them further than proposed. The final county antlerless-only license quotas were adjusted from the notice to reflect the latest population surveys are completed in April. The reason for the change from the notice is to meet the department’s management objective for deer in each county and in the state.

Moved – Commissioner Kircher
Seconded – Commissioner Francisco
Motion – Approved by Unanimous General Consensus

38. FINAL RULE – CHAPTER 108, “MINK, MUSKRAT, RACCOON, BADGER, OPOSSUM, WEASEL, STRIPED SKUNK, FOX (RED AND GRAY), BEAVER, COYOTE, RIVER OTTER, BOBCAT, GRAY (TIMBER) WOLF AND SPOTTED SKUNK SEASONS”

The Commission is requested to adopt a final rule to amend Chapter 108, “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf and Spotted Skunk Seasons”.

Chapter 108 sets the season dates, bag limits, possession limits and areas open to hunting or trapping furbearers. The amendments add Adair, Cass, Guthrie, Keokuk, Louisa, Madison, Mahaska, Marion, Warren and Washington Counties to the open area for taking bobcats and increase the quota from 200 to 250. A public hearing was held on April 27, 2010. Comments were received both in support of increasing the quota and area open for taking bobcat and asking that the season be closed. Department staff believes that the proposed changes are conservative and warranted based upon department surveys and that allowing Iowa’s hunters and trappers the opportunity to take additional animals will not impact bobcat populations. No changes were made from the notice.

Moved – Commissioner Kircher
Seconded – Commissioner Francisco
Motion – Approved by 5-Aye 1-Nay (Rettig)

39. FY 2011 DEPARTMENT OF NATURAL RESOURCES PROPOSED CAPITAL PLAN

Attached for your approval is the FY11 Department of Natural Resources’ proposed draft Capital Plan.

Funds from a number of sources are available in FY11 for land acquisition, open space development, infrastructure repair and construction (or development), and capital requirements of related grant programs.

The proposed spending plan is listed by funding source on the following tables.

Moved – Commissioner Garst moved to amend the FY11 Capital Plan Special Appropriation line #167 State Park Projects - Iowa Values Fund at \$760,000 to be used for Honey Creek State Park Resort bond payment. Reducing line #121 in REAP Open Spaces by \$760,000 and adding those funds to REAP Open Spaces development projects.
Discussion – Commissioner Rettig addressed concerns over the amount of tax payer dollars being spent in the Honey Creek Destination Resort State Park area.
Seconded – Commissioner Kircher
Motion – Approved as Amended 5-Aye 1-Nay (Rettig)

GENERAL DISCUSSION

- Commissioner Drees
 - None
- Commissioner Francisco
 - Comments on Law Enforcement over July 4th holiday – hopes plan is in place for holiday.
 - Sno-Hawks offer to provide garbage cans/help with trash at Gull Point – department should take them up on this offer.
- Commissioner Garst
 - Recently spent time with Katy Reader from the Wildlife Bureau who does the action plan for the bureau and found it very educational.
 - Encouraged the department to make a “Call for Park Volunteers” message and get it out to the public.
- Commissioner Kircher
 - Departed meeting at 1:50pm just prior to general discussion started
- Commissioner Underwood
 - Tour / Information session – found very educational
 - Suggested NRC hold a summit on lead issue
 - Would like a recycling in state parks update
 - Governor’s Award Ceremony – suggested if commissioners have recipients in their area they should make an effort to contact the recipient and congratulate them.
- Commissioner Rettig
 - None
- Deputy Director Boddy
 - Based on conversation at the prior days informational session on public health and lead Dale Garner has already made changes to the 2010-2011 Hunter Regulations booklet to add the following language to the lead warning section:
 - “Lead fragments may be found in processed venison. Children under 6 years and pregnant women area at the greatest risk from lead.”
 - Iowa Public Television (IPTV) has received approval of their REAP grant for the television version of the Iowa Outdoors Magazine. This will begin next year with the issuance of each edition of the magazine there will be a 30 minute program on IPTV to air at least four times.

INFORMATIONAL ONLY

ITEMS FOR NEXT MEETING

Wildlife Action Plan Update
Recycling in state parks – update
Article – IA Outdoors article on lead

INFORMATIONAL ONLY

NEXT MEETINGS:

- 7/22/10 – Polk County (8:30am at Air Quality Office – 7900 Hickman Road, Windsor Heights)
- 8/12/10 – Polk County

INFORMATIONAL ONLY

ADJOURNMENT

With no further business to come before the Natural Resources Commission, Chairperson Gregory Drees adjourned the meeting at 2:25 p.m., on June 10, 2010.

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

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