

**MINUTES OF THE  
NATURAL RESOURCE COMMISSION  
MEETING**

**January 18, 2023**

**Video Teleconference  
and  
Wallace State Office Building**

**Approved by the Commission **TBD****



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Lyon  
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Kayla Lyon, Director

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## Meeting Minutes

### CALL TO ORDER

The meeting of the Natural Resource Commission (Commission or NRC) was called to order by Chairperson Marcus Branstad at 10:00am on January 18, 2023 via a combination of in-person and video/teleconference attendees. Tamara McIntosh, General Counsel, noted for the record that the hybrid meeting qualified as an electronic meeting under Iowa Code section 21.8. The “impractical” legal standard for an electronic meeting was satisfied by the urgent winter storm warning forecasted for the majority of the state.

### COMMISSIONERS PRESENT

Laura Foell (virtual)  
 Uriah Hansen (virtual; 10:00am-11:25am)  
 Laura Hommel  
 Tom Prickett  
 Margo Underwood (virtual)  
 Tammi Kircher (virtual; 11:45am-12:10)  
 Marcus Branstad

### COMMISSIONERS ABSENT

### PUBLIC PARTICIPATION

Name:	Address/County:	Representing:	Topic:
Stan Gregory	Council Bluffs, IA	River Valley Trail Riders	Re-opening of the River Valley OHV Park
Butch Holbeck	Omaha, NE	River Valley Trail Riders	Re-opening of the River Valley OHV Park
Bobby Edwards	Council Bluffs, IA	River Valley Trail Riders	Re-opening of the River Valley OHV Park

### APPROVAL OF AGENDA AND CONSENT AGENDA

*Motion was made by Tom Prickett to approve the agenda and consent agenda as presented. Seconded by Margo Underwood.*

*The Chairperson asked for the Commissioners to approve the agenda by saying aye. There were no nay votes.*

**AGENDA AND CONSENT AGENDA APPROVED AS PRESENTED**

### APPROVAL OF MINUTES

*Motion was made by Laura Hommel to approve the December 8, 2022 NRC minutes as presented. Seconded by Laura Foell.*

*The Chairperson asked for the Commissioners to approve the agenda by saying aye. There were no nay votes.*

**APPROVED AS PRESENTED**

### DIRECTOR’S REMARKS

- Director Lyon reported that there are no Department bills for the 2023 Legislative session. She referenced the Governor’s Condition of the State address and relayed that the DNR is not impacted by the government realignment. Director Lyon also shared that she had the opportunity to speak at the National Wild Turkey Federation banquet and updated the Commissioners on Executive Order 10.

**DIVISION ADMINISTRATOR'S REMARKS**

- Division Administrator Pete Hildreth provided several updates to Commissioners regarding recent recreational opportunities in Iowa, including the First Day Hikes at several Iowa State Parks, a recap of the pheasant hunting season, and deer harvest updates. Mr. Hildreth also highlighted ongoing opportunities to get outside this winter such as bobwhite quail and partridge hunting, ice fishing, and participating in the January antlerless deer season.
- Mr. Hildreth reported that he attended Wildlife and Law Enforcement deer and turkey post-season meetings throughout the state, which proceed the upcoming public hunter listening sessions. He also shared that he was able to recently meet with the River Valley OHV club and that he will be presenting a CRD overview to the House's Natural Resource committee at an upcoming meeting.

**DONATIONS**

Pete Hildreth requested Commission approval to approve donations from the following individuals and organizations: Morgan Endecott (Backcountry Horsemen of Iowa), Berneta Davis, Steve and Kathy Haakenson (BCRA), Christie Gamber, and Aimee Hospodarsky.

**Public Comments – None**

**Written Comments – None**

*Motion was made by Laura Foell to approve the item as presented. Seconded by Margo Underwood.*

*The Chairperson asked for the Commissioners to approve the motion by saying aye. There were no nay votes.*

**APPROVED AS PRESENTED**

**CONTRACT WITH THE XERCES SOCIETY, INC.**

Katy Fullin requested Commission approval for a contract with The Xerces Society, Inc. to develop a cooperative community science program referred to as the Midwest Bumble Bee Atlas. Ms. Fullin explained that Iowa's financial share in the project is consistent with the amount of work that needs to be done to collect the data for the project. Notably, the data collected will be helpful when drafting the next Iowa Wildlife Action Plan. Ms. Fullin also explained how data collection sites will be determined and explained the special attention that will be given to the Rusty Patched Bumble Bee.

**Public Comments – None**

**Written Comments – None**

*Motion was made by Tom Prickett to approve the item as presented. Seconded by Laura Foell.*

*The Chairperson asked for the Commissioners to approve the motion by saying aye. There were no nay votes.*

**APPROVED AS PRESENTED**

**ADMINISTRATIVE LAW JUDGE PROPOSED DECISION REVIEW- IN THE MATTER OF STUART HAGEN**

*Motion was made by Tom Prickett to go into closed session to discuss the Administrative Law Judge proposed decision review as well as the request by Mr. Hagen for a continuance and oral argument. Seconded by Laura Hommel.*

*The Chairperson asked for the Commissioners to approve the motion by saying aye. There were no nay votes.*

The Commission meeting went into closed session at 10:42am to discuss the Administrative Law Judge proposed decision in the matter of Stuart Hagen, as well as Mr. Hagen's January 17, 2023 request for a continuance and for oral argument. The Commission reconvened for their public meeting at 11:22am. Mr. Hagen was present to hear the Commission decision.

**Public Comments – None**

**Written Comments – None**

*Motion was made by Tom Prickett to grant Mr. Hagen's request for oral argument and for a continuance, to be scheduled for the March 9, 2023 NRC Commission meeting; the motion also included an allowance for additional written materials to be submitted to the Commission by February 8, 2023. Seconded by Laura Foell.*

*The Chairperson asked for the Commissioners to approve the motion by saying aye. There were no nay votes.*

APPROVED
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**IOWA RIVER CORRIDOR WILDLIFE MANAGEMENT AREA (WMA), TAMA COUNTY-IOWA NATURAL HERITAGE FOUNDATION**

<i>Motion was made by Tom Prickett to table agenda items 9.1 and 9.2 to the next NRC Commission meeting. Seconded by Margo Underwood.</i>
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<i>Laura Foell-nay, Uriah Hansen-absent, Laura Hommel-nay, Tom Prickett-aye, Margo Underwood-aye, Tammi Kircher-absent, Marcus Branstad-aye. Motion does not pass.</i>
--

Travis Baker requested Commission approval for the purchase of a tract of land located in Tama County adjacent to the Iowa River Corridor WMA. Mr. Baker responded to questions on the current acreage of the WMA, easements, property classification, and the flood history of the property.

**Public Comments – None**

**Written Comments – None**

<i>Motion was made by Tom Prickett to approve the item as presented. Seconded by Margo Underwood.</i>
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<i>Laura Foell-nay, Uriah Hansen-absent, Laura Hommel-nay, Tom Prickett-nay, Margo Underwood-aye, Tammi Kircher-absent, Marcus Branstad-nay. Motion does not pass.</i>
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MOTION DENIED
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**HEENDAH HILLS WILDLIFE MANAGEMENT AREA, PLYMOUTH COUNTY-THE NATURE CONSERVANCY**

Travis Baker requested Commission approval for the purchase of a tract of land located in Plymouth County adjacent to the Heendah Hills Wildlife Management Area.

**Public Comments – None**

**Written Comments – None**

<i>Motion was made by Margo Underwood to approve the item as presented. Seconded by Tom Prickett.</i>
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<i>Laura Foell-nay, Uriah Hansen-absent, Laura Hommel-nay, Tom Prickett-aye, Margo Underwood-aye, Tammi Kircher-aye, Marcus Branstad-aye. Motion passes.</i>
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APPROVED AS PRESENTED
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**LAKE MANAWA LAW ENFORCEMENT, BUILDING ADDITION-POTTAWATTAMIE COUNTY**

Travis Baker requested Commission approval for the construction of a building addition onto a current boat storage facility at Lake Manawa State Park.

**Public Comments – None**

**Written Comments – None**

<i>Motion was made by Tom Prickett to approve the item as presented. Seconded by Laura Foell.</i>
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<i>The Chairperson asked for the Commissioners to approve the motion by saying aye. There were no nay votes.</i>
--

APPROVED AS PRESENTED
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**UNION GROVE STATE PARK, PAVEMENT PRESERVATION-TAMA COUNTY**

Travis Baker requested Commission approval for a construction project that includes 3,900 feet asphalt pavement preservation and maintenance at Union Grove State Park. Mr. Baker and Heath Delzell responded to questions regarding the use of crushed asphalt at other state-managed properties.

**Public Comments – None**

**Written Comments – None**

<i>Motion was made by Laura Foell to approve the item as presented. Seconded by Margo Underwood.</i>
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<i>The Chairperson asked for the Commissioners to approve the motion by saying aye. There were no nay votes.</i>
--

APPROVED AS PRESENTED
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**BLACK HAWK MARSH WMA, STREAM BANK RESTORATION-SAC COUNTY**

Travis Baker requested Commission approval for a construction project that includes opening up the floodplain within the Black Hawk Marsh WMA by flattening the banks along approximately 3,500 feet of stream. Mr. Baker shared that changes in the hydrology in the watershed most likely caused erosion over time. Pete Hildreth responded to questions regarding the use frequency of the WMA.

**Public Comments – None**

**Written Comments – None**

*Motion was made by Margo Underwood to approve the item as presented. Seconded by Tammi Kircher.*

*The Chairperson asked for the Commissioners to approve the motion by saying aye. There were no nay votes.*

**APPROVED AS PRESENTED**

**GENERAL DISCUSSION**

- Commissioners verbally approved the final NRC report and suggested to distribute the final copy to DNR staff.
- Commissioners discussed Chapter 1 Rules and the proposed changes. Tamara McIntosh requested Commissioners to submit comments to her regarding the proposed rule changes within the next 8 weeks.

**ADJOURN**

*The Chairperson adjourned the Natural Resource Commission meeting at 12:25 pm on January 18, 2023.*

**ADJOURNED**

**IOWA DEPARTMENT OF NATURAL RESOURCES  
NATURAL RESOURCE COMMISSION**

**NRC Business Meeting – Wednesday, January 18, 2023**

**Meeting Convenes at 10:00am**

**Meeting Location:** Iowa DNR, 502 E 9<sup>th</sup> St, 2<sup>nd</sup> Floor Conference Rm, Des Moines, IA

**Public Teleconference Options:**

Video Link: <https://meet.google.com/sco-mbns-qva>

or

Telephone: call 442-242-3609 PIN: 883 789 392#

**Public Participation begins at approximately 10:30 am**

1.	Approval of Agenda Consent Agenda (*within agenda indicates proposed consent agenda item) *6. Contract with Ducks Unlimited Inc. (Fall Flights)	Decision	Commission
2.	Approve Minutes of 12/08/22 NRC Public Meeting	Decision	Commission
3.	Director's Remarks	Information	Kayla Lyon
4.	Division Administrator's Remarks	Information	Pete Hildreth
5.	Donations	Decision	Pete Hildreth
*6.	Contract with Ducks Unlimited Inc. (Fall Flights)	Decision	Todd Bishop
7.	Contract with The Xerces Society, Inc.	Decision	Todd Bishop
8.	Administrative Law Judge Proposed Decision Review (DIA No. 23DNRL0003) – In the Matter of Stuart Hagen	Decision	Jen Gieselman
9.	Public Land Acquisition Projects		
9.1	Iowa River Corridor Wildlife Management Area, Tama County – Iowa Natural Heritage Foundation	Decision	Travis Baker
9.2	Heendah Hills Wildlife Management Area, Plymouth County – The Nature Conservancy	Decision	Travis Baker
10.	Construction – Large Projects		
10.1	Lake Manawa Law Enforcement, Building Addition – Pottawattamie County	Decision	Travis Baker
10.2	Union Grove State Park, Pavement Preservation – Tama County	Decision	Travis Baker
10.3	Black Hawk Marsh WMA, Stream Bank Restoration – Sac County	Decision	Travis Baker
11.	General Discussion <ul style="list-style-type: none"> <li>NRC Annual Report</li> <li>IAC 571, Chapter 1 - Draft Rule for Discussion</li> </ul>		
Pre-Meeting Optional Session: 7:30a-9:30a, Legislative Meet and Greet, State Capitol Dining Area			
Upcoming NRC Meeting Dates <ul style="list-style-type: none"> <li>Thu, 02/09/23, 9:30am, Business Meeting (Polk County)</li> <li>Thu, 03/09/23, 9:30am, Business Meeting (Polk County)</li> <li>Thu, 04/13/23, 9:30am, Business Meeting (Polk County)</li> </ul>			

For details on the NRC meeting schedule, visit:

<http://www.iowadnr.gov/InsideDNR/BoardsCommissions/NaturalResourceCommission.aspx>

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.

Any person attending the public meeting and has special requirements such as those related to mobility or hearing impairments should contact the DNR or ADA Coordinator at 515-725-8200, Relay Iowa TTY Service 800-735-7942, or [Webmaster@dnr.iowa.gov](mailto:Webmaster@dnr.iowa.gov), and advise of specific needs.

**Iowa Department of Natural Resources  
Natural Resource Commission**

**Decision Item**

**5. Donations**

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

<b>Donation to:</b>	<b>Amount</b>	<b>Description</b>	<b>Donation Provided by:</b>
Brushy Creek State Recreation Area	\$880.00	Four swamp white oak ball/burlap trees	Morgan Endecott, Backcountry Horsemen of IA
Brushy Creek State Recreation Area	\$1,331.00	Memorial bench	Berneta Davis
Brushy Creek State Recreation Area	\$2,920.00	10 Fire rings for campground	Steve and Kathy Haakenson, BCRA
General Fund	\$50.00	Donation to support the General Fund in memory of Jerry Knudsen.	Christie Gamber
General Fund	\$20.00	Donation to support the General Fund in memory of Ed Stecklein.	Aimee Hospodarsky

Pete Hildreth, Division Administrator  
Conservation and Recreation Division  
NRC Meeting Date: 01/18/23



**Iowa Department of Natural Resources  
Natural Resource Commission**

**Decision Item** (*\*indicates proposed consent*)

**\*6. Contract with Ducks Unlimited Inc. (Fall Flights)**

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Commission approval is requested for a contract with Ducks Unlimited, Inc. (DU), of Dexter Michigan.

**Contract Terms:**

**Amount:** Not to exceed \$30,000

**Dates:** February 1, 2023 to June 30, 2023

**Funding Source(s):** State Migratory Bird Stamp

**Contract Purpose:** DU is dedicated to the increase and production of waterfowl and other migratory bird populations in Canada via restoration and preservation of wetland and grassland habitats. Conserving waterfowl production habitats in Saskatchewan, Canada is critical to reaching and maintaining continental population goals as set forth in the North American Waterfowl Management Plan. Iowa's State Duck Stamp was established to conserve continental waterfowl populations through habitat conservation projects in Iowa, with authority to provide up to fifteen percent of the revenues to support habitat projects in Canada. This agreement is in recognition that the provinces of Saskatchewan and Manitoba represent the largest geographic portion of North America's Prairie Pothole Region, and that they provide critical nesting habitat for the same waterfowl populations that nest and migrate through the State of Iowa. Since the State Duck Stamp was established in 1972, Iowa has contributed more than \$1 million to conservation of waterfowl production habitat in Canada via annual cooperative agreements with DU. DU has submitted a funding proposal, 2022 Proposal to Conserve Critical Waterfowl Habitat in the Prairie Pothole Region of Saskatchewan.

The DNR's purpose in entering into this Cooperative Agreement is to support waterfowl habitat projects in the Prairie Pothole Region of Canada. DNR is dedicated toward the conservation of continental populations of waterfowl and other migratory birds, especially those that nest in the Prairie Pothole Region and migrate through the Mississippi Flyway and State of Iowa. DU's purpose in entering into this Cooperative Agreement is to increase and maintain abundant continental waterfowl populations through restoration and protection of wetland and other critical waterfowl production habitats in the Prairie Pothole Region.

**Selection Process Summary:** The DNR enters into this Cooperative Agreement based on statutory authority provided in Iowa Code section 484A.4.

Todd Bishop, Wildlife Bureau Chief  
Conservation and Recreation Division  
NRC Meeting Date: 01/18/23

**Iowa Department of Natural Resources  
Natural Resource Commission**

**Decision Item**

**7. Contract with The Xerces Society, Inc.**

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Commission approval is requested for a contract with The Xerces Society, Inc. of Portland, Oregon.

**Contract Terms**

**Amount:** Not to exceed \$98,055.00

**Dates:** 1/23/2023 to 12/31/2025

**Funding Source(s):** Federal USFWS Competitive State Wildlife Grant

**Contract Purpose:** This three-year agreement is part of a Federal grant in which Iowa, Nebraska, Missouri, and Minnesota are cooperating to develop a community science program referred to as the Midwest Bumble Bee Atlas. As pollinators, bumble bees are essential contributors to the health of ecosystems in Iowa and across the Midwest, but there is alarming evidence that bumble bee populations are declining. There is a need for a regionally comprehensive bumble bee monitoring program to fill knowledge gaps in current distribution, site occupancy, and habitat associations of bumble bees. Outcomes of this project will be increased understanding of the status and habitat needs of these essential pollinators, greater awareness of the Species of Greatest Conservation Need (SGCN), and evidence-based conservation recommendations. By engaging the public, this program will help to build a network of volunteers that can help monitor bumble bees using a model that has been successfully used in the Pacific Northwest.

This subaward is for The Xerces Society to provide the services of project coordination, development of training materials and digital communications, and providing training workshops, bee identification for photo vouchers submitted to Bumble Bee Watch from Iowa, regional level summary reporting, and outreach presentations.

**Selection Process Summary:** The Xerces Society partnered with four states to develop a federal grant proposal which was selected for funding by the U.S. Fish and Wildlife Service. This is a sub-recipient award for the portion of the project which The Xerces Society committed to completing for Iowa. Development of agreements is authorized under Iowa Code section 455A.4(6).

Todd Bishop, Wildlife Bureau Chief  
Conservation and Recreation Division  
NRC Meeting Date: January 18, 2023

**Iowa Department of Natural Resources  
Natural Resource Commission**

**Decision Item**

**8. Administrative Law Judge Proposed Decision Review (DIA No. 23DNRL0003) – In the Matter of Stuart Hagen**

This matter comes before the Natural Resource Commission (“Commission”) for review of a Proposed Decision issued by an Administrative Law Judge (ALJ) of the Iowa Department of Inspections and Appeals (DIA) in DIA case number 23DNRL0003 -- In the Matter of Stuart Hagen. The ALJ found that Mr. Hagen was convicted of the offenses alleged and that the DNR correctly calculated the points assigned to those convictions, requiring a three-year license suspension under Iowa Administrative Code 571-15.16(4). Mr. Hagen filed a timely appeal of the ALJ’s Proposed Decision on December 6, 2022. The matter is now before the Commission for final agency action.

Mr. Hagen was convicted in Appanoose County District Court of seven violations of Iowa hunting, fishing, or trapping laws on July 27, 2021. This included two convictions of Iowa Code section 483A.26 (Making a False Claim to Obtain a License – Non-Resident), two convictions of Iowa Code section 483A.24 (Special License Violation), two convictions of Iowa Code section 481A.38 (Restriction on Taking Game – Deer and Turkey), and one conviction of Iowa Code section 483A.1(2)(i) (No Valid Non-Resident Deer License). *See* DNR Exhibits A-G. The Appanoose County District Court denied Mr. Hagen’s appeal of the convictions on March 29, 2022.

These convictions carry a total of twenty-one points under the multiple offender points system established at IAC 571--15.16. The administrative rules provide that the accumulation of thirteen or more multiple offender points within a three-year period requires a three-year license suspension. The DNR notified Mr. Hagen of its intent to suspend and revoke his hunting, fishing, and furharvester privileges on July 11, 2022. Mr. Hagen filed a timely request for a hearing on the matter. The hearing with an ALJ took place on October 27, 2022.

On November 7, 2022, the ALJ issued a Proposed Decision affirming the Department’s action. The ALJ found that the Department scored Mr. Hagen’s convictions correctly and that the three-year suspension was required under the multiple offender rules.

Mr. Hagen is now appealing the ALJ’s Proposed Decision to the Commission arguing he should not have been convicted of the above-named offenses. Arguments regarding the facts resulting in Mr. Hagen’s convictions are improper at the administrative licensing stage, nor does the Commission have the authority to vacate convictions. *See Rilea v. State*, 959 N.W.2d 392, 395 (Iowa 2021).

The Department requests that the Commission affirm the ALJ’s Proposed Decision. The Department has delayed the action against Mr. Hagen’s licenses during the pendency of this appeal.

The Commission is being presented with the ALJ’s Proposed Decision and the electronic record from the ALJ hearing. The Commission may reverse, in whole or in part, or uphold the ALJ’s proposed decision by vote or no action, which constitutes final agency action.

The parties may be allowed oral arguments pursuant to rule 561 I.A.C. 7.17(5)(e). Mr. Hagen did not submit an appeal brief or request for oral argument.

Jen Gieselman, Attorney  
DNR Legal Services Bureau  
NRC Meeting Date: January 18, 2023

One Attachment: Electronic ALJ Hearing Record including Stuart Hagen’s Appeal of Proposed Decision; ALJ’s Proposed Decision; Stuart Hagen’s Exhibits; DNR’s Petition, Witness List, Exhibit list, and Exhibits A-H.

**Iowa Department of Natural Resources  
Natural Resource Commission**

**Decision Item**

**9. Public Land Acquisition Projects**

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**9.1 Iowa River Corridor Wildlife Management Area, Tama County – Iowa Natural Heritage Foundation**

The Natural Resource Commission's approval is requested to purchase a tract of land located in Tama County adjacent Iowa River Corridor Wildlife Management Area (WMA).

**Seller:** INHF

**Acreage:** 516 acres

**DNR Purchase Price:** \$916,000

**Appraised Value:** \$916,000

**Property Description:** This irregular-shaped property is comprised of two separate tracts: 40 acres located 4 ½ miles northwest of Chelsea, and 476 acres located 1 mile south of Chelsea in southeastern Tama County. The entire property lies within the Iowa River floodplain, bisected and/or bounded by the Iowa River and Otter Creek. The tracts represent riparian, river floodplain, timber and wetland complexes, including wetland oxbows and river channel access. A portion of the property (159 acres) is enrolled in a permanent Emergency Wetlands Reserve Program (EWRP) easement. There are no building improvements. Access is provided by both paved and gravel county roads, as well as through adjacent state-owned and managed land.

**Purpose:** This acquisition reflects a vast diversity of habitat types, and will allow for public access to hunting and other outdoor recreation opportunities. The Northern long-eared bat, Indiana bat, Red-headed and Pileated wood peckers, and other bottomland dwelling game and non-game wildlife species are observed on this tract. Vast native forest plant species and sedges are evident on this land as well.

**DNR Property Manager:** Wildlife Bureau

**Funding Source(s):** \$687,000 Section 6, Endangered Species Act (Bat Recovery Grant), \$226,000 REAP License Plate, \$3,000 Wildlife Habitat Stamp

**Incidental Costs:** Incidental closing costs will be the responsibility of the Department. This property will remain on the tax.

**9.2 Heendah Hills Wildlife Management Area, Plymouth County – The Nature Conservancy**

The Natural Resource Commission's approval is requested to purchase a tract of land located in Plymouth County adjacent Heendah Hills Wildlife Management Area.

**Seller:** TNC

**Acreage:** 243 acres

**DNR Purchase Price:** \$732,530

**Appraised Price:** \$779,900

**Property Description:** This contiguous, west range Loess Hills property is located six miles north of Sioux City overlooking the aesthetic Big Sioux River in southwestern Plymouth County. The moderately rolling to steep tract is representative of the Loess Hills land formation, offering high ridge commanding scenic views of the river valley, along with beautiful rolling pastures and scattered mature timber. The property consists of hardwood timber, narrow grass ridgetops, and steep wooded ravines. There are no building improvements. Access to the property is provided by State Highway 12 along a portion of the west boundary.

**Purpose:** This tract offers the opportunity for high quality remnant prairie and bur oak savanna protection and management. The acquisition will provide public access to hunting and other outdoor recreation opportunities serving a large population near Sioux City. Wildlife species in the vicinity include prairie rattlesnakes, deer, turkey, various insects as well as unique grassland birds.

**DNR Property Manager:** Wildlife Bureau

**Funding Source(s):** \$297,530 Wildlife Habitat Stamp, \$270,000 Acres for America Grant (federal), \$165,000 REAP License Plate

**Incidental Costs:** Incidental closing costs will be the responsibility of the Department. This property will remain on the tax.

Travis Baker, Land & Waters Bureau Chief  
Conservation and Recreation Division  
NRC Meeting Date: January 18, 2023

**Iowa Department of Natural Resources  
Natural Resource Commission**

**Decision Item**

**10. Construction Projects**

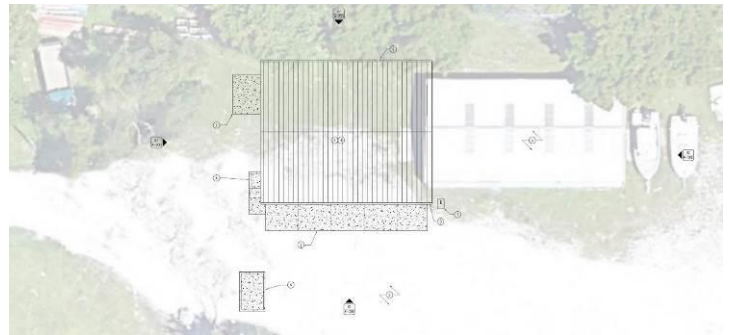
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**10.1 Lake Manawa Law Enforcement, Building Addition – Pottawattamie County**

The Department requests Commission approval of the following construction project:

**Project Summary:** Lake Manawa State Park is one of the most popular outdoor recreation facilities in the Omaha/Council Bluffs metropolitan area. The park's 1,529 acres encompasses a 753-acre natural lake. Lake Manawa was formed during a flood in 1881 when a portion of the river channel was cut off by the meandering of the great Missouri River. Over the years, the resulting "oxbow" lake became a major outdoor recreation center for millions of visitors.

Lake Manawa has a law enforcement boat storage building that not accommodate the size of modern boats. This project will provide a 40x48 addition will add the storage space and overhead door heights needed to get the larger boats under a roof. The project will be a post-frame structure with four overhead doors and storage loft in the rear of the building.



**Engineering Project #:** 22-04-78-03

**Cost Estimate:** \$210,000.00

**Operating Bureau:** Law Enforcement

**Funding Source:** Marine Fuel Tax (50%), Federal Coast Guard (50%)

**Bid Letting Date:** 12/08/2022

**Construction Completion Date:** 08/31/2023

**Number of Bids Received:** 3

**Bidders**

Veico Construction and Development	St. Joseph, MO	\$229,460.00
Construct Construction	Omaha, NE	\$352,499.48

Upon Engineering's review of bids, DNR recommends awarding the contract to Veico Construction and Development.

## 10.2 Union Grove State Park, Pavement Preservation – Tama County

The Department requests Commission approval of the following construction project:

**Project Summary:** Union Grove State Park, established in 1938, is a 282-acre state park in Tama County, Iowa. The park is 4 miles south of the city of Gladbrook, and is home to the 110-acre Union Grove Lake. The amenities include a campground, two modern cabins, hiking trails, two boat ramps, a beach, and several fishing jetties.

The roads were paved in the 1990's and are showing deterioration, such as asphalt thermal cracking, base settlement, crushed rock maintenance. This project consists of approximately 3,900 feet of asphalt pavement preservation and maintenance by patching and seal coating the asphalt roads and placing approximately 146 tons of crushed rock surfacing on access roads that lead to parking areas.

**Engineering Project #:** 22-05-86-01

**Cost Estimate:** \$90,000.00

**Operating Bureau:** Parks

**Funding Source:** IA DOT Park & Institutional Road Fund

**Bid Letting Date:** 12/08/2022

**Construction Completion Date:** 08/31/2023

**Number of Bids Received:** 1



### Bidders

Manatts, Inc.

Brooklyn, IA

\$87,117.96

Upon Engineering's review of bids, DNR recommends awarding the contract to Manatts, Inc.

### 10.3 Black Hawk Marsh WMA, Stream Bank Restoration – Sac County

The Department requests Commission approval of the following construction project:

**Project Summary:** The Black Hawk Marsh wildlife management area covers over 2,000 acres and consists of marsh, timber, and upland wildlife habitat which provides for multi-use outdoor recreation. The WMA is located approximately 7 miles south of Sac City and is adjacent to Black Hawk State Park.

Carnarvon Creek runs through this section of the marsh. The creek has become incised and is eroding along the banks. This project will open up the floodplain along approximately 3,500 feet of stream by flattening the banks. Approximately 2,400 tons of fieldstone armoring will be placed along the graded areas.

**Engineering Project #:** 23-01-81-01

**Cost Estimate:** \$140,000.00

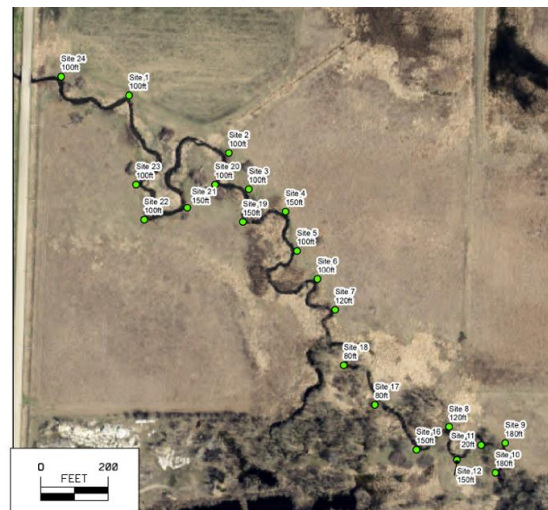
**Operating Bureau:** Wildlife

**Funding Source:** Federal 319 EPA

**Bid Letting Date:** 12/8/2022

**Construction Completion Date:** 6/30/2023

**Number of Bids Received:** 5



#### **Bidders**

Empire Excavation	Odebolt, IA	\$129,986.00
Richards Construction Co., Inc.	Sac City, IA	\$179,148.00
Niewohner Construction, Inc.	Onawa, IA	\$207,640.00
Leroy & Sons, Inc.	Arcadia, IA	\$231,828.00
Nelson & Rock Contracting, Inc.	Onawa, IA	\$280,320.00

Upon Engineering's review of bids, DNR recommends awarding the contract to Empire Excavation.

Travis Baker, Land & Waters Bureau Chief  
Conservation and Recreation Division  
NRC Meeting Date: 01/18/2023



NRC 01/18/23 Meeting

#11 GENERAL DISCUSSION ITEM - handout  
(Draft of IAC 571, Chapter 1 Rule for discussion)

TITLE I  
GENERAL

## CHAPTER 1

## OPERATION OF NATURAL RESOURCE COMMISSION

**571—1.1(17A,455A) Scope.** This chapter governs the conduct of business by the natural resource commission. Rule-making proceedings held as part of commission meetings and contested case proceedings involving the commission are governed by other rules of the department.

**571—1.2(17A,455A) ~~Time of meetings~~ Meeting Logistics.** The commission shall meet at least quarterly, ~~generally in January, April, July, and October and usually meets monthly.~~ The ~~director, chairperson,~~ or a majority of the commission may establish meetings ~~at more frequent intervals.~~ Normally, the time of the next meeting will be established at the current meeting. The location of the meeting shall be specified in the agenda.

**571—1.3(17A,455A) ~~Place of meetings.~~** Meetings are held in the Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa, or at other locations as appropriate. ~~The meeting place will be specified in the agenda.~~

**571—1.4 1.3(17A,455A) Notification of meetings.** The director of the department shall provide public notice of all meeting dates, locations, and ~~tentative~~ agendas.

**~~1.4(1) 1.3(1)~~ Form of notice.** Notice of meetings is given by posting the tentative agenda and by distribution upon request. The agenda lists the time, date, place, and topics to be discussed at the meeting. The agenda ~~shall~~ may include a specific time for the public to address the commission on any issue related to the duties and responsibilities of the commission, except as otherwise provided in these rules.

**~~1.4(2) 1.3(2)~~ Posting of agenda Agenda.** The tentative agenda for each meeting will be posted at the ~~department's offices on the fourth and fifth floors, Henry A. Wallace Building and on the department's website,~~ normally ~~at least~~ seven days prior to the meeting. The agenda will be provided to anyone who files a request with the department. Agenda The final agenda will be posted at least 24 hours prior to the meeting, unless, for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible will be given. Any additions to the agenda after posting and distribution will be posted at least 24 hours prior to the meeting, unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible will be given. The commission may adopt additions to the agenda at the meeting only if good cause exists requiring expeditious discussion or action. The reasons and circumstances necessitating agenda additions, or those given less than 24 hours' notice by posting, shall be stated in the minutes of the meeting.

**~~1.4(3) Distribution of agenda.~~** ~~Agenda will be mailed to anyone who files a request with the director. The request should state whether the agenda for a particular meeting is desired, or whether the requester desires to be on the department's mailing list to receive the agenda for all meetings of the natural resource commission.~~

**~~1.4(4) Amendment to agenda.~~** Any amendments to the agenda after posting and distribution under subrules 1.4(2) and 1.4(3) will be posted, but will not be mailed. ~~The amended agenda will be posted at least 24 hours prior to the meeting, unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible will be given. The commission may adopt amendments to the agenda at the meeting only if good cause exists requiring expeditious discussion or action on such matters. The reasons and circumstances necessitating such agenda amendments, or those given less than 24 hours' notice by posting, shall be stated in the minutes of the meeting.~~

**~~1.4(5) 1.3(3) Supporting material.~~** Written materials provided to the commission with the agenda may be examined ~~and copied as provided in the public information rules of the department~~ by the

public. Copies of the materials may be distributed at the discretion of the director ~~to persons requesting the materials~~. The director may require a fee to cover the reasonable cost to the department to provide the copies, in accordance with rules of the department.

**571—~~1.5~~ 1.4(17A,455A) Attendance and participation by the public.**

~~1.5(1)~~ 1.4(1) *Attendance*. All meetings are open to the public. The commission may exclude the public from portions of the meeting in accordance with Iowa Code section 21.5.

~~1.5(2)~~ 1.4(2) *Participation*.

*a. Items on agenda*. Presentations to the commission may be made at the discretion of the chairperson.

*b. Items not on agenda*. ~~Because Iowa Code section 21.4 requires the commission to give notice of its agenda, the commission discourages persons from raising matters not on the agenda.~~ The commission will not ~~take action~~ act on a matter not on the agenda, except in accordance with subrule ~~1.4(4)~~ 1.3(2). Persons who wish to ~~address the commission~~ request a commission decision on a matter not on the agenda should file a request with the director to place that matter on the agenda of a subsequent meeting.

*c. Meeting decorum*. The chairperson may limit participation as necessary for the orderly conduct of agency business.

~~1.5(3)~~ 1.4(3) *Use of cameras and recording devices*. Cameras and recording devices may be used during meetings provided they do not interfere with the orderly conduct of the meeting. The chairperson may order the use of these devices be discontinued if they cause interference, and may exclude those persons who fail to comply with that order.

**571—~~1.6~~ 1.5(17A,455A) Quorum and voting requirements.**

~~1.6(1)~~ 1.5(1) *Quorum*. Two-thirds of the members of the commission constitutes a quorum.

~~1.6(2)~~ 1.5(2) *Voting*. The concurrence of a majority of the commission members is required to determine any matter before the commission for action, except for a vote to ~~close a meeting~~ go into closed session which requires the concurrence of two-thirds of the members of the commission.

**571—~~1.7~~ 1.6(17A,455A) Conduct of meeting.**

~~1.7(1)~~ 1.6(1) *General*. Meetings will be conducted in accordance with Robert's Rules of Order unless otherwise provided in these rules. Voting shall be by voice or by roll call. Voting shall be by voice unless a voice vote is inconclusive, a member of the commission requests a roll call, or the vote is on a motion to close a portion of a meeting. The chairperson shall announce the result of the vote.

~~1.7(2)~~ 1.6(2) *Voice votes*. All commission members present should respond when a voice vote is taken. The response shall be aye, nay, or abstain.

*a.* All members present shall be recorded as voting aye on any motion when there are no nay votes or abstentions heard.

*b.* Any member who abstains shall state at the time of the vote the reason for abstaining. The abstention and the reason for it shall be recorded in the minutes.

~~1.7(3)~~ 1.6(3) *Provision of information*. The chairperson may recognize any agency staff member for the provision of information relative to an agenda item.

**571—~~1.8~~ 1.7(17A,455A) Minutes, transcripts, and recordings of meetings.**

~~1.8(1)~~ 1.7(1) *Audio Recordings*. The director ~~shall~~ may record ~~by mechanized means~~ each meeting and shall record each closed session. ~~and shall retain the recording for at least one year~~ Recordings of closed sessions shall be sealed and retained at least one year.

~~1.8(2)~~ *Transcripts*. ~~The department does not routinely prepare transcripts of meetings. The department will have transcripts of meetings, except for closed sessions, prepared upon receipt of a request for a transcript and payment of a fee to cover the cost to the department of preparing the transcript.~~

~~1.8(3) 1.7(2) Minutes.~~ The director shall keep minutes of each meeting. Minutes shall be reviewed and approved by the commission, ~~and retained permanently by the director. The approved minutes shall be signed by the director.~~

**571—~~1.9~~ 1.8(17A,455A) Officers and duties.**

~~1.9(1) 1.8(1) Officers.~~ The officers of the commission are the chairperson, the vice chairperson, and the secretary.

~~1.9(2) 1.8(2) Duties.~~ The chairperson shall preside at meetings, and shall exercise the powers conferred upon the chairperson. The vice chairperson shall perform the duties of the chairperson when the chairperson is absent or when directed by the chairperson. The secretary shall make recommendations to the commission on approval or revision of the minutes and act as parliamentarian.

**571—~~1.10~~ 1.9(17A,455A) Election and succession of officers.**

~~1.10(1) 1.9(1) Elections.~~ Officers shall be elected annually during May.

~~1.10(2) 1.9(2) Succession.~~

a. If the chairperson does not serve out the elected term, the vice chairperson shall succeed the chairperson for the remainder of the term. A special election shall be held to elect a new vice chairperson to serve the remainder of the term.

b. If the vice chairperson does not serve out the elected term, a special election shall be held to elect a new vice chairperson to serve the remainder of the term.

c. If the secretary does not serve out the elected term, a special election shall be held to elect a new secretary to serve the remainder of the term.

**571—~~1.11 (68B) Sales of goods and services.~~**

~~1.11(1) Prohibition.~~ An official shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations subject to the regulatory authority of the department unless the department consents as provided in this rule.

~~1.11(2) Definitions.~~

~~“Association” means any profit or nonprofit entity that is not a “corporation” or an “individual” as defined in this rule, but does not include any “unit of government” as defined in this rule.~~

~~“Commission” means the natural resource commission.~~

~~“Corporation” means “corporation” and “foreign corporation” as defined in Iowa Code sections 490.140 and 504A.2, but does not include any “unit of government” as defined in this rule.~~

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

~~“Goods” means personal property, tangible and intangible.~~

~~“Individual” means a human being and includes any individual doing business as a sole proprietorship.~~

~~“Official” means a member of the natural resource commission.~~

~~“Sale” or “sell” means the process in which goods or services are provided in exchange for money or other valuable consideration. The term does not include purchases of goods or services, nor outside employment activities that constitute an employer-employee relationship.~~

~~“Services” means action, conduct or performance which furthers some end or purpose or which assists or benefits someone or something.~~

~~“Unit of government” means “United States,” “state” and “governmental subdivision” as defined in Iowa Code section 490.140.~~

~~1.11(3) Application for consent.~~ An application for consent must be signed by the official requesting consent and submitted as specified in subrule 1.11(4). The application must provide a clear statement of all relevant facts concerning the sale, specify the amount of compensation and how compensation is to be determined, and indicate the time period or number of transactions for which consent is requested. The application must also explain why the sale would not create a conflict of

interest or provide financial gain by virtue of the applicant's position within the department.

~~— 1.11(4) *Consent procedure.* Applications for consent must be submitted to the director who will schedule the matter as an informational item at a meeting of the commission. When the informational item is considered, the applicant may explain the application and entertain questions. The director shall schedule the matter to be decided at the second meeting following its consideration as an informational item, at which time the commission shall consider written comments which have been filed with the director and entertain any oral comments. The commission shall approve or deny the application by voting in the same manner as it determines other matters, except that the applicant shall not vote.~~

~~— 1.11(5) *General conditions of consent.* Consent shall not be given to an official unless all of the following conditions are met:~~

~~— a. This condition is satisfied if either of the following paragraphs is met:~~

~~— (1) The duties or functions performed by the official are not related to the regulatory authority of the department over the individual, association or corporation; or~~

~~— (2) The duties or functions performed by the official are not affected by the selling of goods or services to the individual, association or corporation.~~

~~— b. The selling of the goods or services by the official does not include acting as an advocate to the department on behalf of the individual, association or corporation receiving the goods or services.~~

~~— c. The selling of goods or services does not result in the official selling a good or service to the department on behalf of the individual, association or corporation.~~

~~— 1.11(6) *Class prohibitions and consent.*~~

~~— a. The commission concludes that the sales of goods and services described in this paragraph, as a class, constitute the sale of a good or service which affects an official's functions. The department will not consent to sales which fall within the following categories unless there are unique facts surrounding a particular sale which clearly satisfy the conditions listed in subrule 1.11(5):~~

~~Sales which are prohibited by rule:~~

~~— (1) Sales of department information or the sale of services necessary to gather department information, including but not limited to solicitation lists.~~

~~— (2) Services utilized in the preparation of applications, reports, or other documents which may be approved or reviewed by the commission.~~

~~— b. The commission concludes that sales of goods or services described in this paragraph do not, as a class, constitute the sale of a good or service which affects an official's functions. Application and department approval are not required for these sales unless there are unique facts surrounding a particular sale which would cause that sale to affect the official's duties or functions, would give the buyer an advantage in its dealings with the department, or otherwise present a conflict of interest.~~

~~Sales for which consent is granted by rule:~~

~~— (1) Nonrecurring sales of goods and services if the official is not engaged for profit in the business of selling those goods or services.~~

~~— (2) Sale of farm products at market prices to a buyer ordinarily engaged in the business of purchasing farm products.~~

~~— (3) Sales of goods to general public at an established retail or consignment shop.~~

~~— (4) Sale of legal, mechanical, or other services at market or customary prices. However, if an official's client or customer has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained pursuant to subrules 1.11(3) and 1.11(4).~~

~~— (5) Sale of goods at wholesale prices to a buyer ordinarily engaged in the business of purchasing wholesale goods for retail sale.~~

~~— (6) Sale of creative works of art, including but not limited to sculpture and literary products, at market, auction, or negotiated prices. However, if an official's customer has a matter for decision, directly or indirectly involving that good, before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained pursuant to subrules 1.11(3)~~

and 1.11(4).——

——~~1.11(7) *Effect of consent.* The consent must be in writing. The consent is valid only for the activities and period described in it and only to the extent that material facts have been disclosed and the actual facts are consistent with those described in the application. Consent can be revoked at any time by written notice to the official.~~

——~~1.11(8) *Public information.* The application and consent are public records, open for public examination, except to the extent that disclosure of details would constitute a clearly unwarranted invasion of personal privacy or trade secrets and the record is exempt from disclosure under Iowa law.~~

——~~1.11(9) *Effect of other laws.* Neither this rule nor any consent provided under it constitutes consent for any activity which would constitute a conflict of interest at common law or which violates any applicable statute or rule. Despite department consent under these rules, a sale of goods or services to someone subject to the jurisdiction of the agency may violate the gift law, bribery and corruption laws, etc.—— It is the responsibility of the official to ensure compliance with all applicable laws and to avoid both impropriety and the appearance of impropriety.~~

These rules are intended to implement Iowa Code sections 17A.3(1) “a,” 68B.4 and 455A.5.

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