

Agenda

Natural Resource Commission

Thursday, March 9, 2023

Teleconference: 442-242-3609 PIN: 883 789 392#

Video Conference: meet.google.com/sco-mbns-qva

502 East 9th Street, Des Moines, Iowa 50319

DNR 2 North Conf Room

Thursday, March 9, 2023

9:30 AM – NRC Business Meeting

Public participation begins at approximately 10:00am. If you are unable to attend the business meeting, comments regarding agenda items may be submitted for public record to Alicia Plathe at Alicia.Plathe@dnr.iowa.gov or 502 East 9th St, Des Moines IA 50319 up to 24 hours prior to the business meeting.

1.	Approval of Agenda Consent Agenda (*within agenda indicates proposed consent agenda item) *6 Contract with Waste Connections of Iowa, Inc.-Waste Management Services, Gull Point State Park Complex *7 Contract with Audas Supply Co.-Waste Management Services, Rock Creek State Park *10 Contract with MLS Landscape and Design, Inc., Herbicide Application and Hydro Seeding Prairie on North Shoreline of Silver Lake *12 Public Land Management Projects (12.1-12.8) *16 Contract with Windstream-Fiber Optic Line Burial and Internet Service at Red Haw State Park Fish and Wildlife Station	Decision	Commission
2.	Approve Minutes of 2/9/23 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 Waste Connections of Iowa, Inc.-Waste Management Services, Gull Point State Park Complex	Decision	Sherry Arntzen
*7.	Contract with Audas Supply Co.-Waste Management Services, Rock Creek State Park	Decision	Sherry Arntzen
8.	Contract with Miles Schulte-Understory Tree Planting at Volga River State Recreation Area	Decision	Sherry Arntzen
9.	Notice of Intended Action-Chapter 106, Deer Hunting by Residents	Decision	Todd Bishop
*10.	Contract with MLS Landscape and Design, Inc.-Herbicide Application and Hydro Seeding Prairie on North Shoreline of Silver Lake	Decision	Todd Bishop
11.	Public Land Acquisition Projects		
11.1	Leo Grau Management Area, Buena Vista County	Decision	Travis Baker
11.2	Little Lost Island Lake/Dewey's Pasture Wildlife Management Area, Clay County	Decision	Travis Baker
*12.	Public Land Management Projects	Decision	Travis Baker
12.1	Chapter 18 Lease, Clayton County-Consolidated Grain and Barge Co.	Decision	Travis Baker
12.2	Chapter 18 Lease, Dickinson County-Daniel Hommel	Decision	Travis Baker
12.3	Chapter 18 Lease, Scott County-Flint Hills Resources Pine Bend, LLC	Decision	Travis Baker
12.4	Chapter 18 Lease, Scott County-Magellan Pipeline Company	Decision	Travis Baker
12.5	Chapter 18 Lease, Allamakee County-S&S Rentals, Inc.	Decision	Travis Baker
12.6	Chapter 18 Lease, Dickinson County-Tallgrass Apartments, LLC	Decision	Travis Baker
12.7	Chapter 18 Lease, Muscatine County-Rowell Chemical Corporation	Decision	Travis Baker
12.8	28-E Management Agreement, Wapsi River Mitigation Site, Bremer County-Iowa Department of Transportation	Decision	Travis Baker

13.	Construction-Small Projects: Fairport Fisheries Management Area-Concrete Footings; Little Sioux Wildlife Area-Creek Crossings Reconfiguration and Repair; Little Sioux Delta Access-Remove and Replace Boat Ramp	Information	Travis Baker
14.	Construction-Large Projects	Decision	Travis Baker
14.1	Ledges and Pine Lake State Park-Sign Installation	Decision	Travis Baker
14.2	Backbone and Pikes Peak State Park-Sign Installation	Decision	Travis Baker
15.	Contract with The Office of the State Archeologist at the University of Iowa-Archeological and Architectural Investigations	Decision	Travis Baker
*16.	Contract with Windstream-Fiber Optic Line Burial and Internet Service at Red Haw State Park Fish and Wildlife Station	Decision	Joe Larscheid
17.	Administrative Law Judge Proposed Decision Review (DIA No. 23DNRL0003)-In the Matter of Stuart Hagen	Decision	Aaron Brees
18.	General Discussion		
Upcoming NRC Meeting Dates			
<ul style="list-style-type: none"> Thursday, April 13, 2023, Wallace Building Thursday, May 11, 2023, Wallace Building 			

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, and advise of specific needs.

**MINUTES OF THE
NATURAL RESOURCE COMMISSION
MEETING**

February 9, 2023

**Video Teleconference
and
Wallace State Office Building**

Approved by the Commission **TBD**

 Digitally signed by Kayla Lyon
Date: 2023.02.28 13:40:50
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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 9:30 a.m. on February 9, 2023 via a combination of in-person and video/teleconference attendees. DNR General Counsel Tamara McIntosh noted for the record that the meeting qualified as an electronic meeting under Iowa Code section 21.8. The “impractical” legal standard for an electronic meeting was satisfied by the winter storm warning forecasted for southeast and southcentral Iowa.

COMMISSIONERS PRESENT

Laura Foell (virtual)
 Uriah Hansen (virtual; (9:30-10:55 a.m.))
 Laura Hommel
 Tom Prickett (virtual; joined during Director’s remarks)
 Margo Underwood (virtual)
 Tammi Kircher
 Marcus Branstad (virtual)

COMMISSIONERS ABSENT

PUBLIC PARTICIPATION

Name:	Address/County:	Representing:	Topic:
Preston Moore	Cedar Rapids, Iowa	Humane Society	Management of the public comment process for the furbearer/raccoon rules

APPROVAL OF AGENDA AND CONSENT AGENDA

DNR General Counsel Tamara McIntosh stated that an agenda item previously voted on by the Commission was renewed by Commissioner Prickett via email and added to the February NRC agenda at the discretion of the Chair. Actions taken to reintroduce the item were performed in accordance with Robert’s Rules of Order.

Motion was made by Uriah Hansen to approve the agenda and consent agenda as presented. Seconded by Tammi Kircher.

The Chairperson asked for the Commissioners to approve the agenda by saying aye. Laura Foell-aye, Uriah Hansen-aye, Laura Hommel-aye, Tom Prickett-absent, Margo Underwood-aye, Tammi Kircher-aye, Marcus Branstad-aye. Motion passes.

AGENDA AND CONSENT AGENDA APPROVED AS PRESENTED

APPROVAL OF MINUTES

Commissioners discussed the amount of detail that should be included in the minutes moving forward.

Motion was made by Margo Underwood to approve the January 18, 2023 NRC minutes as presented. Seconded by Uriah Hansen.

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

APPROVED AS PRESENTED

DIRECTOR'S REMARKS

- Director Lyon reported that she was able to present to the House Infrastructure Committee which funds the DNR Lake Restoration program, Parks Infrastructure, Water Trails and the Community Forest grant. She shared the proposed \$500,000 increase to be earmarked for the Iowa State Fair program which would be utilized for improvements to the DNR building's courtyard stage, shooting sports area and renovation of the upstairs space. She mentioned that the DNR also plans to use 319 funds for a water quality project that will include the installation of water quality best management practices and adjustments to the duck pond that are also located in the courtyard of the DNR Iowa State Fair building. Given the approval for the \$500,000 increase in the DNR Infrastructure budget, all projects are projected to be complete by August of 2024.

DIVISION ADMINISTRATOR'S REMARKS

- Division Administrator Pete Hildreth announced the hiring of the new NRC Board Administrator, Alicia Plathe. He also provided updates to the Commissioners on the upcoming public meetings scheduled to recap Iowa's hunting and trapping seasons, to discuss possible changes to each season with stakeholders, and to collect public comments that will be utilized for proposed rules moving forward. Commissioners commended Mr. Hildreth on his presentation to the House and Natural Resource Committee.

DONATIONS

Pete Hildreth requested Commission approval to approve donations from the following individuals and organizations: Janice Kerkove and David Richardson, Donna Johnson, Wade Bormann, Nick Hueneke, John and Dawn Morgan, Rachel Anderson, Roger Peterson, Barry Determan, Kari Rau, Michelle Mahrt, Scott Larson, Paul Frese, Karin Catania, Evan Grooms, Lisa Krech, Carol Mcgahee, Daniel Hardee, France Jackson, and an anonymous donor.

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. Motion passes.

APPROVED AS PRESENTED

CHAPTER 23-WILDLIFE HABITAT PROMOTION WITH LOCAL ENTITIES PROGRAM GRANT RECOMMENDATIONS

Kelsey Fleming presented the grant recommendations to offer full funding to the top two ranked wildlife area additions in Chickasaw and Clinton counties, and partial funding to Fayette County for their Fritz Prairie Addition project. Miss Fleming clarified for the Commissioners that no development projects were submitted during this grant period and that members on the selection committee did not include representatives from counties receiving grant funding.

Public Comments – None

Written Comments – None

Motion was made by Tammi Kircher to approve the item as presented. Seconded by Uriah Hansen.

The Chairperson asked for the Commissioners to approve the motion by saying aye. Laura Foell-aye, Uriah Hansen-aye, Laura Hommel-nay, Tom Prickett-aye, Margo Underwood-aye, Tammi Kircher-aye, Marcus Branstad-aye. Motion passes.

APPROVED AS PRESENTED

CHAPTER 25-FISH HABITAT PROMOTION FOR COUNTY CONSERVATION BOARD GRANT RECOMMENDATIONS

Randy Schultz presented the grant recommendations by the six district committees for the Fish Habitat Promotion for County Conservation Board Grant funding. Mr. Shultz responded to inquiries regarding applications submitted that were not included in the funding recommendations and clarified how unallocated funding is handled through the grant program.

Public Comments – None

Written Comments – None

Motion was made by Margo Underwood 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

CONTRACT WITH OCEANS DESIGN, INC

Jay Rudacille requested Commission approval for a contract with Oceans Design, Inc. for the installation of a recirculating aquaculture system (RAS) to raise Muskellunge at the Spirit Lake Hatchery. Mr. Rudacille explained that the system would help the DNR return to production levels prior to the gas supersaturation issues at the hatchery that began in 2014. He said that it would increase production efficiency and result in a higher quality product. He also informed Commissioners on the benefits of Muskellunge anglers in Iowa, briefly discussed the fish trade program with other state agencies, and responded to questions regarding the projected lifespan of the RAS with proper maintenance.

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.

Motion passes.

APPROVED AS PRESENTED

CHAPTER 15, GENERAL LICENSE REGULATIONS-FINAL RULE

Joe Larscheid requested the Commission to adopt a Final Rule to amend Chapter 15, General License Regulations. The amendment expands eligibility for lifetime trout fishing licenses to Iowa residents who qualify for the disabled Veteran homestead credit, and establishes a new annual armed forces fishing license and a new annual armed forces hunting and fishing combined license.

Public Comments – None**Written Comments – None**

Motion was made by Tammi Kircher to approve the item as presented. Seconded by Tom Prickett.

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

Motion passes.

APPROVED AS PRESENTED

IOWA RIVER CORRIDOR WILDLIFE MANAGEMENT AREA, TAMA COUNTY-IOWA NATURAL HERITAGE FOUNDATION

Travis Baker requested Commission approval to purchase a tract of land located in Tama County adjacent to the Iowa River Corridor Wildlife Management Area. Mr. Baker responded to Commissioner questions regarding the purchasing process and funding.

Public Comments – None**Written Comments – None**

Motion was made by Tom Prickett to approve the item as presented. Seconded by Margo Underwood.

The Chairperson asked for a roll call vote. Laura Foell-aye, Uriah Hansen-aye, Laura Hommel-aye, Tom Prickett-aye, Margo Underwood-aye, Tammi Kircher-aye, Marcus Branstad-aye. Motion passes.

APPROVED AS PRESENTED

DEKALB WILDLIFE MANAGEMENT AREA, DECATUR COUNTY-IOWA NATURAL HERITAGE FOUNDATION

Travis Baker requested Commission approval to purchase a tract of land located in Decatur County adjacent DeKalb Wildlife Management Area.

Public Comments – None**Written Comments – None**

Motion was made by Margo Underwood to approve the item as presented. Seconded by Uriah Hansen.

The Chairperson asked for a roll call vote. Laura Foell-nay, Uriah Hansen-aye, Laura Hommel-nay, Tom Prickett-aye, Margo Underwood-aye, Tammi Kircher-aye, Marcus Branstad-aye. Motion passes.

APPROVED AS PRESENTED

LAKE RATHBUN LAW ENFORCEMENT BUILDING-APPANNOOSE COUNTY

Travis Baker requested Commission approval for the construction of a new Law Enforcement building at Lake Rathbun to provide storage and workshop space. Mr. Baker responded to questions regarding the existing storage building and whether or not there were future, similar projects planned in other areas of the state.

Public Comments – None

Written Comments – None

Motion was made by Tammi Kircher 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 IOWA STATE UNIVERSITY (ACOUSTIC BAT MONITORING)

Kelly Poole requested Commission approval of a service contract with Iowa State University for acoustic bat monitoring. Ms. Poole explained the data collection has been ongoing since 2013 and that data is uploaded to the North American Bat Monitoring program.

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 DEPARTMENT OF THE ARMY-RATHBUN LAKE ECOSYSTEM RESTORATION PROJECT

George Antinou requested Commission approval of a contract with the Department of the Army to implement restoration strategies at the Rathbun Lake outlet. Mr. Antinou clarified that the funding request covers the entire project, including both construction and design.

Public Comments – None

Written Comments – None

Motion was made by Tammi Kircher 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

CONTRACT WITH BARR ENGINEERING COMPANY (PHOSPHORUS INACTIVATION)

George Antinou requested Commission approval of a contract with Barr Engineering Company to complete a phosphorus inactivation dosing study and assist the Department with phosphorus inactivation applications in targeted Iowa lakes. Mr. Antinou explained the selection process used to determine which lakes will be treated under this contract.

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

GENERAL DISCUSSION

- Commissioners discussed the future of Little Sioux boy scout camp and the Iowa 4H camp in Boone.
- Commissioners discussed the best way to handle emailed inquiries from the public.

ADJOURN

The Chairperson adjourned the Natural Resource Commission meeting at 11:51am on February 9, 2023.

ADJOURNED

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

Decision Item

5. Donations

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

Donation to:	Amount	Description	Donation Provided by:
Fish and Wildlife Trust Fund	\$25	Donation to support the Fish and Wildlife Trust Fund in memory of Jesse J. Lathrum.	Bob and Mary Seidl
Fish and Wildlife Trust Fund	\$50.00	Donation to support the Fish and Wildlife Trust fund in memory of Jesse Lathrum.	David Long and Ann Sammon Long
Fish and Wildlife Trust Fund	\$50.00	Donation to support the Fish and Wildlife Trust fund in memory of Jesse Lathrum.	Wayne and Kathy Bemisdarfer
Fish and Wildlife Trust Fund	\$50.00	Donation to support the Fish and Wildlife Trust fund in memory of Jesse Lathrum.	Mark Woodward
Fish and Wildlife Trust Fund	\$25.00	Donation to support the Fish and Wildlife Trust fund in memory of Jesse Lathrum.	Donna Boyle
Fish and Wildlife Trust Fund	\$125.00	Donation to support the Fish and Wildlife Trust fund in memory of Jesse Lathrum.	Janis and Stanley Hurst
Fish and Wildlife Trust Fund	\$40.00	Donation to support the Fish and Wildlife Trust fund in memory of Jesse Lathrum.	Michael and Kathleen Strattan
Fish and Wildlife Trust Fund	\$20.00	Donation to support the Fish and Wildlife Trust fund in memory of Jesse Lathrum.	Mary Ann and David Patrick Fleming
Fish and Wildlife Trust Fund	\$460.00	Donation to support the Fish and Wildlife Trust fund in memory of Jesse Lathrum.	Suellen and John Lathrum
Fish and Wildlife Trust Fund	\$50.00	Donation to support the Fish and Wildlife Trust fund in memory of Jesse Lathrum.	Rhonda and Kevin Heim
Fisheries	\$5,600.00	New information kiosk in the parking lot of the Manchester Fish Hatchery.	Wes Devaney, BSA Troop 34
Wildlife	\$3,400.00	Monetary donation toward the purchase of a Bobcat Skid Loader to be used at the Prairie Lakes Wildlife Unit.	Humboldt County Pheasants Forever
Wildlife	\$3,400.00	Monetary donation toward the purchase of a Bobcat Skid Loader to be used at the Prairie Lakes Wildlife Unit.	Kossuth County Pheasants Forever
Wildlife	\$3,400.00	Monetary donation toward the purchase of a Bobcat Skid Loader to be used at the Prairie Lakes Wildlife Unit.	Palo Alto County Pheasants Forever
Fish and Wildlife Trust Fund	\$30.00	Donation to support the Fish and Wildlife Trust fund in memory of Jesse Lathrum.	Michael and Jeanette Kirkpatrick
Fish and Wildlife Trust Fund; Parks, Forests, and Preserves; Wildlife Diversity	\$100.00	Donation to support the Fish and Wildlife Trust Fund, Parks, Forests, and Preserves and Wildlife Diversity.	Scott Polittle
Fish and Wildlife Trust Fund	\$50.00	Donation to support the Fish and Wildlife Trust Fund in memory of Clyde Seago.	David Collier and Aimee Beckmann-Collier

Fish and Wildlife Trust Fund	\$25.00	Donation to support the Fish and Wildlife Trust Fund in memory of Clyde Seago.	Dyanne Schulze
Fish and Wildlife Trust Fund	\$100.00	Donation to support the Fish and Wildlife Trust Fund in memory of Clyde Seago.	E.D. Wolfe
Parks and Forestry	\$100.00	Donation to support Parks and Forestry in honor of Norman Reeck.	Lora Signs
Parks and Forestry	\$250.00	Donation to support Parks and Forestry.	Michael Bricker
Fish and Wildlife Trust Fund	\$50.00	Donation to support the Fish and Wildlife Trust Fund in memory of Clyde Seago.	Susan Burney
Wildlife Diversity	\$50.00	Donation to support Wildlife Diversity.	Arthur Hazell
Fish and Wildlife Trust Fund	\$50.00	Donation to support the Fish and Wildlife Trust Fund in memory of Cedric J. Nelson.	Max and Kathi Decamp
Fish and Wildlife Trust Fund	\$50.00	Donation to support the Fish and Wildlife Trust Fund.	David Oaks
Wildlife Diversity	\$25.00	Donation to support Wildlife Diversity.	Alice Wilkinson
Fish and Wildlife Trust Fund	\$250.00	Donation to support the Fish and Wildlife Trust Fund in memory of Darlene Freed.	Susan Jones
Wildlife Diversity	\$10.00	Donation to support Wildlife Diversity.	Kayla Pattschull
Wildlife Diversity	\$50.00	Donation to support Wildlife Diversity.	Kathy Jackson
Wildlife Diversity	\$50.00	Donation to support Wildlife Diversity.	Larry Kaeding
Wildlife Diversity	\$25.00	Donation to support Wildlife Diversity in honor of Alice C. Gates.	Allan Gates
Wildlife Diversity	\$25.00	Donation to support Wildlife Diversity.	Sheryl Ochs
Fish and Wildlife Trust Fund	\$50.00	Donation to support the Fish and Wildlife Trust Fund.	Thomas Criswell
Wildlife Diversity	\$30.00	Donation to support Wildlife Diversity.	Deb Chehak
Wildlife Diversity	\$100.00	Donation to support Wildlife Diversity in honor of Duane Cahoy.	Brian Humphrey

Pete Hildreth, Division Administrator
Conservation and Recreation Division
NRC Meeting Date: 3/9/23

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

Decision Item***6. Contract with Waste Connections of Iowa, Inc. dba Town & Country Disposal**

Commission approval is requested for a contract with Town & Country Disposal of Rock Rapids, IA.

Contract Terms

Amount: \$51,605.84

Dates: March 15, 2023 to March 14, 2025

Funding Source(s): General Fund

Contract Purpose: This contract provides services for year-round collection, hauling and disposal of garbage from Gull Point State Park and the Gull Point Shop/Office, Elinor Bedell State Park, Emerson Bay State Recreation Area, Hafer Landing, Marble Beach State Recreation Area, Mini Wakan State Park, Pikes Point State Park, Templar State Recreation Area, Hattie Elston Park Access, and Ainsworth Beach at Orleans. Town & Country Disposal located in Rock Rapids, Iowa is the current service provider for these areas and has responded to service requests and fulfilled them in a timely manner.

The Gull Point State Park Complex has 11 areas where dumpsters are present. 5 of those areas are at campgrounds that generate a lot of trash. The other areas are popular boat ramps and day recreation areas. During peak season, trash removal service is essential for general park users, renters of our day-use facilities, and campers. This service is vital for continuing to provide the quality and standards that park users have come to expect from Iowa State Parks while also allowing park staff to maintain their facilities and grounds.

Contract tasks include:

- May & September Service to empty 43 dumpsters at all 11 locations 1 to 3 times per week
- June - August Service to empty 43 dumpsters at all 11 locations 1 to 5 times per week
- October Service to empty 43 dumpsters at all 11 locations 1 time per week
- November - April Service to empty 1 dumpster at the Gull Point Shop/Office 1 time per week
- On-call services, providing extra pick-ups in case of an emergency

Selection Process Summary: The Department solicited proposals by publishing a Request for Quote (RFQ) on the Department of Administrative Services Bid Opportunities website.

Criteria Reviewed: Criteria reviewed for this work included adhering to the tasks as laid out in the bullet points above, completion and timely submission of the RFQ Cost Proposal, as well as being a responsive and responsible bidder.

Proposal Due Date: 11/14/2022

of Proposals Received: 1

Recommendation: Waste Connections of Iowa, Inc. dba Town & Country Disposal

Sherry Arntzen, Parks, Forests and Preserves Bureau Chief

Conservation and Recreation Division

NRC Meeting Date: March 9, 2023

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

Decision Item***7. Contract with Audas Supply Co. dba Audas Sanitation & Recycling**

Commission approval is requested for a contract with Audas Supply Co. dba Audas Sanitation & Recycling.

Contract Terms

Amount: \$27,242.00

Dates: March 15, 2023 to March 14, 2025

Funding Source(s): General Fund

Contract Purpose: This contract provides services for year-round collection, hauling and disposal of garbage from Rock Creek State Park.

Throughout the year, and even more so during peak season, trash removal service is essential for general park users, renters of our day-use facilities, and campers. This service is vital for continuing to provide the quality and standards that park users have come to expect from Iowa State Parks while also allowing park staff to maintain their facilities and grounds.

Contract tasks include:

- Delivery and placement of 9 dumpsters by March 15th
- Peak season collection (April 1st through October 31st) to empty the 9 dumpsters once a week
- March and November collections to empty the 9 dumpsters every other week
- Off-season collections (December 1st through February 29th) to empty 1 dumpster at the Park Office/Shop every other week
- On-call services, providing extra pick-ups in case of an emergency

Selection Process Summary: The Department solicited proposals by publishing a Request for Quote (RFQ) on the Department of Administrative Services Bid Opportunities website.

Criteria Reviewed: Criteria reviewed for this work included adhering to the tasks as laid out in the bullet points above, completion and timely submission of the RFQ Cost Proposal, as well as being a responsive and responsible bidder.

Proposal Due Date: 1/19/2023

of Proposals Received: 1

Recommendation: Audas Supply Co. dba Audas Sanitation & Recycling

Sherry Arntzen, Parks, Forests and Preserves Bureau Chief

Conservation and Recreation Division

NRC Meeting Date: March 9, 2023

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

Decision Item**8. Contract with Miles Schulte**

Commission approval is requested for a contract with Miles Schulte of Spring Grove, MN

Contract Terms**Amount:** Not to exceed \$33,448**Dates:** April 1, 2023 to June 1, 2023**Funding Source(s):** Alliant Energy Grant Funds**Contract Purpose:**

Volga River State Recreation Area has a need for an understory tree planting of 22,600 seedlings over 50 acres. The work area includes stands 30 and 113. Work must be completed by June 1, 2023. Seedlings will be planted at an even rate of approximately 400 trees per acre throughout the stands. Each seedling will require a buffer of approximately 10 feet. Seedlings will include the following species: red oak, white oak, black walnut, swamp white oak, shagbark hickory, and Kentucky coffeetree. All seedlings will be from State Nursery stock and delivered to the area by DNR staff.

Selection Process Summary: The Department solicited quotes from forestry contractors who have worked with the DNR on past projects through a Request for Quotes (RFQ) process.

Criteria Reviewed: Criteria reviewed for this work included cost, Iowa contractor registration, and proof of insurance coverage.

Proposal Due Date: February 3, 2023**# of Proposals Received:** 3**Recommendation:** Miles Schulte

Bidder's Name	Location	Rank	Bid Amount
Miles Schulte	Spring Grove, MN	1	\$33,448
Brown Forestry & Sawmill	Decorah, IA	2	\$44,070
B & K Logging	Monticello, IA	3	\$55,822

Jeff Goerndt, State Forester
Conservation and Recreation Division
NRC Meeting Date: March 9, 2023

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

Decision Item**9. Notice of Intended Action-Chapter 106, Deer Hunting by Residents**

The Commission is requested to approve the Notice of Intended Action – Chapter 106, Deer Hunting by Residents.

Chapter 106, Deer Hunting by Residents:

Basic Intent of Current Rule: Chapter 106 sets regulations for deer hunting by residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, transportation, and reporting requirements.

Proposed Rule Change: This rulemaking proposes three amendments are proposed for Chapter 106.

- First, two counties are added and two counties are removed from the list of counties available for general deer licenses.
- Second, Lucas county is added to the list of counties eligible to participate in the Population Management January antlerless-deer-only season.
- Third, antlerless-deer-only county quotas are modified to increase harvest in southern Iowa where the wild herd is above population goals, and also in northcentral Iowa, where wild herds have recovered to a level that can sustain additional antlerless harvest. Conversely, quotas are modified in far western Iowa to decrease harvest where populations are below goals and hunter effort is waning.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: 3/9/2023

Attached: Chapter 106, “Deer Hunting by Residents” NOIA

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

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 106, “Deer Hunting by Residents”, Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455A.5(6)“a”, 481A.39 and 481A.48.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code Sections 481A.38, 481A.39 and 481A.48.

Purpose and Summary

Chapter 106 governs deer hunting by residents in the state of Iowa. This chapter regulates deer hunting and sets forth season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

This rulemaking proposes three amendments to Chapter 106. First, two counties are added and two counties are removed from the list of counties available for general deer licenses.

Second, Lucas county is added to the list of counties eligible to participate in the Population Management January antlerless-deer-only season.

Third, antlerless-deer-only county quotas are modified to increase harvest in southern Iowa where the wild herd is above population goals, and also in northcentral Iowa, where wild herds have recovered to a level that can sustain additional antlerless harvest. Conversely, quotas are modified in far western Iowa to decrease harvest where populations are below goals and hunter effort is waning.

Fiscal Impact

This rule making has no negative fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571-Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 25, 2023.

Comments should be directed to:

Jace Elliott
Boone Wildlife Research Station
1436 255th Street
Boone, IA 50036
Email: Jace.Elliott@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held via conference call as follows. Persons who wish to attend the conference call should contact Chris Ensminger, wildlife research supervisor, via email at chris.ensminger@dnr.iowa.gov. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Mr. Ensminger prior to the hearing to facilitate an orderly hearing.

April 25, 2023
12 noon to 1 p.m.

Video/conference call

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action proposed:

ITEM 1. Amend rule 571—106.1(1) as follows:

106.1(1) Type of license.

a. General deer licenses. General deer licenses shall be valid for taking deer in one season selected at the time the license is purchased. General deer licenses shall be valid for taking deer of either sex except in Buena Vista, Calhoun, Cherokee, Clay, Crawford, Dickinson, Emmet, ~~Humboldt~~, Ida, ~~Kossuth~~, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, ~~and~~ Sioux, and Woodbury Counties during the first regular gun season when the general deer license will be valid for taking deer with at least one forked antler. Paid general deer licenses shall be valid statewide except where prohibited in deer population management zones established under 571—Chapter 105. Free general deer licenses shall be valid for taking deer of either sex only on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

ITEM 2. Amend rule 571—106.1(6) as follows:

106.1(6) January antlerless-deer-only licenses.

a. Population management season. Licenses for the population management January antlerless-deer-only season may be issued for the following counties: Allamakee, Appanoose, Decatur, Lucas, Monroe, Wayne, and Winneshiek. Population management January antlerless-deer-only licenses shall be issued for a county only when a minimum of 100 antlerless-deer-only licenses, as described in subrule 106.6(6), remain unsold in that county as of the third Monday in December. If 100 or more antlerless-deer-only licenses remain unsold for a given county as of the third Monday in December, those remaining antlerless-deer-only licenses shall be made available for the population management January antlerless-deer-only season in that county until the relevant antlerless-deer-only quota as described in subrule 106.6(6) is met.

ITEM 3. Amend rule 571—106.6(6) as follows:

106.6(6) *Antlerless-deer-only licenses.* Paid antlerless-deer-only licenses will be available by county as follows:

County	Quota	County	Quota	County	Quota
Adair	1200	Floyd	150	Monona	500 <u>250</u>

County	Quota	County	Quota	County	Quota
Adams	1000	Franklin	0 <u>100</u>	Monroe	2500
Allamakee	3800	Fremont	0	Montgomery	500 <u>300</u>
Appanoose	2700 <u>2800</u>	Greene	100	Muscatine	900
Audubon	0	Grundy	0	O'Brien	0
Benton	325	Guthrie	2350	Osceola	0
Black Hawk	0	Hamilton	0 <u>100</u>	Page	300 <u>150</u>
Boone	400 <u>500</u>	Hancock	0 <u>100</u>	Palo Alto	0
Bremer	300	Hardin	0 <u>100</u>	Plymouth	0
Buchanan	400	Harrison	500 <u>250</u>	Pocahontas	0
Buena Vista	0	Henry	1050	Polk	1350
Butler	200	Howard	450	Pottawattami e	500 <u>250</u>
Calhoun	0	Humboldt	0	Poweshiek	200
Carroll	0	Ida	0	Ringgold	1600
Cass	300 <u>200</u>	Iowa	450	Sac	0
Cedar	775	Jackson	1100	Scott	200
Cerro Gordo	0 <u>100</u>	Jasper	400	Shelby	0
Cherokee	0	Jefferson	1500	Sioux	0
Chickasaw	375	Johnson	950	Story	150
Clarke	2400	Jones	1100	Tama	300
Clay	0	Keokuk	500	Taylor	1500
Clayton	4000	Kossuth	0	Union	1400
Clinton	400	Lee	1700 <u>1800</u>	Van Buren	2300 <u>2400</u>
Crawford	0	Linn	850	Wapello	1600
Dallas	2100 <u>1900</u>	Louisa	775	Warren	3000
Davis	1900 <u>2000</u>	Lucas	2500	Washington	1000 <u>1200</u>
Decatur	2400 <u>2500</u>	Lyon	0	Wayne	2700
Delaware	950 <u>1100</u>	Madison	3300	Webster	0 <u>100</u>
Des Moines	900 <u>1000</u>	Mahaska	475	Winnebago	0
Dickinson	0	Marion	2050	Winneshiek	2700
Dubuque	1200	Marshall	150	Woodbury	0
Emmet	0	Mills	1500 <u>0</u>	Worth	0
Fayette	2500	Mitchell	100	Wright	0 <u>100</u>

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

Decision Item

10. Contract with MLS Landscape and Design Inc.

Commission approval is requested for a contract with MLS Landscape and Design Inc., of Granville, Iowa.

Contract Terms:

Amount: Not to exceed \$33,750

Dates: March 30, 2023 to May 4, 2023

Funding Source(s): Lakes Restoration

Contract Purpose: The purpose of this one-year contract is for contracting services to spray and then hydro seed prairie onto the northern shoreline of Silver Lake, located in Dickinson.

Services to be provided under this contract include:

- Herbicide application of aquatic labeled glyphosate over project area
- Hydro seeding of prairie seed on the shoreline of project area

DNR staff will assign and oversee the tasks as outlined in the management plan. The Department has held previous contracts with this vendor for similar work.

Selection Process Summary: An informal Request for Bid (RFQ) competitive process was used which included posting to the Targeted Small Business website and the State of Iowa's public Bid Opportunities website. The RFQ process requires the selection of the lowest responsible bidder.

Bid Due Date: 02/03/2023

of Bids Received: 1

Recommendation: MLS Landscape and Design Inc., of Granville, Iowa

Todd Bishop, Chief, Wildlife Bureau
Conservation and Recreation Division
NRC Meeting Date: 03/09/2023

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

Decision Item

11. Public Land Acquisition Projects

11.1 Leo Grau Wildlife Management Area, Buena Vista County – Morrow

The Natural Resource Commission's approval is requested to purchase a tract of land located in Buena Vista County near Leo Grau Wildlife Management Area (WMA).

Seller: Henry and Mildred Morrow

Acreage: 77 acres

DNR Purchase Price: \$250,000

Appraised Value: \$288,000

Property Description: This property is located three miles northwest of Newell in southeastern Buena Vista County. The tract is near level to moderately sloping, and entirely encumbered by a permanent Wetlands Reserve Easement (WRP) on 59.5 acres (April 2013), and 16.5 acres enrolled in the CRP through September 30, 2035. The WRP land is restored to wetlands and grasslands, while the CRP land has an established tree planting. A drainage ditch runs through the north sector of the tract. There are no building improvements. A county, gravel-base road borders the south side of the property, providing good public access.

Purpose: This acquisition will provide for critical wildlife habitat. The property will provide public access to hunting and other outdoor recreation opportunities.

DNR Property Manager: Wildlife Bureau

Funding Source(s): \$135,000 Federal NAWCA, \$115,000 Wildlife Habitat Stamp

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

11.2 Little Lost Island Lake/Dewey's Pasture Wildlife Management Area, Clay County – Iowa Natural Heritage Foundation

The Natural Resource Commission's approval is requested to purchase a tract of land located in Clay County at Little Lost Island Lake/Dewey's Pasture Wildlife Management Area (WMA).

Seller: INHF

Acreage: 17.3 acres

DNR Purchase Price: \$425,000

Appraised Value: \$504,900

Property Description: This irregular-shaped property is located 2 1/2 miles north of Ruthven in eastern Clay County. The gently sloping inholding fronts Little Lost Island Lake reflecting approximately 1,100 feet of shoreline. Land use reflects a 2 acre acreage with an older one-story

house, pole-metal shed and 3 older outbuildings, land of 8.9 acres in CRP (through 2025), and the balance in trees and grasslands. Access is provided by county highway N18 fronting the northeast side of the tract.

Purpose: This property, the only privately-owned shoreline on Little Lost Island Lake, will allow the potential to manage water levels on Little Lost Island Lake separately from Lost Island Lake, and allow closing the road leading to the interior boat ramp. A new boat ramp will be constructed. The acquisition will also allow for excellent public access to hunting and other outdoor recreation opportunities.

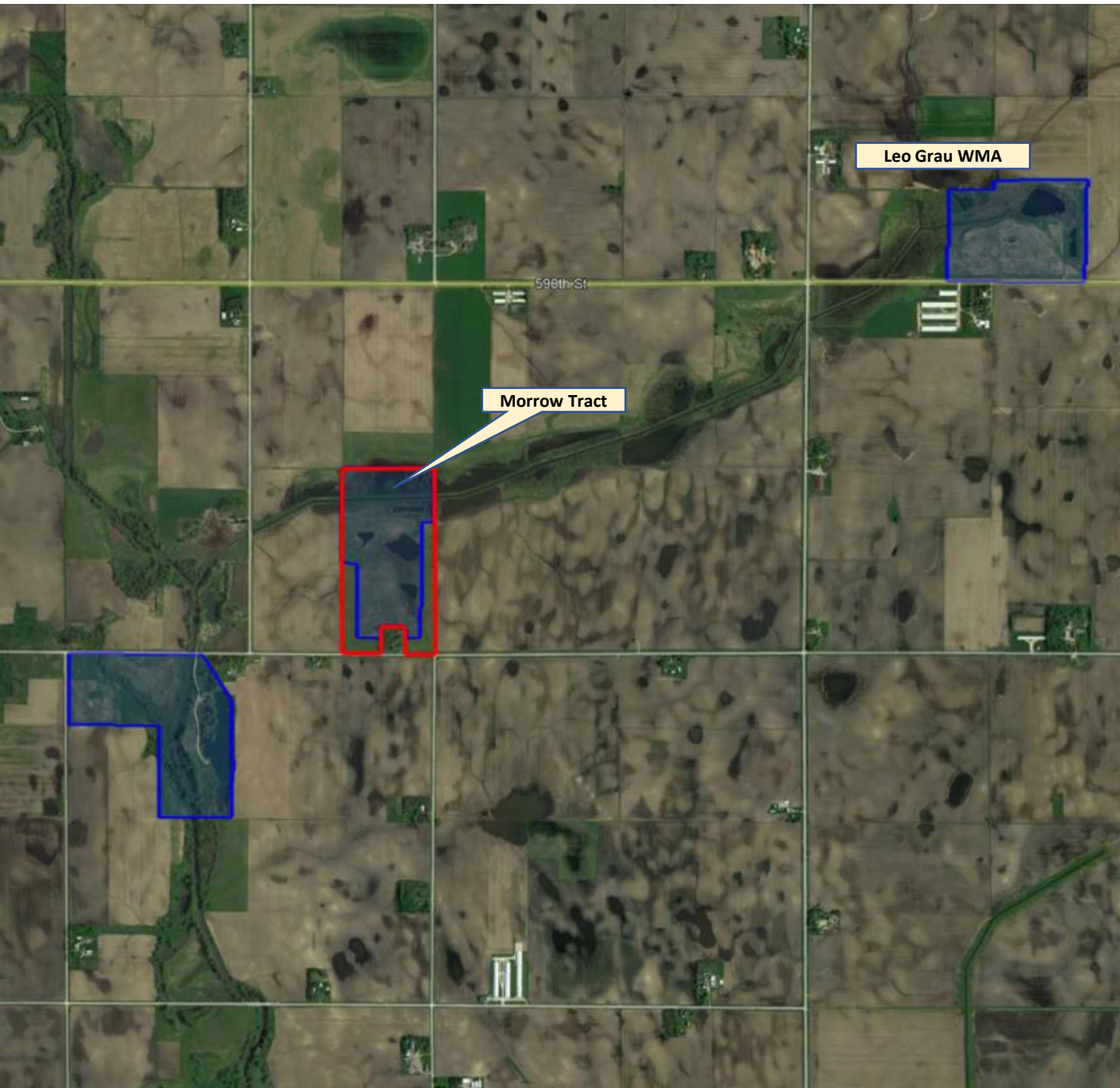
DNR Property Manager: Wildlife Bureau

Funding Source(s): \$200,000 from Iowa/Des Moines Lobe Wetland Initiative II NAWCA, \$112,500 from Lake Restoration, and \$112,500 from Marine Fuel Tax

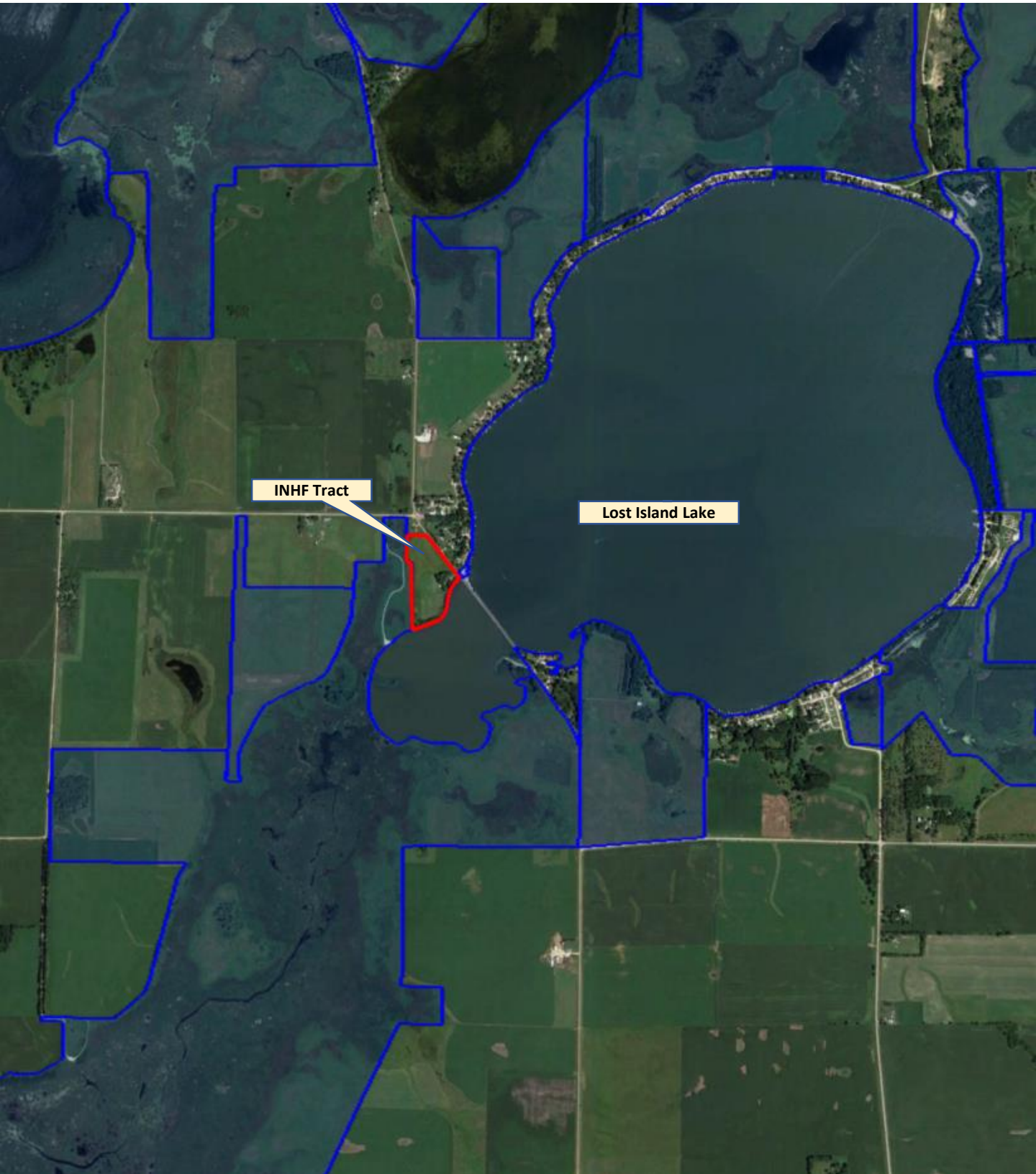
Incidental Costs: Incidental closing costs will be the responsibility of the Department.

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: March 9, 2023

Realty Services / Leo Grau WMA / Buena Vista Co / Morrow
Sec 36 Twn 91N Rng 36W



Realty Services / Little Lost Island Lake / Clay Co / INHF
Sec 1, 96N, R-35W



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

Decision Item

***12. Public Land Management Projects**

12.1 Chapter 18 Lease, Clayton County – Consolidated Grain and Barge Co.

The Natural Resource Commission is requested to approve the renewal of Chapter 18 lease 43-R with Consolidated Grain and Barge Co.

Location: An area approximately 420 feet of frontage by 70 feet of depth located within Mississippi River mile 624.32 to 622.37 in Section 6 and 7, Township 93 North, Range 2 West of the 5th P.M., Clayton County, Iowa.

Site Purpose: The structures facilitate the loading and unloading of barges.

Lease History: The location has been under lease since 1983.

Lease Fee and Term: The annual fee is \$3822.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees. The term of the lease will be five years.

12.2 Chapter 18 Lease, Dickinson County – Daniel Hummel

The Natural Resource Commission is requested to approve the renewal of Chapter 18 lease 82-R with Daniel Hummel of Spirit Lake, IA.

Location: A parcel of land approximately 6 feet by 24 feet located below the ordinary high water line of East Okoboji Lake and adjacent to Lot 14 of East Okoboji Beach subdivision in Dickinson County, Iowa.

Site Purpose: Continued presence of a concrete wall and approach with a track for boat removal.

Lease History: The location has been under lease since 1989.

Lease Fee and Term: 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. The term of the lease will be five years.

12.3 Chapter 18 Lease – Scott County – Flint Hills Resources Pine Bend, L.L.C.

The Natural Resource Commission is requested to approve the renewal of Chapter 18 lease 88-R with Flint Hills Resources Pine Bend, L.L.C of Davenport, IA.

Location: The lease area consists of approximately 170 feet of frontage by 100 feet of depth located within Mississippi River Mile 475.4 in Section 24, Township 77 North, Range 2 West of the 5th P.M., Scott County, Iowa.

Site Purpose: The lease accommodates the off-load and load petroleum products.

Lease History: The location has been under lease since 1992.

Lease Fee and Term: The annual fee is \$1,349.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees. The term of the lease will be five years.

12.4 Chapter 18 Lease, Scott County – Magellan Pipeline Company

The Natural Resource Commission is requested to approve the renewal of Chapter 18 lease 90-R with Magellan Pipeline Company of Tulsa OK.

Location: A portion of the Mississippi River bed located at River Mile 488.5, Section 26, Township 78 North, Range 4 East of the 5th P.M. in Scott County, Iowa.

Site Purpose: Structures facilitate the loading and unloading of barges.

Lease History: The location has been under lease since 1992.

Lease Fee and Term: 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. The term of the lease will be five years.

12.5 Chapter 18 Lease, Allamakee County – S&S Rentals, Inc

The Natural Resource Commission is requested to approve the renewal of Chapter 18 lease 106-R with S&S Rentals.

Location: The lease is for an area occupying approximately 26 feet of frontage by 65 feet of depth within the ordinary high water line of the Mississippi River at River Mile 662 in Section 33, Township 99 North, Range 3 West in Allamakee County, Iowa, in the City of Lansing.

Site Purpose: The leased area is part of a marina operation. The lease premises are occupied by a 26' x 45' travel lift well and 60 feet of steel sheet piling for shoreline protection.

Lease History: The location has been under lease since 1999.

Lease Fee and Term: 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. The term of the lease will be five years.

12.6 Chapter 18 Lease, Dickinson County – Tallgrass Apartments, LLC

The Natural Resource Commission is requested to approve the renewal of Chapter 18 lease 129-R with Tallgrass Apartments, LLC.

Location: A portion of Parcel "H" in the NW ¼ of the NE ¼ of Section 17, Township 99N, Range 36W, in Dickinson County, Iowa. Two driveways (26' wide x 100' long) crossing state land to reach 235th Avenue in Spirit Lake.

Site Purpose: The leased area is for two driveways that cross a bike trail and allow access to an apartment complex.

Lease History: The location has been under lease since 2016.

Lease Fee and Term: 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. The term of the lease will be five years.

12.7 Chapter 18 Lease, Muscatine County – Rowell Chemical Corporation

The Natural Resource Commission is requested to approve the renewal of Chapter 18 lease 130-R with Rowell Chemical Corporation.

Location: An area approximately 120 feet of frontage by 35 feet of depth located within Mississippi River mile 451.2 in Section 22, Township 76 North, Range 2 West of the 5th P.M., Muscatine County, Iowa.

Site Purpose: The site is used for barge loading and unloading. The structure in the river is described as a dock/walkway consisting of footings for columns supporting a pier and piping.

Lease History: The location has been under a lease since 2018.

Lease Fee and Term: The annual fee is \$938.00 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees. The term of the lease will be five years.

12.8 28-E Management Agreement, Wapsi River Mitigation Site – Iowa Department of Transportation - Bremer County

The Natural Resource Commission is requested to approve the 28-E Management Agreement with the Iowa Department of Transportation for the Wapsi River Mitigation Site located in Bremer County.

Location: The area is 1.8 miles northwest of Frederika in Bremer County and is directly adjacent to Heffernan Wildlife Management Area.

Site Purpose: This property was developed by the Iowa DOT to compensate for impacts to wetlands from US Highway 63 improvements in Bremer and Chickasaw Counties. Under this agreement, maintenance of the property in accordance with the Department of the Army permit, will be conducted by the Iowa DNR. The DNR will have the rights to allow public hunting, fishing and other non-destructive recreation on the site.

Management History: This site is currently managed by the Iowa DOT.

Management Agreement Term: The term of this Agreement with the Iowa DOT is for perpetuity.

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: March 9, 2022

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

Information Item

13. Construction - Small Projects

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

Bid Date	Project No.	Location	County	Summary	Cost Estimate	Bids
2/2/23	23-06-70-03	Fairport Fisheries Management Area	Muscatine	This project includes constructing a concrete slab with foundations and footings for a future 18' x 22' pavilion and an adjacent 16' x 20' concrete parking area with minor grading.	\$23,000	\$24,972.00 \$29,930.00 \$31,540.00 \$33,710.00 \$44,890.00 \$57,780.00 \$196,982.35
2/9/23	20-01-21-02	Little Sioux Wildlife Area	Clay	This project is designed to reconfigure and repair two existing creek crossings.	\$35,000	\$24,870.00 \$27,659.34 \$30,832.50 \$32,025.00 \$34,830.00 \$38,875.00 \$44,460.00 \$45,416.42 \$46,527.50 \$63,400.00
2/9/23	22-04-43-01	Little Sioux Delta Access	Harrison	This project is designed to remove approximately 56 SY of the existing ramp, place underwater rock base and construct 90 SY of new boat ramp.	\$31,000	\$33,270.00 \$52,305.00

Travis Baker, Land and Waters Bureau Chief
 Conservation and Recreation Division
 NRC Meeting Date: 03/09/2023

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

Decision Item**14. Construction-Large Projects****14.1 Ledges and Pine Lake State Park – Sign Installation – Boone and Hardin County**

The Department requests Commission approval of the following construction project:

Project Summary: Ledges State Park is located just south of Boone, and was dedicated in 1924. Amenities within the park include a campground, numerous picnic areas, trails, and fishing and canoeing opportunities. It is also part of the 91-mile Central State Park Bike Route.

Pine Lake State Park is located immediately northeast of Eldora, and was dedicated in 1926. Amenities within the park include a campground, day use lodge, numerous shelters, a beach, hiking and cycling trails, and boat access to Upper Pine Lake, Lower Pine Lake, and the Iowa River.

This project will install wayfinding signage at both parks, including campground signage. Wayfinding signage will include directional, destination, rules and informational, and campground signage in accordance with the Iowa Parks Signage Guide. The Iowa DNR will provide all materials necessary for the install of these signs. The Contractor is to provide all labor and tools necessary to install all of the signs.

Engineering Project #: 23-02-08-03

Cost Estimate: \$63,000

Operating Bureau: Parks

Funding Source: 100% - G84P – Special Appropriation

Bid Letting Date: 02/16/2023

Construction Completion Date: 06/16/2023

Number of Bids Received: 3

Bidders

Pillar, Inc.	Nevada, IA	\$76,000.00
Vieco Development & Construction Co	St. Joseph, MO	\$94,320.00
Voltmer, Inc.	Decorah, IA	\$170,130.00

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



14.2 Backbone and Pikes Peak State Park – Sign Installation – Delaware and Clayton County

The Department requests Commission approval of the following construction project:

Project Summary: Backbone State Park is located north of Dundee, and was dedicated as the first state park in 1920. Amenities within the park include a campground, cabins, picnic shelters, a day-use lodge, an 80-acre lake with beach and boat access, a museum, trails, and a trout stream.

Pikes Peak State Park is located south of McGregor, and was dedicated in 1935. Amenities within the park include a campground, picnic areas, hiking trails, scenic overlooks, and a concession.

This project will install wayfinding signage at both parks, including campground signage. Wayfinding signage will include directional, destination, rules and informational, and campground signage in accordance with the Iowa Parks Signage Guide. The Iowa DNR will provide all materials necessary for the install of these signs. The Contractor is to provide all labor and tools necessary to install all of the signs.

Engineering Project #: 23-03-28-01

Cost Estimate: \$78,000

Operating Bureau: Parks

Funding Source: 100% - G84P – Special Appropriation

Bid Letting Date: 02/16/2023

Construction Completion Date: 06/16/2023

Number of Bids Received: 2

Bidders

Pillar, Inc.	Nevada, IA	\$100,850.00
Voltmer, Inc.	Decorah, IA	\$154,530.00

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

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
March 9, 2023

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

Decision Item**15. Contract with The Office of the State Archeologist at the University of Iowa**

Commission approval is requested for a contract with The Office of the State Archeologist (OSA) at the University of Iowa, of Iowa City, Iowa.

Contract Terms:

Amount: Not to exceed \$700,000.00

Dates: March 9, 2023, to June 30, 2027

Funding Source(s): Funding sources will be project related; potential sources include, but are not limited to: Lake Restoration, USFWS Wildlife and Sport Fish Restoration Program, USFWS North American Wetland Conservation Act, State Duck Stamp, REAP Land Management and Open Spaces, and Marine Fuel Tax.

Contract Purpose: Archeological and architectural investigations are required for many construction and improvement projects completed on public land, including lake restoration projects, wildlife and fisheries capital projects, and parks improvement/capital projects. For the majority of projects associated with this Contract, a phase 1 survey will be completed by OSA for each work order. A phase 1 is an archeological survey that determines the presence or absence of archeological resources within a project area. Additional surveys may need to be completed if cultural resources are located within the project area.

The purpose of this 5-year contract is to allow DNR staff across CRD ready access to contract with OSA to complete archeological and architectural investigations by issuing work orders for individual projects under this master agreement. Issuing work orders for archeological and architectural work will improve efficiency by reducing staff time drafting and preparing contracts for each individual project. The previous 2-year contract with OSA was very successful in serving the needs of the DNR project officers, allowing for timely, efficient, and economical investigations of cultural and historical resource concerns at all project construction sites.

Selection Process Summary: Intergovernmental contracting with the University of Iowa is authorized under 11 IAC 118.4. Also contracts with state universities and other public agencies for laboratory work, scientific field measurement and environmental quality evaluation services are necessary to implement Iowa Code Chapter 455B is authorized under Iowa Code section 455B.103(3).

Travis Baker, Engineering, Land and Waters Bureau
Conservation and Recreation Division
March 9, 2023

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

Decision Item**16. Contract with Windstream**

Commission approval is requested for a contract with Windstream.

Contract Terms:

Amount: Not to exceed \$35,700.00

Dates: March 9, 2023, to June 30, 2028

Funding Source(s): Funding source for this project will be the Fish and Wildlife Trust Fund.

Contract Purpose: The purpose of this contract is to bury fiber optic lines and provide 100 Mbps internet service to the Fish and Wildlife Station office in Red Haw State Park by June 30, 2023, and to provide 100 Mbps internet service to that location for five years from July 1, 2023, through June 30, 2028.

Current internet service to this station is extremely slow (<3 Mbps download and 0.5 Mbps upload) and there is not enough bandwidth to support the needs of the Fisheries and Wildlife field staff at that station. Additionally, current service is provided via an aging copper line that is sensitive to rain. Service frequently goes out completely during and after storm events. There is currently a fiber optic line at the highway but lines need to be buried from the road through the park to the station.

The Contractor's engineers will complete a site survey and determine the best path to bring the fiber into the building. The Contractor will provide a proposed plan for review and approval by the DNR. Upon receiving written approval from DNR, the Contractor will obtain necessary permits before commencing work. The Contractor will then provide service to this station for a period of five years. After that period (i.e., after the Contractor recoups their expenses to bury the line), service will continue at a reduced monthly rate.

Selection Process Summary: Bids were solicited from the Iowa Communications Network and two companies that provide fiber optic service in the Chariton area.

	Windstream Knoxville, IA	Iowa Communications Network Des Moines, IA	Mediacom Ottumwa, IA
Total Bid for Installation & 5 Years of Service	\$35,700.00	\$74,584.78	No bid
Fiber Optic Installation	\$0	\$22,684.78	NA
Monthly Fee for Internet Service	\$595	\$865	NA
Notes	Requires 60-month contract, no installation fee, quoted 100 Mbps service	No contract required, but there are up front installation costs, could go up to 100 Mbps but only quoted 50 Mbps service.	Providing service in Chariton but are not currently providing service outside of town.

Joe Larscheid, Fisheries Bureau Chief

Conservation and Recreation Division: March 9, 2023

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

Decision Item

17. 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 submitted a request for oral argument and continuance on January 17, 2023. The Natural Resource Commission voted to grant the continuance and request for oral argument on January 18, 2023. In addition, the Natural Resource Commission notified Mr. Hagen that any written materials, including any briefs of additional evidence, had to be submitted to the NRC by February 8, 2023. A brief was submitted by email on February 8, 2023.

Jen Gieselman, Attorney
DNR Legal Services Bureau
NRC Meeting Date: March 9, 2023

Attachments:

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. Request for Oral Argument and Continuance; NRC Order Granting Continuance and Oral Argument; Hagen Brief.