

# Natural Resource Commission

## MEETING SUMMARY

Thursday, September 9, 2010

Meeting held at:

Henry County Conservation Center  
2593 Nature Center Drive  
Mt. Pleasant, IA 52641

10:30am (approximately) – Public Participation

12:00pm – 12:30 (approximately) – Informational Presentation on Nutrient Budget during working lunch

1:00pm – Conclude Commission Business

1	Approve Agenda		
2	Approve Minutes of 07/22/10 and 8/12/10		
3	Interim Director Remarks		
4	Honey Creek Destination Resort State Park – Monthly Update		
5	Consent Agenda ( <i>*within agenda indicates proposed consent agenda item</i> ) <ul style="list-style-type: none"> <li>*9.1 - Chapter 18 Lease – East Okoboji Lake – Dickinson Co. – Daniel D. Hummel</li> <li><del>*10.1 – Estes Wildlife Management Area – Dickinson Co. – Elser</del></li> <li>*10.2 - Barkley State Forest – Boone Co. – INHF</li> <li>*11 - Cooperative Agreement – Golden Hills RC&amp;D – Glenwood Archaeological State Preserve</li> <li><del>*21 – Contract with Clary Lake Service</del></li> <li>*22 - Notice of Intended Action – Chapter 45, Boat Motor Regulations</li> </ul>		
6	Budget Request for Fiscal Year 2012	Decision	APPROVED as Presented
7	Construction Items		
	7.1	Wildcat Den State Park, Muscatine County – New Parking and Utilities	Decision APPROVED as Presented
8	Small Construction Project Contracts		Information N/A
9	Land Management Projects		
	*9.1	Chapter 18 Lease – East Okoboji Lake – Dickinson Co. – Daniel D. Hummel	Decision APPROVED by Consent
	9.2	Chapter 18 Lease – Union Grove State Park – Tama Co. – Lee Schulze	Decision APPROVED as Presented
10	Land Acquisition Projects		
	10.1	Estes Wildlife Management Area – Dickinson Co. – Elser	Decision APPROVED as Presented
	*10.2	Barkley State Forest – Boone Co. – INHF	Decision APPROVED by Consent
	10.3	Ryan Lake WMA – Emmet Co. – Larsen	Decision APPROVED as Presented
*11	Cooperative Agreement – Golden Hills RC&D – Glenwood Archaeological State Preserve		Decision APPROVED by Consent Agenda
12	Blufflands Protection, Revolving Loan Fund Projects		Information N/A

13	Mines of Spain / EB Lyons Interpretive Center	Information	N/A
14	Concession Contract Renewal – Lake Macbride State Park	Decision	APPROVED as Presented
15	Contract with Active Network, Inc. for Second Generation Parks Reservation System	Decision	APPROVED as Presented
16	Notice of Intended Action – Chapter 61 “State Parks and Recreation Areas” and Chapter 62 “State Forest Camping”	Decision	APPROVED as Presented
17	State Revolving Fund (SRF) Planning and Design Loan for Wastewater and Water System Upgrades in State Parks	Decision	APPROVED as Presented
18	Final Rule – Chapter 68 “Restrictions on Alcohol Use at State Parks, State Recreation Areas, and Public Access Areas on the Iowa Great Lakes During the Fourth of July Holiday”	Decision	Motion FAILED
19	Lake Geode/Watershed Improvement Project	Information	N/A
20	Twin Ponds Improvement Project	Decision	APPROVED as Presented
21	Contract with Clary Lake Service	Decision	APPROVED as Presented
*22	Notice of Intended Action – Chapter 45, Boat Motor Regulations	Decision	APPROVED by Consent Agenda
23	Chapter 44, "Special Events" - RULE RESCISSION	Decision	APPROVED as Presented
24	Donations	Decision	APPROVED as Presented
General Discussion			
Upcoming NRC Meeting Dates:			
<ul style="list-style-type: none"> <li>• 10/14/10 – IDNR Henry Wallace Building, Polk County</li> <li>• 11/10/10 – IDNR Henry Wallace Building, Polk County</li> <li>• 12/9/10 – IDNR Henry Wallace Building, Polk County</li> </ul>			

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

<sup>1</sup> 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**  
**SEPTEMBER 9, 2010**

**HELD AT:**  
**HENRY COUNTY CONSERVATION CENTER**  
**2593 NATURE CENTER DRIVE**  
**MT. PLEASANT, IA 52641**

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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 September 9, 2010 at 10:02 a.m. He introduced George Jaques the Henry County Conservation Board President and thanked them for allowing the commission to hold this month’s NRC meeting at their wonderful Nature Center. He wished former Director Leopold well as he begins his new position with the US Fish and Wildlife Service. As well, congratulated Interim Director Boddy on her new role and expressed that the entire commission supports her. 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
- Janelle Rettig
- Dennis Schemmel
- Margo Underwood

**COMMISSIONERS ABSENT**

None

**PUBLIC PARTICIPATION**

- Bill Sloop – SEMCO Solid Waste Agency, Richland, IA

**1. APPROVAL OF AGENDA**

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

**APPROVED AS PRESENTED**

**2. APPROVAL OF MINUTES FROM JULY 22, 2010 AND AUGUST 12, 2010**

**Motion** – Commissioner Rettig moved to approve the minutes from July 22, 2010 and August 12, 2010 NRC meetings with changes made prior to the meeting by email from commissioners.  
**Seconded** – Commissioner Francisco  
**Decision** – Approved by Unanimous Vote

**APPROVED AS PRESENTED**

### 3. INTERIM DIRECTOR REMARKS

- Interim Director Boddy thanked the commission for their vote of confidence as she takes on her new role as Interim Director.
- DNR Staffing
  - Conservation Easement Position and Trails Coordinator positions will be filled.
- Delhi Taskforce
  - Meeting August 13, 2010 in Maquaketa with tour of the area
  - Interim Director Boddy is chairing the Environmental Sub-Committee
  - There will be a panel of independent engineers
  - Reports due December 1
  - Dam Safety Program recommendations
    - Francisco asked about seeding of the mud flats
    - Need to get stabilization on in the area
    - Areal seeding proposal
- Parks Image Guide Steering Committee Meetings
  - Next meeting Oct. 1<sup>st</sup>
    - Commissioner Underwood stated that she felt very fortunate and excited to be part of the planning process, the group is very diverse with a lot of perspectives being shared.
    - Technology will be an important aspect of the design for future
    - Opportunities to educate new generations with interpretive pieces
    - Commissioner Garst stated that this will be very significant for NRC for future policy setting.
      - Life cycle costs of buildings should be considered in the future.
      - Should image guide reflect differences between parks or should there be a standard template used?
- Interim Director Boddy is to be named the President of the Midwest Association of Fish and Wildlife Agencies (MAFWA) for 2011. Iowa will be hosting the upcoming June 2011 meeting at Honey Creek Destination Resort State Park.

**INFORMATIONAL ONLY**

### 4. HONEY CREEK DESTINATION RESORT STATE PARK UPDATE

- Andy Woodrick, Honey Creek Destination Resort State Park General Manager and Linda Caird, Central Group Companies updated the commission on the financials ending July 30, 2010 as well as the next 90 day forecast.
- Commissioner Garst asked about the meeting Interim Director Boddy attended with the Army Corp of Engineers to discuss the lake levels at Rathbun Lake.
  - Interim Director Boddy advised that there was no conclusion from the meeting as they are ongoing meetings to discuss reservoir management practices.
  - Commissioner Rettig stated that the entire state of Iowa would like review of the state reservoir management plan.
  - Interim Director Boddy stated that Governor Culver has submitted a letter to Army Corp of Engineers requesting review of all state reservoirs.

- Interim Director Boddy advised the commission that the resort’s Asset Manager, Capital Hotel Management, LLC (CHM) would be in attendance at the October 14, 2010 NRC meeting. She then reviewed with the commissioner the proposed financial reporting changes and strategic Initiatives CHM had sent for their review.
  - Commission addressed concerns about the proposed changes to the financial performance reports and requested:
    - No duplication of reports
    - Summary of operating company progress by CHM
    - Specific updates on Sales & Marketing efforts/progress
    - Monthly balance sheet

**INFORMATIONAL ONLY**

**5. CONSENT ITEMS**

- \*9.1 - Chapter 18 Lease – East Okoboji Lake – Dickinson Co. – Daniel D. Hummel
- ~~\*10.1 – Estes Wildlife Management Area – Dickinson Co. – Elser~~
- \*10.2 - Barkley State Forest – Boone Co. – INHF
- \*11 - Cooperative Agreement – Golden Hills RC&D – Glenwood Archaeological State Preserve
- ~~\*21 – Contract with Clary Lake Service~~
- \*22 - Notice of Intended Action – Chapter 45, Boat Motor Regulations

**Motion** – Commissioner Kircher  
**Seconded** – Commissioner Francisco  
**Discussion** – Commissioner Underwood requested item 21 be removed from the consent agenda. Commissioner Garst requested item 10.1 also be removed from the consent agenda.  
**Motion** – Commissioner Rettig moved to approve the consent agenda with the requested changes.  
**Seconded** – Commissioner Schemmel  
**Decision** – Approved by Unanimous Vote

**APPROVED AS PRESENTED**

## 6. BUDGET REQUEST FOR FISCAL YEAR 2012

The Natural Resource Commission's approval is requested for the Department's appropriation request for Fiscal Year 2012 (FY12). The State Budget Director has directed all departments to submit a status quo budget by October 1, 2010. The request to hold FY2012 budget levels is due to slow continued growth in state revenues.

### DEPARTMENT OF NATURAL RESOURCES FY 12 APPROPRIATION

APPROPRIATION NAME	FY 11 Appropriation	FY 12 Request	\$ Change FY 12 Over FY 11
<b>GENERAL FUND APPROPRIATIONS</b>			
Department Operations	\$15,600,710	\$15,600,710	\$0
<b>Total General Fund Appropriation</b>	<b>\$15,600,710</b>	<b>\$15,600,710</b>	<b>\$0</b>
<b>REVENUE BOND CAPITAL FUND</b>			
Lake Water Quality Improvement	\$10,000,000	\$0	(\$10,000,000)
Park Infrastructure Improvements	\$5,000,000	\$0	(\$5,000,000)
<b>Total Revenue Bond Capital Fund</b>	<b>\$15,000,000</b>	<b>\$0</b>	<b>(\$15,000,000)</b>
<b>INFRASTRUCTURE</b>			
Floodplain Management	\$2,000,000	\$2,000,000	\$0
Lake Water Quality Improvements	\$0	\$8,600,000	\$8,600,000
Park Infrastructure Improvements	\$0	\$5,000,000	\$5,000,000
Rock Creek	\$40,000	\$0	(\$40,000)
Honey Creek Asset Manager	\$100,000	\$100,000	\$0
<b>Total Infrastructure Appropriation</b>	<b>\$2,140,000</b>	<b>\$15,700,000</b>	<b>\$13,560,000</b>
<b>ENVIRONMENT FIRST</b>			
Resource Enhancement and Protection	\$15,000,000	\$15,000,000	\$0
Ambient Air Quality Monitoring	\$425,000	\$425,000	\$0
Water Quality Monitoring	\$2,955,000	\$2,955,000	\$0
GIS Data for Watershed Managers	\$195,000	\$195,000	\$0
Keepers of the Land Volunteer Program	\$100,000	\$100,000	\$0
Park Operations and Maintenance	\$2,470,000	\$2,620,000	\$150,000
Water Quantity	\$495,000	\$495,000	\$0
Animal Feeding Operations	\$608,400	\$608,400	\$0
Resource Conservation	\$150,000	\$0	(\$150,000)
Water Supply Appropriation	\$500,000	\$500,000	\$0
State Park Volunteers	\$250,000	\$250,000	\$0
<b>Total Environment First Appropriation</b>	<b>\$23,148,400</b>	<b>\$23,148,400</b>	<b>\$0</b>
<b>CASH RESERVES FUND</b>			
Private Buildings	\$300,000	\$300,000	\$0
<b>Total Cash Reserves</b>	<b>\$300,000</b>	<b>\$300,000</b>	<b>\$0</b>
<b>NON-GENERAL FUND APPROPRIATIONS</b>			
Fish and Wildlife Operations	\$38,793,154	\$39,493,154	\$700,000
Groundwater Fund	\$3,455,832	\$3,455,832	\$0
UST Administration Match	\$200,000	\$200,000	\$0
UST Database	\$100,000	\$0	(\$100,000)
LUST Technical Assistance	\$250,000	\$250,000	\$0
Snowmobile Transfer to Fish and Wildlife	\$100,000	\$100,000	\$0
<b>Total Non General Fund Appropriations</b>	<b>\$42,898,986</b>	<b>\$43,498,986</b>	<b>\$600,000</b>
<b>TOTAL</b>	<b>\$99,088,096</b>	<b>\$98,248,096</b>	<b>(\$840,000)</b>

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

APPROVED AS PRESENTED

**7. CONSTRUCTION PROJECTS**

**7.1 WILDCAT DEN STATE PARK, MUSCATINE COUNTY – NEW PARKING AND UTILITIES**

This project consists of clearing and grubbing, installation of two Advantex wastewater treatment systems, well upgrading, installing new water treatment system, replacing PVC waterline, electrical connections, grading and surfacing new crushed stone parking lot, laying PCC side walk and seeding and incidental work as required by the Plans and/or the DNR Construction Inspector. The Advantex advanced wastewater treatment systems included in this design discharge higher quality effluent and are energy efficient. Expanded parking will accommodate more visitors for Grist Mill’s Heritage Day.

This project was designed by Mike Hameed and Colin Schroeder, and will be inspected by David Heer, DNR District Inspector. DNR estimate is \$155,051. Funding source is REAP OS Acquisition & Development (Capital Link 187). 13 sets of plans were issued and 4 bids were received.

Hy-Brand Industrial Contractors	Muscatine, IA	\$172,492.93
McCleary Excavating Co. Inc.	Blue Grass, IA	\$182,290.40
Riverbend Excavating Inc.	Muscatine, IA	\$204,011.45
Miller Trucking & Excavating	Silvis, IL	\$280,905.00

DNR recommends awarding project to the low bidder, Hy-Brand Industrial Contractors.

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

**APPROVED AS PRESENTED**

**8. 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
8/5/10	11-04-01-02	Adair	Meadow Lake WMA	West sediment pond construction	\$26,000.00	\$19,071.19
						\$27,764.05
						\$27,881.65
8/5/10	10-01-67-04	Monona	Lewis & Clark State Park	Pit toilet demolition	\$7,500.00	\$4,690.00
						\$6,482.00
8/5/10	10-06-92-11	Washington	Lake Darling State Park	Culvert repair	\$40,500.00	\$28,026.00
						\$31,637.95
						\$31,905.90
						\$37,787.50
						\$38,240.00
8/19/10	10-03-28-01	Delaware	Backbone State Park	Pit Vault Removal	\$5,000.00	\$40,775.00
						\$2,000.00
						\$2,940.00
						\$3,950.00
						\$4,500.00
8/19/10	11-04-43-01	Harrison	Loess Hills Forest	Move Existing Storage Buildings	\$29,290.00	\$5,880.00
						\$28,280.00
8/19/10	10-03-17-06	Cerro Gordo	Clear Lake State Park	Pit Vault Removal	\$5,000.00	\$4,500.00
						\$9,500.00

**INFORMATIONAL ONLY**

**9. LAND MANAGEMENT PROJECTS**

**9.1 CHAPTER 18 LEASE – EAST OKOBOJI LAKE – DICKINSON CO. – DANIEL D. HUMMEL**

The Natural Resource Commission is requested to approve, for submission to the Iowa Executive Council for final approval, a lease renewal with Daniel D. Hummel for a portion of state owned land located below the ordinary high water line of East Lake Okoboji.

The leased area is a parcel of land approximately 6 feet by 24 feet. It contains a cement wall and approach with a track for boat removal in front of a private boathouse. The area has been subject to DNR leases continuously since 1989.

The proposed lease will be for a five year period. The annual fee is \$150.00 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.

**APPROVED BY GENERAL CONSENSUS**

**9.2 CHAPTER 18 LEASE – UNION GROVE STATE PARK – TAMA CO. – LEE SCHULZE**

The Natural Resource Commission is requested to approve, for submission to the Iowa Executive Council for final approval, a new lease with Lee Schulze for a portion of Union Grove State Park.

The lease area consists of a parcel of land approximately 30 feet wide situated between Union Grove Lake to the southwest, C Avenue to the northeast, and adjacent to Mr. Schulze’s property. Mr. Schulze has constructed a garage, apartment, and driveway, parts of which sit on the state owned land covered by the lease area. Because the driveway and apartment serve as a rental property, this lease has been categorized as “commercial”.

The proposed lease will be for a five year period. The annual fee is \$300.00 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 Francisco  
**Seconded** – Commissioner Underwood  
**Decision** – Approved by Unanimous Vote

**APPROVED AS PRESENTED**

**10. LAND ACQUISITION PROJECTS**

**10.1 ESTES WILDLIFE MANAGEMENT AREA – DICKINSON CO. – ELSER**

The Natural Resource Commission’s approval is requested to accept the donation of a permanent flowage easement across the S½NW¼ of Section 30-T100N, R35West of the 5th P.M., Dickinson County, Iowa. The permanent easement is offered by Robin K. Elser and Greg Elser.

Jerry Gibson negotiated the permanent easement.

The purpose of the project is to install new tile lines on the subject tract that will outlet into a new wetland restoration project on state-owned land, and filter 500 acres of a targeted “319” watershed for the Iowa Great Lakes. The adjacent state-owned land was acquired in late 2003.

No surveying costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the land acquisition.

**Motion** – Commissioner Kircher  
**Seconded** – Commissioner Rettig  
**Decision** – Aye – 6 Nay – 1 (Garst)

**APPROVED AS PRESENTED**

**10.2 BARKLEY STATE FOREST – BOONE CO. – INHF**

The Natural Resource Commission's approval is requested to purchase a tract of land located in Boone County adjacent west of Barkley State Forest. Iowa Natural Heritage Foundation offers this 100-acre tract for the appraised price of \$259,000. INHF acquired the property in July 2009 for \$259,000.

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

This irregular-shaped property is located 7 miles northwest of Boone in northwestern Boone County. This steep, heavily forested tract is part of a former church camp. An aesthetic stream runs from north to south through the property and empties into the Des Moines River just south of the south property line. There are no building improvements. Access is provided by a county gravel-base road (155th St) along the south boundary.

This tract will provide for wildlife habitat, improved water quality, and enhance public recreation to this area. In addition, this acquisition will now allow for public access to land-locked Barkley State Forest. The Forestry Bureau will manage the property in accord with the area management plan.

Acquisition funding will be 100% from REAP Open Spaces. 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 land acquisition.

**APPROVED BY GENERAL CONSENSUS**

**10.3 RYAN LAKE WMA – EMMET CO. – LARSEN**

The Natural Resource Commission is requested to approve the acquisition of a tract of land located 4 miles east and 3 miles south of Estherville adjacent to 430th Avenue. This approximately 3.5 to 4.0-acre tract of land is offered by Mark and Anita Larsen for \$5,000 per acre. The acreage, exclusive of road right-of-way, will be determined by a registered land surveyor. [Road right-of-way has no value.] Ryan Lake is a wildlife area consisting of approximately 375 acres.

Jerry Gibson negotiated the purchase agreement in compliance with Title 49 CFR Part 24 which allows the acquisition agent to negotiate without an appraisal from a value of \$10,000 to \$25,000 with the landowners waiving an appraisal. Comparable sales in Emmet County supported the negotiated acquisition price.

The subject tract consists of approximately 3 to 3.5 acres of cropland; 0.5 acre of timber; and 0.5 acre of road right-of-way. Acquisition of the subject tract by the DNR will eliminate the strong possibility of a residential in-holding. The Wildlife Bureau managers will convert the cropland to native prairie plant species.

Acquisition funding will be 100% Wildlife Habitat Stamp. Incidental closing costs and surveying will be the responsibility of the Department. The property will remain on the property tax rolls.

Staff recommends approval of the land acquisition.

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

**APPROVED AS PRESENTED**

**11. COOPERATIVE AGREEMENT – GOLDEN HILLS RC&D – GLENWOOD ARCHAEOLOGICAL STATE PRESERVE**

Commission approval is requested for a three-year cooperative agreement (service contract) with Golden Hills RC&D of Oakland, Iowa. The contract will begin on September 20 or when signed and terminate on December 31, 2013. The total amount of this contract shall not exceed \$20,000. 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 entered into under authority of a 28E Cooperative Agreement and funding will be from the General Fund.

The project will be an extensive archaeological survey of the recently designated Glenwood Archaeological State Preserve. The survey will utilize a variety of field strategies as determined by landform, land use, and survey standards as defined in the Iowa State Guidelines for Archaeological Survey. When finished, the final report will be incorporated into an updated Preserve Management Plan and the Loess Hills National Scenic Byway Corridor Management Plan.

The Golden Hills RC&D has received a \$292,402 grant through the Transportation Enhancement program for the archaeology survey at the Glenwood Archaeological State Preserve. The grant requires a match of \$125,315. DNR will be providing \$20,000 of the needed non-federal match.

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide a comprehensive archaeological survey of the state preserve.

Golden Hills RC&D was chosen using the 28E Agreement with a nonprofit organization process. Golden Hills RC&D was chosen for this project because they have received a \$292,402.00 Transportation Enhancement grant to complete an extensive archaeological survey of the state preserve. The DNR will provide about 5% of the funds necessary to complete the archaeological survey of the preserve.

Staff recommends approval of the agreement.

**APPROVED BY GENERAL CONSENSUS**

## **12. BLUFFLANDS PROTECTION, REVOLVING LOAN FUND PROJECTS**

The Blufflands Protection Program and Revolving Loan Fund were established in 1999 to provide assistance to private conservation organizations in the acquisition and protection of significant blufflands along the Iowa side of the Mississippi and Missouri rivers. Loans are for a maximum of five years with simple interest of 4.0 percent. Interest is waived at such time as an approved conservation easement is placed on the property or if the property is transferred in fee title to the State of Iowa. Where practicable, lands purchased with loan funds shall be available for public use under terms and conditions stated in the loan agreement.

One application was received and reviewed, with a loan request totaling \$238,000. The amount available for loans is \$250,000. A loan in the amount of \$238,000 to the Iowa Natural Heritage Foundation (INHF) has been approved.

Iowa Natural Heritage Foundation—Chytka Property (70 acres) is located within the Plymouth South Special Landscape Area (SLA), one of twelve SLAs designated by the National Park Service as worth of protection. The Chytka parcel is located in the Loess Hills and lies adjacent to Stone State park. Like much of the land in the Loess Hills, this property comprises a mix of grass land, shrub and remnant prairie communities along the high ridges and steep ravines. The DNR will work with the INHF to acquire title.

**INFORMATIONAL ONLY**

## **13. MINES OF SPAIN / EB LYONS INTERPRETIVE CENTER**

In 2005, after reviewing the 1991 master plan for the Mines of Spain / EB Lyons Interpretive Center, the Friends of Mines of Spain began identifying park improvement projects they could assist with. The Friends group has been very active and supported projects from the list such as pit latrines, trail work, and natural resource management. Of the master plan, other than land acquisition, the expansion of the interpretive center was the largest project, which they chose to focus on next.

To provide guidance and direction in their efforts, the Friends group hired a firm to do a feasibility study for this project. The study confirmed they would be able to raise the funds to expand the center. The firm provided a plan, which the Friends group used as a directing guide. Six months later, the Friends group started fundraising. Funding came from individual large donations to nickels and dimes children raised. The Friends group also hired grant writers to acquire additional funding. After 3 ½ years, they raised the funds needed for the project with their multiple partnerships and donors. One of the key partners is the City of Dubuque.

Funds were designated to go toward the building (approximately \$1.5 million) and exhibits (approximately \$320,000). The existing part of the building was revamped with new flooring and walls torn down to provide a space solely for exhibits. The expansion provides the entrance, a large room for programs and rental, children's exhibits, aquarium, library conference room, lab room, and offices. The existing building was 6300 square feet and the expansion adds 7400 square feet. During the construction, recycled products or products made from recycled or non petroleum products were used. The plan is to be a certified LEED building when all is completed.

The grand opening of the facility will occur Sunday, September 26, 2010.

**INFORMATIONAL ONLY**

**14. CONCESSION CONTRACT RENEWAL – LAKE MACBRIDE STATE PARK**

The Departments requests Commission approval for the renewal of the Lake Macbride State Park concession contract to Lake Macbride Boat Rental, Inc., Tina Hoffman, President.

Staff received the request for renewal of the concession contract at Lake Macbride State Park near Solin in Johnson County as permitted under Chapter 571 - 14 of the Administrative Code. Notice of intent to renew was published in the statewide edition of the Des Moines Register on June 24, 2010 and in the Iowa City Press-Citizen on June 28, 2010. No comments were received regarding the renewal request. The following is the current contract provisions and proposed stipulations for the renewal.

The operation is a full service concession offering snack-type food service, convenience store items, bait sales, boat and motor rentals, and firewood sales.

The concessionaire will pay the following fees to the State for the concession operation:

- 2011 – \$12,451 plus 8% of gross receipts over \$85,000
- 2012 – \$12,551 plus 8% of gross receipts over \$90,000
- 2013 – \$12,651 plus 8% of gross receipts over \$90,000
- 2014 – \$12,751 plus 8% of gross receipts over \$90,000
- 2015 -- \$12,851 plus 8% of gross receipts over \$90,000

This renewal will extend the concession contract through December 31, 2015.

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

**15. CONTRACT WITH ACTIVE NETWORK, INC. FOR SECOND GENERATION PARKS RESERVATION SYSTEM**

**Recommendations:**

Commission approval is requested for a four year-service contract with Active Network, Inc. of San Diego, California. The contract will begin on October 1, 2010 and terminate on October 1, 2014. 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 a combination of reservation transaction fees and the conservation fund. Pursuant to 461A.47, the reservation transaction fees are established in rule.

The cost of the reservation system to the DNR and DNR customers will be as follows:

Table 1 – 75% Reservable Campsites

<b>Reservation Transaction Type</b>	<b>Fee</b>
Internet Reservation	\$ 4.00
Internet Change	\$ 5.00
Internet Cancellation	\$ 5.00
Call Center Reservation	\$ 6.00
Call Center Change	\$ 7.00
Call Center Cancellation	\$ 7.00
ADDITIONAL CONDITION: DNR pays and annual fee of \$52,000.	

The use of Table 1 is dependent upon changes occurring to the rules found at 571 IAC 61.3(2)“b”(2) and 571 IAC 62.4(2)“b”. These rule changes will allow DNR to include 75% of the total number of campsites as reservable sites on the reservation system. Currently, only 50% of the campsites may be reserved through the reservation system. A Notice of Intended Action to propose this rule change is being presented to the NRC simultaneously with this contract agenda item.

The Contractor and DNR have set out three possible scenarios for the parties to choose from in case the proposed rulemaking is not adopted and the percentage of campsites reservable through the reservation system remains at 50%. The three scenarios are summarized in Table 2.

Table 2 – 50% Reservable Campsites

Reservation Transaction Type	Option 1 – Same transaction fees as Table 1 and higher annual fee	Option 2 – Higher transaction fees and same annual fee as proposed in Table 1	Option 3 – Blend of higher transaction fees and higher annual fee
Internet Reservation	\$4.00	\$4.50	\$4.25
Internet Change	\$5.00	\$5.00	\$5.00
Internet Cancellation	\$5.00	\$5.00	\$5.00
Call Center Reservation	\$6.00	\$7.50	\$6.75
Call Center Change	\$7.00	\$7.00	\$7.00
Call Center Cancellation	\$7.00	\$7.00	\$7.00
Additional Annual Fee	\$75,000.00	\$52,000.00	\$63,500.00

**Background:**

Since 2006, DNR has provided a web-based centralized reservation system. The current DNR web-based parks reservation system consists of custom-built software and a call center operated by the DNR. Fifty percent of the campsites are on the reservation system. The rental cabins, day-use lodges and nearly all of the open shelters are also on the reservation system. Issues with the current reservation system include the lack of sufficient ability for DNR to obtain enough information through the system to ensure financial accountability, the lack of ability for DNR to obtain statistical and other reports from the system, the lack of the current system's ability to ensure that changes to reservations as handled with ease, and issues with double booking of facilities have created the need to explore other options for a parks reservation system.

**Purpose:**

The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide, operate and maintain a centralized reservation system for state parks which will accept reservations for camping, cabin rentals, day-use lodge rentals and open shelter rentals either online through the Internet or over the phone through a call center. In addition, the Contractor will also provide the call center operation for the reservation system.

**Motion** – Commissioner Francisco

**Seconded** – Commissioner Kircher

**Discussion** – Commissioner Rettig expressed concern the company was not an Iowa company and that the three seasonal reservation call center staff positions would no longer be hired. She stated she felt it was bad policy to send these opportunities out of state. Sherry Arntzen, State Parks explained the bidding process and the effort to reach out to Iowa companies but that none had submitted bids. She explained that there are very few companies that perform this type of work. The proposed company can offer expanded hours for those making reservations thus making it more convenient to make or change reservations. Commissioner Rettig again reiterated that she felt it was bad business, stating that if an Iowan calls to make a reservation at an Iowa State Park they want and expect to speak to a fellow Iowan.

**Decision** – Aye – 6    Nay – 1 (Rettig)

**APPROVED AS PRESENTED**

## **16. NOTICE OF INTENDED ACTION – CHAPTER 61 “STATE PARKS AND RECREATION AREAS” AND CHAPTER 62 “STATE FOREST CAMPING”**

The Department requests Commission approval for publication of a Notice of Intended Action to amend Chapter 61 “State Parks and Recreation Areas” and Chapter 62 “State Forest Camping”. The proposed amendments:

1. Increase the percentage of reservable campsites to 75%.
2. Remove the 3% percent credit card processing fee reference throughout the rules.
3. Establish an online reservation change fee of \$5 and increase the call center change fee to \$7.
4. Establish an online cancellation fee of \$5 and increase the call center cancellation fee to \$7.
5. Change the last day to make a rental facility reservation during the off season to 7 days prior to the arrival date.

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

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 61, "State Parks and Recreation Areas," and Chapter 62, "State Forest Camping," Iowa Administrative Code.

The proposed amendments:

1. Increase the percentage of campsites that may be reserved to 75 percent.
2. Remove the three percent credit card processing fee referenced throughout the rules.
3. Establish an online reservation change fee of \$5 and increase the call center charge fee to \$7.
4. Establish an online cancellation fee of \$5 and increase the call center cancellation fee to \$7.
5. Change the last day to make a rental facility reservation during the off-season to seven days prior to the arrival date.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 26, 2010. Such written material should be directed to Sherry Arntzen, State Parks Bureau, Department of Natural Resources, 502 E. Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319-0334. Comments may be sent by fax to (515)281-6794 or by E-mail to [Sherry.Arntzen@dnr.iowa.gov](mailto:Sherry.Arntzen@dnr.iowa.gov). Persons who wish to convey their views orally should contact Sherry Arntzen at (515)242-6233.

There will be a public hearing on October 26, 2010, at 2 p.m. in the Fifth Floor East and West Conference Rooms in the Wallace State Office Building, at which time persons may present their views 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 a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources to discuss specific needs.

These amendments are intended to implement Iowa Code sections 461A.3, 461A.47, 461A.48, 461A.50, 461A.57.

The following amendments are proposed.

**ITEM 1.** Amend subrule 61.3(2), paragraph "b," subparagraph (2) as follows:

(2) ~~Fifty~~ Seventy-five percent of the total number of campsites in each individual campground shall be designated as reservable sites on the reservation system. The determination of which campsites shall be included in the ~~50~~ 75 percent reservable designation shall be the responsibility of the park staff in each park. Park staff shall include a combination of electric, nonelectric and sewer/water sites while taking into consideration campsite characteristics such as location, shade and size. The department ~~shall~~ will review the percentage of reservable sites and usage on a biennial basis and determine whether the percentage of reservable campsites should be changed. A reservable campsite ~~shall~~ will be identified with a reservable site marker on the campsite post.

**ITEM 2.** Amend subrule 61.3(4) as follows:**61.3(4)** Reservation transaction fees.

*a* *Reservation fee.* A nonrefundable reservation fee shall be charged for each reservation made per campsite or rental facility regardless of the length of stay. The one-time fee is per reservation and is not charged per day or night. This fee is in addition to the camping fees or rental fees established in subrules 61.4(1) and 61.5(1). The reservation fee varies depending upon the method used when the reservation is made.

(1) Internet reservation — \$4 + ~~3 percent credit card processing fee (if applicable).~~

(2) Telephone reservation — \$6 + ~~3 percent credit card processing fee (if applicable).~~

*b* *Change fee.* ~~A fee of \$5 + 3 percent credit card processing fee (if applicable)~~ shall be charged to change an existing reservation.

(1) Reservation change made through the Internet -- \$5.

(2) Reservation change made over the telephone -- \$7.

*c.* *Cancellation fee.* ~~A fee of \$5~~ shall be charged to cancel a reservation.

(1) Reservation cancellation made through the Internet -- \$5.

(2) Reservation cancellation made over the telephone -- \$7.

**ITEM 3.** Amend subrule 61.3(5), paragraph “b,” subparagraph (2) as follows:

(2) Rentals for October 1 to April 30. The reservation window for rental facilities is 12 months to ~~14~~ 7 days prior to the arrival date.

**ITEM 4.** Amend subrule 62.4(2), paragraph “b,” as follows:

*b.* ~~Fifty~~ Seventy-five percent of the total number of campsites in each individual campground shall be designated as reservable sites on the reservation system. The determination of which campsites shall be included in the ~~50~~ 75 percent reservable designation shall be the responsibility of the park staff in each park. Park staff shall include a combination of electric, nonelectric and sewer/water sites while taking into consideration campsite characteristics such as location, shade, and size. The department ~~shall~~ will review the percentage of reservable sites and usage on a biennial basis and determine whether the percentage of reservable campsites should be changed. A reservable campsite ~~shall~~ will be identified with a reservable site marker on the campsite post.

**ITEM 5.** Amend subrule 62.4(4) as follows:**62.4(4)** Reservation transaction fees.

*a.* *Reservation fee.* A nonrefundable reservation fee shall be charged for each reservation made per campsite regardless of the length of stay. The one-time fee is per reservation and is not charged per day or night. This fee is in addition to the camping fees established in 571—subrule 61.4(1). The reservation fee varies depending upon the method used when the reservation is made.

(1) Internet reservation — \$4 + ~~3 percent credit card processing fee (if applicable).~~

(2) Telephone reservation — \$6 + ~~3 percent credit card processing fee (if applicable).~~

*b* *Change fee.* ~~A fee of \$5 + 3 percent credit card processing fee (if applicable)~~ shall be charged to change an existing reservation.

(1) Reservation change made through the Internet -- \$5.

(2) Reservation change made over the telephone -- \$7.

*c.* *Cancellation fee.* ~~A fee of \$5~~ shall be charged to cancel a reservation.

(1) Reservation cancellation made through the Internet -- \$5.

(2) Reservation cancellation made over the telephone -- \$7.

**Motion** – Commissioner Kircher

**Seconded** – Commissioner Underwood

**Discussion** – Commissioner Rettig stated that she believes no more than 75% of campsites should be reservable, people should be able to be spontaneous and be able to go directly to the park and camp. Commissioner Kircher agreed. Sherry Arntzen explained that any reservable site that is not reserved would also be available on a walk-in first come first serve basis directly at the park on a night to night basis.

**Decision** – Approved by Unanimous Vote

**APPROVED AS PRESENTED**

### **17. STATE REVOLVING FUND (SRF) PLANNING AND DESIGN LOAN FOR WASTEWATER AND WATER SYSTEM UPGRADES IN STATE PARKS**

The Department requests Commission approval of a State Revolving Fund (SRF) planning and design loan for upgrading the wastewater treatment systems/sewer lines in 18 state parks and the upgrading of water lines/water treatment in 5 state parks. Total estimated cost of the design and engineering loan shall not exceed \$1.3 million. This is a three year zero interest loan for design and engineering of public drinking water and wastewater treatment systems. See attachments for SRF P&D program description and park project worksheet.

There is a critical need to upgrade the antiquated treatment systems for waste water and public drinking water in state parks. This has been a focus of capital expenditures for the past five years and needs to continue to bring park systems into compliance with today's standards, protect the environment, and provide quality outdoor recreation experiences for the public. Design and engineering of these systems is complicated and time consuming with the various permitting processes that can take a year to finalize. This will enable the parks bureau to more accurately understand the costs associated with the necessary upgrades, be better able to articulate those needs, as well as project them into future capital budgets.

The Department has been approved by the Iowa Finance Authority to receive this loan. Section 456A.17 of the Code of Iowa, authorizes the Department to apply for a loan under the Program, and authorizes this Commission to impose a lien on a portion of the revenues held in the State Conservation Fund for such purposes. Although the parks bureau currently has a \$1.7 million borrowing capacity, the goal is to repay these loans as individual projects are funded for construction through the capital budget.

**Motion** – Commissioner Kircher

**Seconded** – Commissioner Francisco

**Decision** – Approved by Unanimous Vote

**APPROVED AS PRESENTED**

## **18. FINAL RULE – CHAPTER 68 “RESTRICTIONS ON ALCOHOL USE AT STATE PARKS, STATE RECREATION AREAS, AND PUBLIC ACCESS AREAS ON THE IOWA GREAT LAKES DURING THE FOURTH OF JULY HOLIDAY”**

The Departments requests Commission approval for an amendment to new Chapter 68 “Restrictions on Alcohol Use at State Parks, State Recreation Areas, and Public Access Areas on the Iowa Great Lakes During the Fourth of July Holiday”. Notice of Intended Action was approved by the Commission on May 13, 2010.

The proposed new chapter bans alcohol as that term is defined in this chapter at all state parks, state recreation areas, and public access beaches on the Iowa Great Lakes during every Fourth of July holiday period. The specific time frame for the ban depends upon the weekday on which the holiday falls. Beer and wine, as defined in this chapter, may still be consumed at the campgrounds, picnicking areas located outside the beach area, rental shelters and lodges during the period of the ban.

Notice of Intended Action was published in the Iowa Administrative Code Bulletin on June 2, 2010 as ARC 8814B. A public hearing was held on July 13, 2010 at the Gull Point State Park Lodge near Milford. Twenty-two people attended the public hearing including media and DNR staff. A total of 71 comments were received. Five oral comments were received at the public hearing, 63 comments were received via e-mail and 3 written letters were received.

There were 24 comments received in support of the rules. Recurring comments in favor of the rules included the concern for personal safety, concern of the health of those consuming the alcohol, concern that the activities at the beach are not family-friendly, concern about the amount of alcohol being consumed, concern about the size of the crowds, comments about the litter left, and the desire to have the ban go farther. There were 47 comments received opposed to the rules. Recurring opposition comments included the concern about the impact the rules would have on tourism/economic development, concern about punishing those who do not break the law, concern about taking away the rights/freedoms of the citizens, concern that existing laws should be enforced instead of creating a new law, concern that the ban will expand to other times of the year, and the concern that the department has more pressing issues to address before addressing an alcohol ban.

### **NATURAL RESOURCE COMMISSION[571]**

#### **Adopted and Filed**

Pursuant to the authority of Iowa Code Sections 455A.5(6)“a,” 461A.35, 461A.43, and 461A.57, the Natural Resource Commission hereby adopts new Chapter 68, “Restrictions on Alcohol Use at State Parks, State Recreation Areas, and Public Access Areas on the Iowa Great Lakes During the Fourth of July Holiday,” Iowa Administrative Code.

The proposed new chapter bans alcohol as that term is defined in this chapter at all state parks, state recreation areas, and public access beaches on the Iowa Great Lakes during every Fourth of July holiday period. The specific time frame for the ban depends upon the weekday on which the holiday falls. Beer and wine, as defined in this chapter, may still be consumed at the campgrounds, picnicking areas located outside the beach area, rental shelters and lodges during the period of the ban.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 8814B** on June 2, 2010, and a public hearing was held at Gull Point State Lodge on July 13, 2010.

Seventy-one public comments were received. There were 24 comments received in support of the rules. Recurring comments in favor of the rules included the concern for personal safety, concern of the health of those consuming the alcohol, concern that the activities at the beach are not family-friendly, concern about the amount of alcohol being consumed, concern about the size of the crowds, comments about the litter left, and the desire to have the ban go farther. There were 47 comments received that opposed the rules. Recurring opposition comments included the concern about the impact the rules would have on tourism and economic development, concern about punishing those who do not break the law, concern about taking away the rights and freedoms of the citizens, concern that existing laws should be enforced instead of creating a new law, concern that the ban will expand to other times of the year, and the concern that the Department has more pressing issues to address before addressing an alcohol ban.

This amendment is identical to that published under Notice of Intended Action.

This amendment is intended to implement 461A.35, 461A.43, and 461A.57.

This amendment will become effective November 10, 2010.

The following amendment is adopted.

Adopt the following **new** 571—Chapter 68:

#### CHAPTER 68

#### RESTRICTIONS ON ALCOHOL USE AT STATE PARKS, STATE RECREATION AREAS, AND PUBLIC ACCESS AREAS ON THE IOWA GREAT LAKES DURING THE FOURTH OF JULY HOLIDAY

**571—68.1(455A,461A) Purpose.** The purpose of these rules is to ban alcoholic liquor, beer, and wine as each is defined in this chapter at state parks, state recreation areas, and public access beaches on the Iowa Great Lakes over the Fourth of July holiday to protect the resource from improper use, destruction, and littering and to ensure public and department personnel safety. This ban shall apply during the Fourth of July holiday as follows:

**68.1(1)** When the Fourth of July holiday is on a Tuesday, Wednesday, or Thursday, the ban shall be from the Friday before July 4 until the Sunday after.

**68.1(2)** When the Fourth of July holiday is on a Friday, Saturday, Sunday, or Monday, the ban shall be from the Thursday before July 4 through Monday.

**571—68.2(455A,461A) Definitions.**

“*Alcohol*” means the product of distillation of any fermented liquor rectified one or more times, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

“*Alcoholic liquor*” means the varieties of liquor which contain more than 5 percent of alcohol by weight, beverages which contain more than 5 percent of alcohol by weight but which are not wine as defined in this rule, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the wine-making process containing more than 17 percent alcohol by weight or 21.25 percent of alcohol by volume, and susceptible of being consumed by a human being, for beverage purposes.

“*Beach*” or “*beach area*” means that portion of state parks, state recreation areas, and public access areas designated for swimming activity including the sand, a 200-foot buffer of land surrounding the sand or a designated area which is fenced in, and the water contiguous to the beach as marked by swim buoys or swim lines.

“*Beer*” means any liquor capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than 5 percent of alcohol by weight but not including mixed drinks or cocktails mixed on the premises.

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

“*Wine*” means any beverage containing more than 5 percent alcohol by weight but not more than 17 percent of alcohol by weight or 21.25 percent of alcohol by volume obtained by the fermentation of the natural sugar contained in fruits or other agricultural products but excluding any product containing alcohol derived from malt or by the distillation process from grains, cereals, molasses, or cactus.

**571—68.3(455A,461A) Applicability.**

**68.3(1) *Scope of ban.*** Alcoholic liquor, beer, and wine, as defined in this chapter, are banned on every Fourth of July holiday as identified in subrules 68.1(1) and 68.1(2) at the following state parks, state recreation areas, and public access beaches:

- a. Crandall Public Access Beach, Big Spirit Lake
- b. Orleans Public Access Beach, Big Spirit Lake
- c. Gull Point State Park, West Lake Okoboji
- d. Emerson Bay Recreation Area, West Lake Okoboji
- e. Pikes Point State Park, West Lake Okoboji
- f. Triboji Public Access Beach, West Lake Okoboji

**68.3(2) *Other restrictions.*** Beer and wine, as defined in this chapter, are not banned at the picnicking areas outside of the beach area, campgrounds, rental shelters, and lodges at the locations listed in subrule 68.3(1). Alcoholic liquor is prohibited in all locations listed in subrule 68.3(1). Keg beer is permitted at the picnicking areas outside of the beach area, campgrounds, rental shelters and lodges at the locations listed in subrule 68.3(1) only as authorized pursuant to 571—Chapter 63.

**571—68.4(455A,461A) Penalty.** Any person violating this chapter is guilty of a simple misdemeanor.

These rules are intended to implement Iowa Code sections 461A.3, 461A.35, 461A.47, and 461A.57.

**Motion** – Commissioner Kircher

**Seconded** – Commissioner Francisco

**Discussion** – Commissioners opposed to the proposed alcohol ban ruling expressed concern that it unfairly targets young adults and intruded on their civil liberties. Those in favor of the proposed ruling expressed concern in reference to the safety of beach goers as well as the law enforcement officers trying to maintain their safety. As well the additional strain put on the entire state when law enforcement officers from other areas of the state are redirected to the area over the fourth of July holiday weekend.

**Decision** –

Roll Call Vote

Gregory Drees – Aye

Richard (Kim) Francisco – Nay

Elizabeth Garst – Nay

Tammi Kircher – Aye

Janelle Rettig – Nay

Dennis Schemmel – Nay

Margo Underwood – Aye

Motion Failed Aye's – 3 Nay's – 4

**MOTION FAILED**

## **19. LAKE GEODE/WATERSHED IMPROVEMENT PROJECT**

Lake Geode, located in Henry and Des Moines Counties, is a 174 acre lake encompassed by a 1,640-acre state park. The entire Lake Geode Watershed consists of approximately 10,327 acres. The watershed encompasses drainage from Cedar Creek and the lake outlets to the Skunk River. The lake was constructed in 1950 and is known for excellent fishing and scenic views. It is estimated that Lake Geode State Park attracts approximately 180,000 annual visitors who camp, hike, fish, and boat within the park. This system has been identified as one of the “35 priority lakes” for restoration.

### **Water Quality Problems:**

The Class A use of Lake Geode has been significantly impacted since 2000, when excessive bacterial levels resulted in the posting of warnings at the beach area. The trend of excessive bacteria has continued from 2000-2004 and has resulted in a dramatic decline of beach usage and as a consequence the loss of the concessionaire. From 2005-2007, test results have not indicated excessive bacteria, but use at the beach area has not rebounded. It is the opinion of the local working group and technical advisory committee that the public perception is a fear of contaminated water and associated risks.

High levels of pH in Lake Geode periodically exceed water quality standards (WQS) and impair two of the lake's designated uses. High pH in the lake is associated with photosynthesis by algae, for which total phosphorus (TP) is the limiting nutrient. The TP load capacity for Lake Geode is 8,576 lbs/yr (average annual) and 111 lbs/day (maximum daily). To meet the target loads, a reduction of 39.8 percent of the TP load is required.

#### Proposed Management Measures:

The overall goals of the Lake Geode Watershed Project are to reduce bacteria, sediment and phosphorus from loading into Lake Geode. These goals will be achieved through a combination of best management practices that will target identified source contributors from state and private land. The following agencies are working in partnership to achieve this goal, Iowa Department of Natural Resources (DNR), Iowa Department of Agriculture and Land Stewardship – Division of Soil Conservation (IDALS-DSC), Natural Resources Conservation Service (NRCS), Henry Soil and Water Conservation District and Des Moines Soil and Water Conservation District.

Goal 1: Address bacteria impairment of Lake Geode in an effort to remove it from the 303(d) list.

Goal 2: Reduce total phosphorus and sediment delivery from agricultural and non-agricultural sources by 6,351 lbs/year and 2,499 tons/year, respectively.

A variety of structures and management practices will be required to reduce both TP and bacteria contributions to the watershed.

The following approaches will be used:

- Sediment control basins (catchments) on public and private land, including road structures.
- Livestock fencing, Elimination of continuous livestock access to streams
- Beach landscaping (with tall grasses), goose population management, beach groomer
- Septic system inspection and repair or replacement
- Manure application rates (nutrient management plans)
- Manure management (incorporation, timing, proper application rates)
- I/E campaign for septic systems.

A watershed coordinator has been hired and is meeting with watershed landowners to establish targeted watershed improvement measures. Funding has been secured through a number of partners including the DNR EPA 319 / DSC programs to implement these practices for Phase I of this project. DNR lake restoration will also be a partner in establishing watershed BMP practices. Survey and design of 8 structures are being completed on DNR property and should go out for bid later this fall.

A Lake Geode diagnostic/feasibility study will be developed by DNR staff that will outline in-lake restoration options. Implementation of these options will only take place when sufficient sediment/phosphorus watershed reduction goals have been met.

**INFORMATIONAL ONLY**

## 20. TWIN PONDS IMPROVEMENT PROJECT

Commission approval is requested for a twelve month contract with the Chickasaw County Conservation Board of Ionia, Iowa. The contract will begin on October 1, 2010 and terminate on September 30, 2011. The total amount of this contract shall not exceed \$250,000. DNR shall have the option to renew this contract as long as this contract and any extensions do not exceed a six-year period.

This contract will be funded through the Lakes Restoration Program established under Iowa Code Section 456A.33B. Funding for this project was appropriated during the 2010 legislative session per SF 2389 "Of the amount appropriated in this subsection, \$250,000 shall be allocated for dredging, reconstruction, and related improvements of twin ponds adjacent to a nature center in a county with a population between 13,050, and 13,100." While this is atypical of our normal lake restoration projects, it is well supported through legislative direction.

Twin Ponds is a 157 acre tract that was acquired in 1962 by the Chickasaw County Conservation Board. The Twin Ponds Area is split by the Wapsipinicon River, forming an East Park and a West Park. A picnic shelter is provided on each side, and primitive camping is allowed. This is also the home of the Twin Ponds Nature Center, a facility opened for public use in 2002.

Consulting with DNR field staff, the CCB has developed a modified plan that will enhance and dredge the East Pond and also maintain the status of the West Pond in its current wetland floodplain condition. A 3 acre pond will also be constructed on CCB property immediately north of the CCB nature center and will serve as a public fishing and recreation site (see attached map).

<p><b>Motion</b> – Commissioner Rettig <b>Seconded</b> – Commissioner Francisco <b>Decision</b> – Approved by Unanimous Vote</p>
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<p><b>APPROVED AS PRESENTED</b></p>
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## 21. CONTRACT WITH CLARY LAKE SERVICE

The Department requests Commission approval of a contract with Clary Lake Service. The contract includes maintenance and repair services during the contract period and the annual installation and removal of the docks and hoist systems at the Gull Point Lake patrol station and the Spirit Lake patrol station.

The contract was posted on the Department of Administrative Services bid opportunity website with Clary Lake Service being the only bidder. Clary Lake Service has had contracts with the DNR in the past for the same type of services.

This contract would be for up to 3 years (October 2010-September 2013) with an amount up to \$12,000/year for a total cost of \$36,000. The funding for this service will come from boat registration funds.

**Motion** – Commissioner Kircher

**Seconded** – Commissioner Garst

**Discussion** – Commissioner Underwood asked if the proposed rates for services were comparable with other businesses in the area. Chairman Drees responded by saying that he checked with other companies and the rates seemed to be comparable.

**Decision** – Approved by Unanimous Vote

**APPROVED AS PRESENTED**

## **22. NOTICE OF INTENDED ACTION – CHAPTER 45, BOAT MOTOR REGULATIONS**

The Department requests Commission approval of this Notice to amend Chapter 45, Boat Motor Regulations.

For consistency purposes, this request will change the language found in IAC 571-45 “Boat Motor Regulations” to match the language found in IAC 571-40 “Boating Speed and Distance Zoning” recently approved by the Natural Resource Commission. Throughout IAC 571-45- we will be proposing changing the term “at a no-wake speed” TO: “a speed not greater than 5 miles per hour.” This will more clearly clarify the difference between these two terms. The current definition of “wake” (found in Iowa Code chapter 462A.2 (42) is nebulous and difficult to enforce.

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

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 45, “Boat Motor Regulations,” Iowa Administrative Code.

The proposed amendments replace the use of no-wake zones with defined speed restrictions of five miles per hour for the listed areas.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 28, 2010. Such written materials should be directed to Susan Stocker, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail [susan.stocker@dnr.iowa.gov](mailto:susan.stocker@dnr.iowa.gov). Persons who wish to convey their views orally should contact the Law Enforcement Bureau at (515)281-0122.

Also, there will be a public hearing on October 28, 2010, from 1 to 3 p.m. in the Fifth Floor East Conference Room, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who attend the public hearing and have special needs, such as 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 Iowa Code chapter 483A.

The following amendments are proposed.

**ITEM 1.** Amend subrules 45.4(2) and 45.4(3) as follows:

**45.4(2)** *Horsepower limitation exceptions for artificial lakes of 100 acres or less.* Motors larger than 1½ horsepower may be operated on the following lakes as designated:

Avenue of the Saints Lake, Bremer County—unrestricted horsepower at a ~~no-wake~~ speed not greater than 5 miles per hour.

Banner Lakes at Summerset State Park, Warren County—motor boats of outboard or inboard/outdrive type and unrestricted horsepower at a ~~no-wake~~ speed not greater than 5 miles per hour.

Beaver Lake, Dallas County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Beeds Lake, Franklin County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Black Hawk Pits, Sac County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Crawford Creek Recreation Area Lake, Ida County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Deer Creek Lake, Plymouth County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Fogle Lake, Ringgold County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

George Wyth Lake, Black Hawk County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Lake Iowa, Iowa County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Lake of Three Fires, Taylor County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Loch Ayr, Ringgold County—outboard motors not greater than 100 horsepower.

Meadow Lake, Adair County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Otter Creek Lake, Tama County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Silver Lake, Delaware County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Thayer Lake, Union County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

Williamson Pond, Lucas County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour.

**45.4(3)** *Horsepower limitations for artificial lakes of more than 100 acres in size.* On artificial lakes of more than 100 acres, vessels may be operated with unrestricted horsepower at a ~~no-wake~~ speed not greater than 5 miles per hour except as otherwise permitted by subrule 45.4(2). The following artificial lakes have special horsepower restrictions:

a. Green Valley Lake, Union County—no inboard or racing-type craft are permitted. Vessels must be operated at a ~~no-wake~~ speed not greater than 5 miles per hour except in designated ski areas as established in 571—36.7(462A).

b. Lake Icaria, Adams County—motorboats of outboard or inboard/outdrive type. Vessels must be operated at a ~~no-wake~~ speed not greater than 5 miles per hour when within 50 feet of another vessel which is not underway or is operating at a ~~no-wake~~ speed not greater than 5 miles per hour. Additional speed and distance regulations apply as established in 571—40.20(462A).

c. Lake McBride, Johnson County—unrestricted horsepower operated at a ~~no-wake~~ speed not greater than 5 miles per hour only from September 8 through May 20 of each year. A motorboat with a power unit exceeding 10 horsepower shall not be permitted the remainder of the year.

d. Three Mile Lake, Union County—motorboats of outboard or inboard/outdrive type with power not to exceed 200 horsepower. Vessels must be operated at a ~~no-wake~~ speed not greater than 5 miles per hour when within 50 feet of another vessel which is not underway or is operating at a ~~no-wake~~ speed not greater than 5 miles per hour. Additional speed and distance regulations apply as established in 571—40.44(462A).

**ITEM 2.** Amend rule 571—45.5(462A), first paragraph, as follows:

**571—45.5(462A) Artificial marshes.** A motorboat equipped with any power unit mounted or carried aboard the vessel may be operated on the following listed artificial marshes under the jurisdiction of the department of natural resources at a ~~no-wake~~ speed not greater than 5 miles per hour between January 1 and August 31 and with no speed restrictions between September 1 and December 31.

Bays Branch, Guthrie County  
 Big Marsh, Butler County  
 Brown's Slough, Lucas County  
 Cardinal Marsh, Winneshiek County  
 Dudgeon Lake, Benton County  
 Elk Creek Marsh, Worth County  
 Green Island, Jackson County  
 Hendrickson Marsh, Story County  
 Hooper Pond, Warren County  
 North Colyn, Lucas County  
 Otter Creek Marsh, Tama County  
 Princeton Area, Scott County  
 Riverton, Fremont County  
 Round Pond, Johnson County  
 South Colyn, Lucas County  
 Sweet Marsh, Bremer County

Walnut Creek Marsh, Ringgold County  
Willow Slough, Mills County  
Woodpecker Marsh, Wayne County

**APPROVED BY GENERAL CONSENSUS**

### **23. CHAPTER 44, "SPECIAL EVENTS" - RULE RESCISSION**

The Department requests Commission approval of an emergency filing to rescind amendments adopted on May 13, 2010 by the Commission to Chapter 44, "Special Events," Iowa Administrative Code.

The Administrative Rules Review Committee (ARRC) met regarding Chapter 44 amendments on June 8, 2010. At the meeting concerns were voiced by both the public and ARRC members regarding the effect some of the amendments would have on frequent users of the permit system. The ARRC decided to delay the effective date of Chapter 44, for 70 days to allow the Department and concerned public to discuss the effects of the rule change. Discussion with the public has taken place during the 70 day delay. After internal discussions, the Department would like to consider all other Department programs requiring special event permits in a comprehensive, cohesive rule package. These programs would include Parks, Forestry and Wildlife Bureau rules. Therefore, the Department recommends that the Commission rescind the previously adopted amendments to Chapter 44; this action will allow the Department to improve and expand public involvement in this matter and to develop a comprehensive rule package that will more thoroughly address all special event matters.

Due to the 70 day delay the previously adopted amendments will become effective September 15, 2010. Therefore it is necessary that the Commission rescind the previously adopted amendments via procedures as indicated in the attached Adopted and Filed document.

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

Pursuant to the authority of Iowa Code sections 321G.2, 321I.2, and 462A.16, the Natural Resource Commission hereby amends Chapter 44, "Special Events," Iowa Administrative Code.

On May 13, 2010, the Commission adopted amendments to Chapter 44; the amendments were published on June 2, 2010, in the Iowa Administrative Bulletin as ARC 8815B and were scheduled to become effective July 8, 2010. The Administrative Rules Review Committee met regarding the Chapter 44 amendments on June 8, 2010. At that meeting concerns were voiced by both the public and the Committee regarding the effect some of the amendments would have on frequent users of the permit system. The Committee delayed the effective date of the amendments for 70 days to allow the Department to meet with the concerned public to discuss the effects of the rule amendments. Discussions with the public have taken place during the 70 day delay. However, the public continues to express concerns regarding the implementation of the amendments.

Due to the 70 day delay the amendments will become effective on September 15, 2010. The Commission desires to rescind Chapter 44, as published in the June 2, 2010, Iowa Administrative Code Supplement, before the amendments become effective and adopt Chapter 44 as it existed immediately prior to May 13, 2010. This expedited action requires use of emergency adoption and filing procedures.

The Commission finds, pursuant to Iowa Code subsection 17A.4(3), that notice and public participation are impracticable due to the need to rescind the amendments adopted on May 13, 2010, before they become effective in order to continue discussions with stakeholders and rewrite the amendments.

The Commission also finds, pursuant to Iowa Code subparagraph 17A.5(2)“b”(2), that the normal effective date of this filing, should be waived and the amendment should be made effective upon filing with the Administrative Rules Coordinator on September 10, 2010. The rescission of the amendments will confer a benefit on the public by allowing the Department to further address their concerns and those of the Administrative Rules Review Committee.

This amendment became effective September 10, 2010.

Rescind Chapter 44 and insert in lieu thereof the following:

CHAPTER 44  
BOATING, SPECIAL EVENTS  
[Prior to 12/31/86, Conservation Commission[290] Ch 35]

**571—44.1(462A) Registration exemption.** Vessels entered in special events as defined in Iowa Code section 462A.16 shall not be required to be registered as stated in 462A.4 and 462A.5, subject to the following regulations.

**44.1(1) Vessel and participant list.** Sponsors of the special event shall maintain a list of the names and addresses of all persons participating in the event and a description of each vessel in the event.

**44.1(2) Vessels identified.** Each vessel in the special event will be labeled with an identifying number or letter, clearly visible, and such will be recorded with the names and addresses of vessel passengers on the list as provided for in 44.1(1).

**44.1(3) Exemption period.** Any vessel entered into a special event may be exempted from state registration requirements for the full 24-hour period of each day covered by the permit to conduct such event and as issued under Iowa Code section 462A.16.

**571—44.2(462A) Sponsoring organizations.** The individuals or organizations responsible for sponsoring a special event are responsible to assure regulations of this chapter are fully complied with.

This rule is intended to implement Iowa Code section 462A.16.

<p><b>Motion</b> – Commissioner Francisco <b>Seconded</b> – Commissioner Underwood <b>Decision</b> – Approved by Unanimous Vote</p>
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<p><b>APPROVED AS PRESENTED</b></p>
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**24. DONATIONS**

<b>Donation to:</b>	<b>Amount</b>	<b>Description</b>	<b>Donation Provided by (Name/Org):</b>
Princeton Range	\$10.00	funds to support Princeton range	Anonymous
Princeton Range	\$25.00	funds to support Princeton range	Ronald Baum
Princeton Range	\$45.00	three target stands	Denny Benes K&K True Value Hardware
Princeton Range	\$45.00	three target stands	Denny Benes K&K True Value Hardware
Lacey-Keosauqua State Park	\$65.00	repair push guard on the Dixie mower	John McQuoid McQuoid Welding
Lacey-Keosauqua State Park	\$112.50	repair dock poles and brackets	John McQuoid McQuoid Welding
Lake Ahquabi State Park	\$500.00	funds to support Iowa State Parks in memory of Harold Beaman	Becky Beaman
Lake Darling State Park	\$650.00	use of a 5140 Case International tractor and 15 ft Batwing mower for two days at Lake Darling State Park for mowing along roadways for the removal of woody vegetation and invasive species to support prairie grasses growth.	Mike Hadley Mike Hadley Farms
River programs	\$750.00	Various lengths of 6X6 landscape timbers	Myron Kosanke Kosanke Welding Inc.
AWARE/Water Trails	\$800.00	Constructed water access ramp for Project AWARE and reconstruction after the flood of 2008 as an Eagle Scout Project	Austin Lee Schaeffer
Mines of Spain	\$990.00	forestry books and Smokey Bear poster signed by author for use in the Mines of Spain/EB Lyons Interpretive Center	E.J. Vandermillen
Lake Macbride State Park	\$1,000.00	Funds to support improvements at Lake Macbride State Park	Kohl's Dept Stores
Lake Macbride State Park	\$1,090.00	Stainless steel handrails and memorial plaque for beach steps at Lake Macbride	Donovan Ochs

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

**APPROVED AS PRESENTED**

## 25. GENERAL DISCUSSION

- Commissioner Drees
  - None
- Commissioner Francisco
  - State Fair Program
- Commissioner Garst
  - State Fair
  - Forestry Radio Program
- Commissioner Kircher
  - None
- Commissioner Schemmel
  - State Fair
    - Farm Progress Show
    - Erosion Display
    - Thoughts on how to get farmers involved
- Commissioner Underwood
  - State Fair
    - Archery Range
    - Nature Talks
  - Association for Preservation for Clear Lake
  - Steak Fry with Iowa Legislators
  - State Park Image Design
    - Include in letter to legislature
- Commissioner Rettig
  - Pheasants article from IA City Press Citizen

**INFORMATIONAL ONLY**

### ITEMS FOR FUTURE MEETINGS:

- Update on Lead Action Plan

**NEXT MEETING DATES:**

- 10/14/10 – Henry Wallace State Office Building, Polk County
- 11/10/10 – Henry Wallace State Office Building, Polk County
- 12/9/10 – Henry Wallace State Office Building, Polk County

**ADJOURNMENT**

*Motion was made by Commissioner Kircher to adjourn the meeting. Seconded by Commissioner Francisco. Approved by Unanimous Vote. With no further business to come before the Natural Resource Commission, Chairperson Gregory Drees adjourned the meeting on September 9, 2010 at 3:45 p.m.*

**APPROVED – MEETING ADJOURNED**

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