

**Minutes of the
Natural Resource Commission
Meeting**

**May 10,
2018**

Meeting Held at:
Iowa Department of Natural Resources
502 E 9th Street, 4th Floor
Des Moines, Iowa

For Office Use Only

Date Minutes Approved By NRC: 06/14/18

Director's Signature: _____

*Bruce Trautman
Acting Director*

RECORD COPY

File Name: ADM 1-1-1

NRC MINUTES

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by the NRC Chair, Margo Underwood, on 05/10/18 at 9:30am.

COMMISSIONER ATTENDANCE

Present

- Marcus Branstad [9:30am–2:50pm]
- Kim Francisco, Secretary [9:30am–2:50pm]
- Laura Hommel [9:30am–2:50pm]
- Tom Prickett [9:30am–2:50pm]
- Phyllis Reimer, Vice Chair [9:30am–2:50pm]
- Dennis Schemmel (by phone) [9:30am–12:20pm]
- Margo Underwood, Chair [9:30am–2:50pm]

Absent

None

PUBLIC PARTICIPATION

Name	Address	Representing	Topic
Lance Shay	242 Hart Ave, Des Moines, IA	Self	Deer regulations
Luke Hodges	117 NE Crestmoor Pl, Ankeny, IA		Rule & regulation changes
Nathan Gibson	1167 250 th Ave, New Virginia, IA	IA Firearms Coalition	Deer hunting proposed rule changes
Al Schwartz	1906 Buckingham Dr NW, Cedar Rapids, IA		Hunting rules change
Craig Swartz	24970 270 th St, Adel, IA	IA St. Rifle/Pistol Assn	Deer reg proposals

1. APPROVAL OF AGENDA

Motion – Commissioner Francisco with a correction to the lease fee from \$16,885.25 to \$4,221.00 in item 10.3 Chapter 17 Barge Fleeting Lease Renewal
 Seconded – Commissioner Branstad
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

2. ELECTION OF NATURAL RESOURCE COMMISSION OFFICERS

Commissioner Underwood requested nominations for Chair, Vice-Chair, and Secretary.

Position of Chair:

Motion - Commissioner Francisco nominated Margo Underwood to serve as Chair.

Nomination Accepted

Decision – Approved by Unanimous Vote

Position of Vice Chair:

Motion - Commissioner Prickett nominated Phyllis Reimer to serve as Vice-Chair.

Nomination Accepted

Decision – Approved by Unanimous Vote

Position of Secretary:

Motion - Commissioner Reimer nominated Kim Francisco to serve as Secretary.

Nomination Accepted

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

3. APPROVE MINUTES OF 04/12/18 NRC PUBLIC MEETINGS

Motion – Commissioner Francisco

Seconded – Commissioner Reimer

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

4. ACTING DIRECTOR’S REMARKS

Acting Director Trautman provided information regarding the Cast Away event for veterans being held at Honey Creek Resort, as Acting Director he has asked Dave Cretors, Customer Service Bureau Chief, and Ed Tormey, Legal Bureau Chief, to assist with the Deputy Director role, and discussed decisions made regarding the deer rule.

Tammie Krausman, legislative liaison, provided an update of the legislative session and bills (budget, Environmental Services Division, Fish and Wildlife Trust Fund fees, dynamic pricing for State Parks, gun sales and seizure of weapons, CRD Policy, and public utility that affect forestry programs). She also discussed legislation that changes aspects of public land acquisition.

5. DIVISION ADMINISTRATOR’S REMARKS

Division Administrator, Dr. Dale Garner, provided information regarding:

- his experience at the Cast Away event for veterans at Honey Creek Resort.
- the failure of the disease bill to pass the legislature this year.
- a map of deer harvested in Iowa in 2017
- a study that is showing how the spread of Chronic Wasting Disease can be at lick sights.

6. PETITION FOR IOWA CITY URBAN DEER MANAGEMENT ZONE – SPECIAL HARVEST REQUEST

The Department, on behalf of the Commission, has received a petition to hold a special deer harvest.

Petitioner: Iowa City, City Manager

Proposed Petition Summary: Allow the City of Iowa City to hold a special deer harvest using sharpshooters.

Attached: Petitioner’s Petition/Documentation

Liz Ford, Animal Services Supervisor, Iowa City Animal Care & Adoption Center, Bill Campbell, Administrative Captain, ICPD, and Sue Dulek, Assistant City Attorney, City of Iowa City, provided information regarding their request for a special deer harvest and reasons for this practice versus a hunting alternative.

Commissioner Underwood shared that she asked Dr. Dale Garner to put together protocol recommendations regarding this proposal. Commissioners and Iowa City presenters reviewed and discussed the recommendations. Commissioners noted their concerns about the current Iowa City sharpshooter proposal.

Commissioner Underwood suggested Iowa City put a committee together to discuss today’s comments and concerns and return to a future NRC meeting with a revised depredation proposal.

Motion – Commissioner Francisco

Seconded – Commissioner Branstad

Decision – Motion Failed (1 aye - Hommel)

DENIED AS PRESENTED

***7. PUBLICLY OWNED LAKES PROGRAM WATERSHED ELIGIBILITY – FY19**

Purpose: The Department of Agriculture and Land Stewardship (IDALS) - Division of Soil Conservation and Water Quality manages and provides funding for Iowa’s Publicly Owned Lakes Program. This program establishes and maintains a priority list of watersheds above publicly owned lakes and reservoirs. In order to be eligible to receive IDALS’s Publicly Owned Lake (POL) Program funds, an applicant must be a soil and water conservation district and submit an application for POL priority designation to IDALS. The application must include a map of the watershed identifying the sources of significant sediment delivery to the lake and documentation of the existence of a watershed plan that targets significant sources of sediment delivery to the lake. Applications are approved based on adequacy of the watershed plan for the publicly owned lake, presence on the priority list for lake restoration, and available funding.

As outlined in Iowa Administrative Code 571, Chapter 31, Public Owned Lakes Program, the DNR is part of the application review and recommendation process. The DNR is to, then, submit the recommended list of publicly owned lakes eligible under the program to the NRC for approval.

Summary of Selection Process: The Review and Selection Committee evaluated applications based on the criteria above. Locations within the watersheds that contribute significant sediment to the lake have plans for targeted installation of permanent soil conservation practices or management practices that will reduce sediment delivery.

Selection Committee Members: The review and selection committee consisted of four members:

- IDNR Staff – Conservation and Recreation Division (2)
- IDNR Staff – Environmental Services Division (1)
- IDALS Staff (1)

Number of Applications Received: 10

Recommendations: In accordance with the administrative rules, the Review and Selection Committee has determined that the following meet program requirements and recommends approval of the following list of watersheds for program eligibility:

- Lake Binder, Adams SWCD
- Lake Icaria, Adams SWCD
- Clarke County Reservoir, Clarke SWCD
- West Lake, Clarke SWCD
- Lake Geode, Des Moines and Henry SWCD’s
- Volga Lake, Fayette SWCD

- Lake Miami, Monroe
- Hickory Grove, Story
- Three Mile Lake, Union and Adair SWCD's
- Twelve Mile Lake, Union and Adair SWCD's

CARRIED UNDER CONSENT

8. CONTRACT WITH SCOTT COUNTY CONSERVATION BOARD

Commission approval is requested for a contract with the Scott County Conservation Board (SCCB), of Davenport, Iowa.

Contract Terms:

Amount: Not to exceed \$ 380,020.50

Dates: May 10, 2018 to June 30, 2020

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this Contract.

Funding Source(s): Lake Restoration Program

Background: The Lake of the Hills complex of lakes encompasses four publicly owned lakes (Lake of the Hills, Railroad Lake, Bluegrass Lake, and Lambach Lake) within West Lake Park, which is owned and operated by SCCB. The park serves as an important recreation destination for eastern Iowa, with approximately 500,000 visitors to the park each year. During the summer months, the campground is filled most days and most park shelters are rented to capacity. The park is in the process of making additional infrastructure improvements, including building cabins to attract additional users. Additionally, West Lake Park is the home of the Quad Cities Triathlon, drawing approximately 700 athletes to the park. Other day uses include fishing, paddling, environmental education, hiking, photography, bird watching, and relaxation.

Lake of the Hills, located within West Lake Park, is a 54.6 acre lake with a watershed of approximately 1500 acres (27.5:1 watershed to lake area ratio). Thirty-eight percent of the watershed is located within the park's boundaries, including 90.6 acres of water and 521 acres of land. Lake of the Hills is surrounded by four smaller lakes, three of which are contained within the park and under public ownership. Until recently, the smaller lakes have protected Lake of the Hills; however high sedimentation rates and declining water quality in recent years have had a negative impact on overall water quality and recreational opportunities at the park.

Over the years, water quality at Lake of the Hills and the surrounding lakes has degraded due to increased nutrient and sediments from the watershed. Excess nutrients, especially phosphorus, have led to frequent algae blooms and low water clarity. Sedimentation in the smaller lakes surrounding Lake of the Hills has contributed to the decline in overall water quality at the park. Lake of the Hills is considered impaired by DNR and the EPA. Research conducted by DNR and others determined that phosphorus inputs to the lake needed to be reduced by 78% for Lake of the Hills to meet state water quality standards. A combination of restoration practices are needed to achieve this goal. In 2016, both a TMDL and Watershed Management Plan were developed for Lake of the Hills. In 2017, The SCCB hired FYRA Engineering to evaluate potential restoration strategies identified in the watershed improvement plan. Restoration strategies within the park (watershed) and in the lake were prioritized for water quality benefits to the lake and costs, and a conceptual design and planning budget for the overall project was completed as a part of a technical memo from FYRA.

Past work completed to date at West Lake Park:

Evaluation and Conceptual Design of Restoration Strategies for West Lake Park (improvements on public ground and in-lake restoration strategies):

DNR Contribution (75%):	Not to exceed \$32,526.45
SCCB Contribution (25%):	Not to exceed \$10,842.15
Total Cost:	Not to exceed \$43,368.60

Contract Purpose: The purpose of this cooperative agreement is to work with the SCCB to complete engineering services for the restoration of the lakes (Lake of the Hills, Railroad Lake, Lambach Lake, and Bluegrass Lake) within West Lake Park in Scott County, Iowa. Engineering services for this project include, but are not limited to:

- 60%, 90% and final design including surveys; engineering and construction plans; permit submission; drainage; structural; geotechnical; plant materials, wetland mitigation/delineation services; cost estimates and all other miscellaneous elements required for building six new ponds/wetlands and rehabilitating three existing ponds/wetlands within West Lake Park and one bio-swales or bio-retention cells to infiltrate water coming off of a parking lot.
- 60%, 90% and final design including surveys; engineering and construction plans; permit submission; drainage; structural; geotechnical; plant materials, wetland mitigation/delineation services; cost estimates and all other miscellaneous elements required for dredging Railroad Lake and Bluegrass Lake including a plan for transport and stabilization of dredge material; shoreline deepening/stabilization; new Blue Grass drawdown structure; repair Railroad drawdown structure; and installation of fish habitat.
- Plans and specifications for bid letting watershed BMPs and in-lake portions of the project.
- Application and secure all required permits from the Federal, State and Local governments.
- Attend pre-construction meeting and provide engineering oversight throughout the construction of the project.

Work proposed under this contract:

Engineering Services including design, permitting, bid letting and construction oversight:

DNR Contribution (75%):	Not to exceed \$380,020.50
SCCB Contribution (25%):	Not to exceed \$126,673.50
Total Cost:	Not to exceed \$506,694.00

Anticipated Future Work: Future work will include construction of watershed BMPs and in-lake restoration strategies that are designed as a part of this contract with a county cost share partnership. Total estimated cost for construction of all elements of the project is currently \$3.7 Million and will include construction of six new ponds within the park, rehabilitation of three existing ponds in the park, construction of a bio-swale near the beach parking lot, targeted mechanical dredging of ~150,000 CY of sediment from the lakes in West Lake Park, shoreline deepening and stabilization, installation of fish habitat, and upgrades/repairs to the drawdown structures at Railroad and Bluegrass Lakes.

Selection Process Summary: Intergovernmental contracting with the SCCB is authorized under 11 IAC 118.4.

Motion – Commissioner Reimer
 Seconded – Commissioner Prickett
 Discussion – George Antoniou, Lake Restoration Program, provided information regarding the location of the ponds and partnerships with the landowners.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

9. CONTRACT WITH IOWA STATE UNIVERSITY (BASELINE STUDIES FOR HABITAT CONSERVATION PLAN: ACOUSTIC BAT MONITORING)

Commission approval is requested for a contract with Iowa State University, of Ames, IA.

Contract Terms:

Amount: Not to exceed \$54,354.31

Dates: May 09, 2018 to January 31, 2019.

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this Contract.

Funding Source(s): USFWS Grant

Contract Purpose: The parties propose to enter into this contract to conduct baseline studies including acoustic monitoring studies to assess distribution of the northern long-eared bat (NLEB) in Iowa. As identified in the grant, the resulting studies will support the development of a Habitat Conservation Plan (HCP) for MidAmerican Electric Company (MEC) wind power facilities in Iowa. This HCP will address the potential impacts of MEC’s current and proposed wind energy facilities on the northern long-eared bat, as well as the federally endangered Indiana bat and other species. Tasks in this contract include:

1. Acoustic Monitoring: Conduct acoustic monitoring surveys at 30 sites located in 21 counties in central Iowa June and July 2018.
2. Analyze Acoustic Monitoring Data: Analysis of recorded bat calls to determine presence (or probable absence) of the NLEB and identify potential capture sites for a fall telemetry study.
3. Prepare Acoustic Monitoring Report: Prepare and submit to DNR a written report which includes details of the monitoring process, summary of sites where NLEB calls were detected and the frequency of calls by site. ISU will also provide data in file format for mapping distribution of NLEB as well as audio files of bat calls.

This collection of data is in year three of three for development of the HCP. Previous work with ISU, since 2016, also included monitoring as well as assisting with telemetry studies.

Selection Process Summary: Intergovernmental contracting with Iowa State University is authorized under 11 IAC 118.4.

Motion – Commissioner Branstad
 Seconded – Commissioner Reimer
 Discussion – Kelly Poole, Endangered Species Coordinator, provided information regarding the data collected and its use, grant funding, federal regulations, and future projects.
 Decision – Approved (1 nay - Hommel)

CARRIED AS PRESENTED

***10. PUBLIC LAND MANAGEMENT PROJECTS**

***10.1 MANAGEMENT AGREEMENT – STRASSER WOODS STATE PRESERVE – POLK CCB**

The Natural Resource Commission is requested to approve a management agreement with the Polk County Conservation Board (PCCB) for Strasser Woods State Preserve.

Location: Strasser Woods State Preserve is located at 1552 E 36th St, Des Moines, IA

Site Purpose: Strasser Woods is a 40-acre tract of forest within city limits of Des Moines. Joseph and Elizabeth Strasser, who had owned the property since 1965, donated the woodland to the Iowa Natural Heritage Foundation in 1981. The area was transferred to the Iowa DNR in 1982 and dedicated as a biological state preserve. The Four Mile Creek Greenway (featuring a bicycle trail) runs along the creek through the bottomland. Several hiking trails also run through the upland portions of the preserve. This area is currently managed under the Wildlife Bureau. With the county already managing much of the surrounding area in this urban Greenbelt, PCCB approached the DNR with the request to include the preserve in their management plan. It was determined PCCB would be able to manage the area as outlined in the preserves management plan. The consideration to transfer management of the area has been approved by the State Preserves Advisory Board (02/14/18) and the PCCB (04/11/18).

Management Agreement Term: The term of this Agreement with the Polk County Conservation Board to manage Strasser Woods State Preserve is through 2043.

CARRIED UNDER CONSENT

***10.2 CHAPTER 17 BARGE FLEETING LEASE RENEWAL - MISSISSIPPI RIVER, CLAYTON COUNTY**

The Natural Resource Commission is requested to approve the renewal of Chapter 17 Lease No. 31-R with American River Transportation Company of Decatur, Illinois.

Location: The leased area is described as a portion of the bed of the Mississippi River including approximately 1200 feet of frontage by 200 feet of depth located at Mississippi River Mile 636.2 in Clayton County, Iowa.

Site Purpose: This area has been under a barge fleeting lease since 1982. A Public Notice was printed in a local newspaper and no comments were received.

Lease Fee and Term: The annual fee is \$9,650.31 and will be increased annually based on the percentage increase of the consumer price index. The term of the lease will be five years.

CARRIED UNDER CONSENT

***10.3 CHAPTER 17 BARGE FLEETING LEASE RENEWAL - MISSISSIPPI RIVER, CLAYTON COUNTY**

The Natural Resource Commission is requested to approve the renewal of Chapter 17 Lease No. 59-R with American River Transportation Company of Decatur, Illinois.

Location: The leased area is described as a portion of the bed of the Mississippi River including approximately 1000 feet of frontage by 105 feet of depth located at Mississippi River Mile 607.5 in Clayton County, Iowa.

Site Purpose: This area has been under a barge fleeting lease since 1960. A Public Notice was printed in a local newspaper and no comments were received.

Lease Fee and Term: The annual fee is ~~\$16,885.25~~ \$4,221.00 and will be increased annually based on the percentage increase of the consumer price index. The term of the lease will be five years.

CARRIED UNDER CONSENT

11. PUBLIC LAND ACQUISITION PROJECTS

11.1 GOOD NEIGHBORS MARSH, WINNEBAGO COUNTY – FRANK’S WETLANDS LLC

The Natural Resource Commission’s approval is requested to purchase a tract of land located in Winnebago County near Good Neighbors Marsh.

Seller: Franks’s Wetland, LLC, Frank Doden, Trustee

Acreage: 160 acres

DNR Purchase Price: \$175,410

Appraised Price: \$208,000

Property Description: This property is located four miles northeast of Buffalo Center in west central Winnebago County. The tract is gently sloping with level to depressional flats consisting of 150 acres enrolled in the permanent Wetlands Reserve Program. In addition, there are 6 acres of grassland and 4 acres of public road right of way. The Wetlands Reserve easement land is seeded to native prairie grasses and includes wetland slough areas. The property has no building improvements. County roads front along the west and south boundaries of the tract.

Purpose: This tract will provide diversity for several habitat types to manage for potential additional wetland restoration and additional recovery of native prairie species. The property will provide public access to hunting and other outdoor recreation opportunities.

DNR Property Manager: Wildlife Bureau

Funding Source(s): Prairie Lakes 7 NAWCA (Federal)

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

Motion – Commissioner Branstad
Seconded – Commissioner Reimer
Decision – Approved (1 nay - Hommel)

CARRIED AS PRESENTED

11.2 VOLGA RIVER WILDLIFE MANAGEMENT AREA, CLAYTON COUNTY – IOWA NATURAL HERITAGE FOUNDATION

The Natural Resource Commission’s approval is requested to purchase a tract of land located in Clayton County adjacent Volga River Wildlife Management Area (WMA).

Seller: Iowa Natural Heritage Foundation

Acreage: 22 acres

DNR Purchase Price: \$79,740

Appraised Price: \$79,740

Property Description: This property is located approximately one mile east of Volga in west central Clayton County. The near level tract consists of 10 acres of timber, 8 acres of grassland enrolled in CRP, and 4 acres of river. Most of the tract is positioned within the 100-year floodplain. The Volga River runs approximately 2000

feet through the tract. There are no building improvements. Access to the property is provided by an easement extending from a county road south of the south boundary, as well as adjacent to state-owned land.

Purpose: This acquisition is part of an on-going effort to protect the Volga River riparian area and forest management for Species of Greatest Conservation Need. The property will provide public access to hunting and other outdoor recreation opportunities.

DNR Property Manager: Wildlife Bureau

Funding Source(s): Pittman-Robertson (Federal)

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

Motion – Commissioner Francisco
 Seconded – Commissioner Prickett
 Decision – Approved (1 nay - Hommel)

CARRIED AS PRESENTED

12. 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
3/29/18	18-01-32-02 Wildlife	Ingham- High HQ	Emmet	Restore/create two wetland pool areas.	\$12,000	\$7,975.00 \$9,500.00 \$9,916.10 \$11,180.00 \$12,759.00 \$17,250.00
4/5/18	18-05-04-08 Fisheries	Rathbun Fish Hatchery	Appanoose	Construct a fiberglass work platform to support aquaculture tanks and equipment.	\$25,000	\$22,703.00 \$23,680.00 \$29,000.00 \$40,835.00
4/12/18	18-04-39-01 Parks	Springbrook State Park	Guthrie	Remove and replace 4,260 SF of asphalt shingle roofing and gutter and downspouts on the park shop/office.	\$25,000	\$22,346.00
4/12/18	17-01-81-05 Fisheries	Black Hawk Lake	Sac	Remove and replace existing fish cleaning station at the boat ramp.	\$55,000	\$48,325.00 \$57,349.40 \$66,275.00
4/12/18	18-03-96-04	Decorah Fish Hatchery	Winnesiek	Upgrade office and house electrical service.	\$8,000	\$4,000.00 \$4,675.00 \$4,950.00 \$12,470.00

INFORMATION

13. AMEND CLEAN WATER STATE REVOLVING FUND LOAN (SRF) AND DISBURSEMENT AGREEMENT WITH IOWA FINANCE AUTHORITY – GEODE STATE PARK

The Commission is requested to adopt a resolution approving and authorizing the Department to amend its current \$1,025,000 loan and disbursement agreement for Geode State Park to include funding for a water resource restoration sponsored project by and between the Iowa Finance Authority, and authorizing and

providing for the continuation of a lien upon the State Conservation Fund to secure payment thereof (Code of Iowa Section 456.17A).

Amended Loan Terms:

Amended Loan Amount: \$840,318.94

Interest Rate Effective June 1, 2018: 0.75% plus .25% Annual Servicing Fee

Maturity Date: June 1, 2034

Funding Source: State Conservation Fund

Loan Purpose: Since 1996, the Natural Resource Commission has approved resolutions authorizing the Director to enter into four State Revolving Fund (SRF) loan agreements through the Iowa Finance Authority in the principal amounts of \$796,000, \$1,554,000, \$1,568,000 and \$1,025,000 for the purpose of defraying the costs of construction of wastewater treatment improvements in state park facilities. The loans are payable over 20 years from a ten percent lien on State Conservation Fund receipts.

The SRF loan agreement to be amended was for \$1,025,000 in reference to a Geode State Park construction project for the conversion of a single cell waste treatment lagoon to a two cell controlled discharge lagoon that was brought before, and approved by, the Commission in December 2014. The DNR has been working with the Natural Resources Conservation Service and Iowa Department of Agriculture to install Best Management Practices (BMPs) addressing nonpoint source water quality issues on state property which qualifies for sponsored project funding in conjunction with the existing SRF loan. For this funding, the overall interest rate on the principal borrowed is reduced so that no more is paid than would have been paid just for the wastewater project. In essence two water quality projects are accomplished for the cost of one. The amount available for sponsored project funding is determined based on the outstanding balance of principal owed on the wastewater loan.

In February 2016, the Commission approved a \$178,000 contract for Project # 16-06-44-02 for the repair or construction of six sediment basins in the Lake Geode watershed. This project was approved for SRF water resource restoration funding, in conjunction with Lake Restoration. The amount of SRF funding available is \$66,000 to be added to the \$774,318.94 borrowed for the wastewater project, for an amended SRF loan amount of \$840,318.94. Effective June 1, 2018, the current interest rate of 1.75% will be reduced to 0.75% for the outstanding loan balance.

Motion – Commissioner Francisco
Seconded – Commissioner Branstad
Discussion – Bruce Trautman provided information regarding the State Revolving Loan Fund (SRF) and that it is primarily used for clean water or waste water through EPA and EPC. Shirley Christoffersen, DNR Accounting, provided information regarding SRF and the Parks’ active loans and end dates.
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

14. CHAPTER 27 – LAND AND WATER CONSERVATION FUND, CITY AND COUNTY GRANT RECOMMENDATIONS

The Commission is requested to approve the ranking of the project applications for the Land and Water Conservation Fund (LWCF) Program, City and County Grants, and award grants to applicants in that ranked order and as funds are available. The Land and Water Conservation Fund is a federal fifty percent cost share grant program. The funds may be used by Iowa’s cities and counties for outdoor recreation projects and is governed by program rules adopted in Chapter 27 of the Iowa Administrative Code.

Grant Purpose: The Land and Water Conservation Fund is a federally funded program for cities and counties in Iowa to assist with planning, acquisition and development of outdoor recreation. The scoring criteria established in Chapter 27 include:

- Relationship to SCORP priorities (Statewide Comprehensive Outdoor Recreation Plan),
- Direct recreation benefits provided,
- Local need, and
- Quality of the site.

In addition, the committee awarded bonus and penalty points, also as established by rule, based on criteria such as: level of prior assistance from the LWCF, special features for the elderly and handicapped; minority populations served, degree of public participation and support, recycled content material use, and level of planning that has preceded the application for a LWCF grant.

Funding Source: U.S. Department of the Interior distributes the LWCF grant funds after their budget is approved, which is usually by the fall of the year.

Grant Funding Available: Based on historic data, it is anticipated that Iowa’s apportionment will be approximately \$800,000

Summary of Selection Process: As directed by criteria under Chapter 27, the grant review and selection committee met on April 23, 2018, to evaluate and score applications and to provide recommendations for the grant awards.

Selection Committee Members: The review and selection committee consisted of five members:

- Iowa Association of County Conservation Boards (1)
- Iowa Parks and Recreation Association (1)
- DNR (3)

Number of Applications Received: 10

Recommendations: The Committee requests that the Commission approve the proposed rankings and fund the projects in the order they are listed as funds are available.

Rank	Score	Grant Applicant	Project	Total Project Cost	Grant Amount Requested
1	72	City of Laurens	Pocahontas County Trail Phase I-Prairie Park Trail	\$757,319	\$60,000
<p><i>This project is for the acquisition and development of an approximately 2.2 mile trail corridor in northwest Laurens. The proposed trail will connect to the existing 1.6 mile trail located in the southeast section of the City. Both the proposed and existing trails, together known as the Prairie Park Trail, are part of the larger Pocahontas County Trails Master Plan which seeks to connect the existing Three Rivers Trail in eastern Pocahontas County to the western border. This is Phase One.</i></p>					
2	70	City of Mason City	Mason City Highline Trail-Acquisition of Union Pacific Railroad Property	\$1,700,000	\$150,000
<p><i>The City has partnered with the Iowa Natural Heritage Foundation (INHF) to acquire unused railroad property from Backtrack Inc. and the Union Pacific Railroad (UPRR) for the purpose of creating an approximate 5 mile off-street trail from 19th St. SE to County Rd B-20. The City will purchase the Backtrack segment outright. INHF will purchase the UPRR property and hold it in trust; this application requests funding to assist with the purchasing of the UPRR property from INHF.</i></p>					
3	66	O’Brien County Conservation Board	Douma Park Campground Upgrade	\$244,000	\$122,000
<p><i>This project will redesign the campground at Douma Park resulting in fourteen campsites upgraded for modern recreational vehicles. All sites will include cement pads, rural water, and electricity. Half of the sites will include sewer hookups. A modern shower building will replace the existing pit toilet. A dump station will be added. Internet service will be installed for camper use and security cameras. Green space will be added by removing scrub trees. Shoreline access for anglers will be increased.</i></p>					

4	65	Winneshiek County Conservation Board	Neste Valley Recreation Area Development	\$354,086	\$125,000
<p><i>Neste Valley Recreation Area is a newly purchased property slated to become a regional destination park. Future development plans include a campground, a welcome center with interpretive exhibits, an outdoor agricultural museum, and a regional bike trail. This grant addresses fundamental and crucial first steps in converting this farm into a park. Constructing a public roadway and parking area, as well as an initial campground infrastructure, roadways and camping spurs.</i></p>					
5	64	Black Hawk County Conservation Board	Hickory Hills Park Electrical upgrades	\$81,073	\$40,000
<p><i>Phase I of this project involves installing new, larger gauge electric wire, 200 amp entrance breakers; install twenty eight 50 amp electric boxes, and transform fifteen campsites that are too short for new campers into eight pull-through sites. When completed, twenty eight campsites will have new electric service.</i></p>					
6	63	Hamilton County	Briggs Woods Campground Renovation	\$160,000	\$80,000
<p><i>Campground renovation includes the development of at-grade level campsites with a gravel base and ADA accessibility, new electric pedestals with GFI 20, 30 and 50 amp service, new water service at each renovated site, new fire rings and registration pedestals.</i></p>					
7	60	City of Lamoni	Lamoni Recreational Trail Extension	\$87,000	\$43,500
<p><i>The Lamoni Recreational Trails Commission, assisted by Trees Forever, prepared a long-range community trails plan. The plan included developing a nine hundred foot trail extension from the existing trail across the dam and spillway of Home Pond, providing a loop option for trail users and improving trail connectivity and safety. The extension allows for a view of the locations' scenic beauty, pond, wildflowers, trees, and wildlife. Grant funds will be used to build the trail and install a bridge.</i></p>					
8	60	City of Bellevue	Cole Park Playground Project	\$250,000	\$75,000
<p><i>The City of Bellevue's Cole Park is an active 7.8 acre Park that lies in the heart of Bellevue and hosts a variety of events and recreational activities. The playground project will replace a thirty year old playground structure with new Miracle equipment. The project will improve handicap accessibility; install two age split structures, swings, a ten-spin, and a poured rubber surfacing.</i></p>					
9	60	Marion County Conservation Board	Roberts Creek Park, East Campground Renovation	\$87,279	\$43,640
<p><i>The campground renovation will reduce the number of existing campsites from fifty to twenty eight, increasing the distance between sites to an average of sixty feet, install 20/30/50 amp electric service, water spigots and sewer drops to make all new sites full service hookup. Landscaping between sites will consist of various trees and shrubs to provide screening and privacy between sites.</i></p>					
10	53	City of Avoca	Rock Island RR Trail	\$229,523	\$75,000
<p><i>In 2017, the City of Avoca acquired a thirty five hundred foot section of abandoned railroad from Hawkeye Land Corporation. This section of railroad ROW had long-been</i></p>					

planned for acquisition and development for a trail. An additional one thousand three hundred and seventy five feet of trail will need to be constructed in order to connect the railroad ROW trail to the City's existing trail network. The City proposes to construct a total of four thousand eight hundred seventy five feet of trail.

Motion – Commissioner Reimer
Seconded – Commissioner Francisco
Discussion – David Downing, Parks Project Coordinator, provided information regarding reapplying for grants, complexities of issues related to railbeds, and local support for projects. Commissioner Underwood noted she will abstain from this vote because she helped a city with their application.
Decision – Approved (1 abstaining-Underwood)

CARRIED AS PRESENTED

15. CHAPTER 47, SNOWMOBILES – NOTICE OF INTENDED ACTION

The Commission is requested to approve the Notice of Intended Action – Chapter 47, “Snowmobiles” The Department has completed the initial steps in Executive Order 71 prior to submitting the Notice of Intended Action.

Basic Intent of Current Rule: Chapter 47 sets regulations on the registry and titling of snowmobile, on dealerships that sell snowmobiles, and on the use of registration fees in cost-sharing program created by Iowa Code section 321G.7.

Proposed Rule Change: This Notice of Intended Action is to rescind Division III of Chapter 47. In 2017, the Iowa Legislature amended Iowa Code section 321G.7(2) by increasing the percentage of snowmobile registration fees that could be used to develop, maintain, or improve snowmobile areas and trails from 50% of the fees to 70% of the fees. This revised distribution necessarily increases the DNR’s work load associated with implementing such grants, contracts, and cost-share programs. With this increase in funding, the DNR and the Iowa State Snowmobile Association (ISSA) agreed for the ISSA to play a larger role in the management of the funds gathered from snowmobile registration fees. This benefits both parties by enabling the Department to focus its limited resources on other administrative and enforcement matters, while empowering the ISSA to foster a more active snowmobile community within the state. With this agreement, Division III of Chapter 47, the cost share program, becomes unnecessary and the DNR proposes the rules under Division III be rescinded. DNR and ISSA have partnered in providing a snowmobile program in Iowa for over 40 years. ISSA has been an integral part in evaluating and recommending grant awards, assignment and purchase of equipment, and trail management. They have also been awarded and managed grants in compliance with IAC Chapter 47.

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

The Natural Resource Commission hereby proposes to adopt rule 571-47.10(321G) and rescind rule 571-47.30(321G) through rule 571-47.47(321G), Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in sections 455A.5(6), 321G.2(1)“e”, and 321G.7(2) of the Iowa Code.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455A.5(6), 321G.2(1)“e”, and 321G.7.

Purpose and Summary

Iowa Code section 321G.7(2) requires that at least 70% of Iowa’s snowmobile registration funds be used on grants, subgrants, contracts, or cost-share programs in support of Iowa’s snowmobile programs. These funds are available for political subdivisions and incorporated private organizations. Prior to 2017, only 50% of registration funds were required to be used in such a manner, but the amount was increased by the 87th

General Assembly in Senate File 472, signed by Governor Branstad on April 12, 2017. This enlargement necessarily increases the Iowa Department of Natural Resources' (Department) work load associated with implementing such grants, contracts, and cost-share programs. After the passage of the bill, the Department and the Iowa State Snowmobile Association (ISSA) mutually agreed to transfer these monies to ISSA via contract so that ISSA rather than the Department may distribute the funds consistent with the statutory directive. This benefits both parties by enabling the Department to focus its limited resources on other administrative and enforcement matters, while empowering the ISSA to foster a more active snowmobile community within the state. The parties signed the contract on September 5, 2017 specifying the requirements in law for these registration funds.

Chapter 47 contains the rules for registering, operating, and selling snowmobiles in the state. Two amendments are proposed for the chapter. First, rule 47.10 is being added to make clear that at least seventy percent of snowmobile fees will be transferred via contract to a political subdivision or incorporated private organization for use consistent with Iowa Code section 321G.7(2). The new rule also outlines the minimum terms such a contract shall always contain to ensure the statutorily-mandated grants and cost-share programs are being implemented and to ensure that these public funds are subject to regular accounting and reporting. Second, the Commission's snowmobile registration revenue grant program rules contained in Division III are being rescinded. These rules are no longer necessary since ISSA shall be administering the program.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa. The funds used in the snowmobile registration revenue grant program have not changed because of the proposed amendments.

Jobs Impact

The proposed amendments will have a neutral impact on private sector jobs in the state.

Waivers

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 Department for a waiver of the discretionary provisions, if any, pursuant to chapter 561-10 of the Iowa Administrative Code.

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 June 26, 2018. Comments should be directed to:

Rhonda Fowler
502 9th St. Wallace State Office Building
Des Moines, IA 50319
(515) 725-8490
rhonda.fowler@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held on June 26, 2018 at the following address:

Iowa DNR
502 9th St. Wallace State Office Building
Des Moines, IA 50319

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. Adopt the following new rule 571—47.10(321G):

571—47.10(321G) Snowmobile fee grants, cost-share programs, and contracts - implementation. The department shall transfer, via contract, at least seventy percent of snowmobile fees to a political subdivision or an incorporated private organization for distribution through snowmobile-related grants, cost-share agreements, or contracts consistent with Iowa Code section 321G.7(2). Terms of this contract shall, at a minimum, direct the receiving party to identify and make publically available grant, cost-share program, and contract eligibility and selection criteria; accounting, auditing, and reporting requirements; termination terms; and unspent money repayment processes. Any contract entered into pursuant to this rule shall be available on the department’s website or upon request from department snowmobile program staff.

This rule is intended to implement Iowa Code section 321G.7(2).

ITEM 2. Rescind and reserve rule **571—47.30(321G)** through rule **571—47.47(321G)**, Division III, “Snowmobile Registration Revenue Cost-Share Program.”

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

CARRIED AS PRESENTED

16. CHAPTER 94, “NON-RESIDENT DEER HUNTING” AND CHAPTER 106, “DEER HUNTING BY RESIDENTS” – FINAL RULES

The Commission is requested to approve Final Rules – Chapter 94, “Non-Resident Deer Hunting” and Chapter 106, “Deer Hunting by Residents.”

Chapter 94, Non-Resident Deer Hunting:

Basic Intent of Rule: Chapter 94 sets regulations for deer hunting by non-residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

All Chapter 94 method of take rules are amended to reference the Chapter 106 method of take rules. This ensures consistency in the rules and will avoid the need to amend both chapters in the future. The Chapter 94 nonresident license quotas for any-deer and mandatory antlerless licenses are lowered in Zones 1, 2, and 10 and raised in Zone 9. These quota changes are intended to stabilize a declining deer population in the northwest area of the state, similar to the changes described for Chapter 106 below.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC#3731C. A public hearing was held on May 1, 2018. In total, 3,245 comments were received. Of the total comments, 98.4% addressed three subjects: opposed to a round limitation (1,161), opposed to language defining firearm types (1,137), and in favor of youth handgun use for deer hunting (895). The remaining 1.6% of the comments covered 14 different subjects relating to deer hunting.

Changes from NOIA: None

Effective Date of Final Rule: July 11, 2018

Chapter 106, Deer Hunting by Residents:

Basic Intent of 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, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

Several of the amendments to Chapter 106 involve reestablishment of a January antlerless-deer-only season in Allamakee, Appanoose, Clayton, and Wayne counties and define license requirements, season

dates, bag limits, and method of take. This season is coupled with increased county quotas and is targeted at slowing the spread of Chronic Wasting Disease (CWD) in the four counties.

Modifications to the resident antlerless deer county quotas are made to Allamakee, Appanoose, Bremer, Butler, Clayton, Fayette, Madison, Wayne, and Winneshiek counties. With the exception of Bremer County, all quotas are increased in order to reduce deer densities for disease control or to alleviate negative human-deer interactions. The quota in Bremer County is decreased modestly as a first attempt to stabilize a healthy local population. Statewide, the overall quota change is an increase of 1,550.

Clarifications are made to the definition of a legal handgun and to the legal calibers for SWC rifles. These clarifications will ensure hunters can determine what firearms are legal methods of take for deer hunting in this state. These definitions apply only to the firearms that may be used while deer hunting, and have no bearing on or relevance to other firearm laws. This rule also removes handguns from the late muzzleloader season to restore the original intent of the season.

Lastly, there are general organization and clarification changes made in Chapter 106. For example, in subrule 106.1(9), two references to an earlier Iowa Acts are changed to reflect that this law has been codified as Iowa Code section 483A.8C.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC#3731C. A public hearing was held on May 1, 2018. In total, 3,245 comments were received. Of the total comments, 98.4% addressed three subjects: opposed to a round limitation (1,161), opposed to language defining firearm types (1,137), and in favor of youth handgun use for deer hunting (895). The remaining 1.6% of the comments covered 14 different subjects relating to deer hunting.

Changes from NOIA: The six cartridge limit proposed for 106.7(2) is withdrawn. Additionally, the language in 106.7(2)“c”(2) is modified to more closely follow Iowa Code 481A.48(5).

Effective Date of Final Rule: July 11, 2018

Attached: Chapter 94, “Non-Resident Deer Hunting” and Chapter 106, “Deer Hunting by Residents” – Final Rules

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

The Natural Resource Commission hereby amends Chapter 94, “Nonresident Deer Hunting,” and Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.38(1)“a,” 481A.39, 481A.48(1), 481A.48(5) and 481A.48(6).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 481A.38(1)“a,” 481A.39, 481A.48(1), 481A.48(5), and 481A.48(6).

Purpose and Summary

Chapter 94 provides rules for deer hunting by nonresidents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. Chapter 106 provides rules 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, and transportation and reporting requirements.

Chapter 94

All of the rules regarding method of take in Chapter 94 are amended to reference the method of take rules in Chapter 106. This will ensure consistency in the rules and to avoid the need to amend both chapters in the future when changes apply to both chapters.

Nonresident license quotas for any-sex and mandatory antlerless licenses in Chapter 94 are decreased in Zones 1, 2, and 10 and increased in Zone 9. The changes in quotas are intended to stabilize a declining deer population in the northwest area of the state, similar to the changes in this rule making regarding Chapter 106. More specifically, both any-sex and mandatory antlerless license quotas are decreased from 180 to 90 in Zones 1

and 2 for all methods of take. Because Iowa Code section 483A.8(3)“b” requires that a nonresident who purchases an any-sex license must also purchase an antlerless license, the two licenses are necessarily paired in the regulations. This decrease results in a corresponding decrease in any-sex licenses for bow season from 63 to 31 because Iowa Code section 483A.8(3)“c” also requires that bow licenses not account for more than 35 percent of nonresident any-sex deer licenses available each year. Similarly, both any-sex and mandatory antlerless license quotas will be decreased from 200 to 100 in Zone 10 for all methods of take, resulting in a corresponding decrease in any-sex licenses available for bow season from 70 to 35. Finally, both any-sex and mandatory antlerless license quotas are increased from 600 to 880 for all methods of take in Zone 9, resulting in an increase in any-sex licenses available for bow season from 210 to 308. The changes to the number of nonresident any-sex and mandatory antlerless licenses available in these four zones result in no net change to the number of nonresident any-sex and mandatory antlerless licenses available statewide.

Chapter 106

Several of the amendments to Chapter 106 involve reestablishment of a January antlerless-deer-only season in Allamakee, Appanoose, Clayton, and Wayne counties and define license requirements, season dates, bag limits, and means and method of take. This season is coupled with increased county quotas and is targeted at slowing the spread of chronic wasting disease (CWD) in the four counties.

Modifications to the resident antlerless deer county quotas are made to Allamakee, Appanoose, Bremer, Butler, Clayton, Fayette, Madison, Wayne, and Winneshiek counties. With the exception of Bremer County, all quotas are increased in order to reduce deer densities for disease control or to alleviate negative human-deer interactions. The quota in Bremer County is decreased modestly as a first attempt to stabilize a healthy local population. Statewide, the overall quota change is an increase of 1,550.

Clarifications are made to the definition of a legal handgun and to the legal calibers for SWC rifles. These clarifications will ensure that hunters can determine what firearms are a legal method of take for deer hunting in this state. These definitions apply only to the firearms that may be used while deer hunting and have no bearing on or relevance to other firearms laws. This rule making also removes handguns as a method of take from the late muzzleloader season to restore the original intent of the season.

Lastly, general organization and clarification changes are made in Chapter 106. For example, in subrule 106.1(9), two references to 2009 Iowa Acts are being updated to reflect codification as Iowa Code section 483A.8C.

Public Comment and Changes to Rule Making

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC#3731C. A public hearing was held on May 1, 2018. In total, 3,245 comments were received. Of the total comments, 98.4% addressed three subjects: opposed to a round limitation (1,161), opposed to language defining firearm types (1,137), and in favor of youth handgun use for deer hunting (895). The remaining 1.6% of the comments covered 14 different subjects relating to deer hunting.

Adoption of Rule Making

This rule making was adopted by the Natural Resource Commission on May 16, 2018.

Fiscal Impact

This rule making should not result in any negative fiscal impact to the State. Deer hunting has been relatively constant in Iowa for many years, and none of the changes will substantially alter hunters’ ability to purchase tags and pursue deer. The Commission expects a very minor increase in license sales with only 1,550 additional tags being available statewide (many of which will be free or low-cost (\$10) tags). The Commission is not aware of any fiscal impact of this rule making on the general public, counties or local governments. A copy of the fiscal impact statement is available upon request from the Department.

Jobs Impact

After analysis and review of this rule making, the Commission has determined that there should not be a noticeable change overall in deer hunting in the state based upon the rule making. The adopted quotas are designed to keep deer numbers stable in the identified counties and will not significantly alter license sales overall. The following types of jobs are positively impacted by deer hunting in Iowa generally and should see no noticeable change due to this rule making: hunting equipment retailers (firearms, ammunition, clothing, chairs,

stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state. A copy of the jobs impact statement is available upon request from the Department.

Waivers

This rule is subject to the waiver provisions of 561—Chapter 10. 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 Department for a waiver of the discretionary provisions, if any.

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).

Effective Date

This rule making will become effective on July 11, 2018.

The following rule-making action is adopted:

ITEM 1. Amend subrule 94.6(1) as follows:

94.6(1) Zone license quotas. Nonresident license quotas are as follows:

	Any-deer <u>Any-sex</u> licenses		Mandatory Antlerless- only	Optional Antlerless- only
	All Methods	Bow		
Zone 1.	180 <u>90</u>	63 <u>31</u>	180 <u>90</u>	
Zone 2.	180 <u>90</u>	63 <u>31</u>	180 <u>90</u>	
Zone 3.	560	196	560	
Zone 4.	1280	448	1280	
Zone 5.	1600	560	1600	
Zone 6.	800	280	800	
Zone 7.	360	126	360	
Zone 8.	240	84	240	
Zone 9.	600 <u>880</u>	210 <u>308</u>	600 <u>880</u>	
Zone 10.	200 <u>100</u>	70 <u>35</u>	200 <u>100</u>	

	Any-deer <u>Any-sex</u> licenses		Mandatory Antlerless- only	Optional Antlerless- only
	All Methods	Bow		
Tot al	6000	2100 <u>2099</u>	6000	3500

ITEM 2. Rescind rule 571—94.7(483A) and adopt the following **new** rule in lieu thereof:

571—94.7(483A) Method of take. Permitted weapons and devices vary according to the type of season.

94.7(1) Bow season. Bow season is as described in 571—subrule 106.7(1).

94.7(2) Regular gun seasons. Regular gun seasons are as described in 571—subrule 106.7(2).

94.7(3) Muzzleloader seasons. Muzzleloader seasons are as described in 571—subrule 106.7(3).

94.7(4) Prohibited weapons and devices. Prohibited weapons and devices are as described in 571—subrule 106.7(6).

94.7(5) Discharge of firearms from roadway. Discharge of firearms from roadway is as described in 571—subrule 106.7(7).

94.7(6) Hunting from blinds. Hunting from blinds is as described in 571—subrule 106.7(8).

ITEM 3. Amend subrule 106.1(6) as follows:

106.1(6) January antlerless-deer-only licenses. ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ Only antlerless-deer-only licenses, paid or free, will be issued for the January antlerless-deer-only season. Free antlerless-deer-only licenses shall be available only in the portion of the farm unit located in a county where paid antlerless-deer-only licenses are available during the January antlerless-deer-only season.

ITEM 4. Amend subrule 106.1(9) as follows:

106.1(9) ~~Nonambulatory deer~~ Deer hunting licenses for nonambulatory persons. The commission shall issue licenses in conformance with ~~2009 Iowa Acts, Senate File 187~~ Iowa Code section 483A.8C. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant’s attending physician with an original signature and declare that the applicant is nonambulatory using the criteria listed in ~~2009 Iowa Acts, Senate File 187~~ Iowa Code section 483A.8C(4). A medical statement from the applicant’s attending physician that specifies criteria met shall be on 8½” × 11” letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

ITEM 5. Amend subrule 106.2(5) as follows:

106.2(5) January antlerless-deer-only season. ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ Antlerless deer may be taken from January 11 through the third Sunday after that date.

ITEM 6. Amend subrule 106.4(5) as follows:

106.4(5) January antlerless-deer-only season. ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ The daily bag and possession limits and tagging requirements are the same as for the regular gun seasons.

ITEM 7. Amend subrule 106.6(4) as follows:

106.6(4) January antlerless-deer-only licenses. ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ Licenses for the January antlerless-deer-only season shall be available in the following counties: Allamakee, Appanoose, Clayton, and Wayne. Prior to December 15, a hunter may purchase up to three January antlerless-deer-only licenses. Beginning December 15, an unlimited number of paid antlerless-deer-only licenses may be purchased for the January antlerless-deer-only season until the antlerless-deer-only quota as described in 106.6(6) is met in the aforementioned counties. These licenses may be obtained regardless of any other paid any-sex or paid antlerless-deer-only licenses that may have been obtained.

ITEM 8. Amend subrule 106.6(6) as follows:

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county ~~for the 2017–2018 deer season~~ as follows:

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County	Quota	County	Quota	County	Quota
Adair	1025	Floyd	0	Monona	850
Adams	1450	Franklin	0	Monroe	1950
Allamakee	3600 <u>3700</u>	Fremont	400	Montgomery	750
Appanoose	1800 <u>2400</u>	Greene	0	Muscatine	775
Audubon	0	Grundy	0	O'Brien	0
Benton	325	Guthrie	1950	Osceola	0
Black Hawk	0	Hamilton	0	Page	750
Boone	300	Hancock	0	Palo Alto	0
Bremer	650 <u>500</u>	Hardin	0	Plymouth	0
Buchanan	300	Harrison	850	Pocahontas	0
Buena Vista	0	Henry	925	Polk	1350
Butler	0 <u>150</u>	Howard	350	Pottawattamie	850
Calhoun	0	Humboldt	0	Poweshiek	300
Carroll	0	Ida	0	Ringgold	1600
Cass	400	Iowa	450	Sac	0
Cedar	775	Jackson	825	Scott	200
Cerro Gordo	0	Jasper	775	Shelby	0
Cherokee	0	Jefferson	1650	Sioux	0
Chickasaw	375	Johnson	850	Story	150
Clarke	2100	Jones	800	Tama	200
Clay	0	Keokuk	450	Taylor	1600
Clayton	3400 <u>3600</u>	Kossuth	0	Union	1500
Clinton	400	Lee	1275	Van Buren	2000
Crawford	0	Linn	850	Wapello	1825
Dallas	1875	Louisa	675	Warren	2200

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County	Quota	County	Quota	County	Quota
Davis	1600	Lucas	2200	Washington	750
Decatur	2200	Lyon	0	Wayne	2200 <u>2400</u>
Delaware	800	Madison	2350 <u>2600</u>	Webster	0
Des Moines	800	Mahaska	475	Winnebago	0
Dickinson	0	Marion	1650	Winneshiek	2275 <u>2375</u>
Dubuque	825	Marshall	150	Woodbury	625
Emmet	0	Mills	750	Worth	0
Fayette	1800 <u>1900</u>	Mitchell	0	Wright	0

ITEM 9. Amend subrule 106.7(1) as follows:

106.7(1) Bow season. Only longbow, compound, or recurve bows shooting broadhead arrows are permitted during the bow season. Arrows must be at least 18 inches long.

a. Crossbows, as described in 106.7(1)“b,” may be used during the bow season in the following two situations:

(1) By persons with certain afflictions of the upper body as provided in ~~571—15.5(481A)~~ 571—15.22(481A); and

(2) By persons over the age of 70 with an antlerless-deer-only license as provided in Iowa Code section ~~483A.8A~~ 483A.8B.

b. Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical trigger and a working safety. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead.

~~*b-c.*~~ No explosive or chemical devices device may be attached to the any arrow, broadhead or bolt (if used with a crossbow).

ITEM 10. Amend subrule 106.7(2) as follows:

106.7(2) Regular gun seasons. Only 10-, 12-, 16-, and 20-gauge shotguns shooting single slugs, and straight wall cartridge rifles, as described in 106.7(2)“a” and “b,” muzzleloaders as described in 106.7(3), and handguns as described ~~more fully in 106.7(3),~~ will be permitted for taking in 106.7(2)“c” to “e” shall be used to take deer during the regular gun seasons.

a. Legal straight wall cartridge rifle calibers for hunting deer in Iowa must meet all of the following criteria:

(1) Be center-fired;

(2) Be straight-walled;

(3) Have a diameter of 0.357 inches to 0.500 inches;

(4) Have a case length no greater than 1.800 inches; and

(5) For rimless cartridges, have a case length of no less than 0.850 inches, and for rimmed cartridges, have a case length of no less than 1.285 inches.

b. Notwithstanding 106.7(2)“a,” the following calibers are considered legal straight wall cartridge rifle

calibers:

- (1) .375 Winchester;
- (2) .444 Marlin; or
- (3) .45-70 Gov't.

c. Legal centerfire handguns for hunting deer in Iowa must meet all of the following criteria:

- (1) Have a 4-inch minimum barrel length;
- (2) Have no shoulder stock or long barrel modifications;
- (3) Be designed to be shot with one hand using a pistol grip and have either:

1. A cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer; or

2. A magazine feeding a single chamber integral with the barrel and using either the action of a slide or a bolt action to eject the casing, or having a break action capable of only holding one round.

d. Legal centerfire handgun calibers for hunting deer in Iowa must meet all of the following criteria:

- (1) Be center-fired;
- (2) Be straight-walled;
- (3) Have a diameter of 0.357 inches to 0.500 inches;
- (4) Have a case length no greater than 1.800 inches; and
- (5) For rimless cartridges, have a case length of no less than 0.850 inches, or for rimmed cartridges, have a case length of no less than 1.285 inches.

e. Notwithstanding 106.7(2)“d,” the following calibers are considered legal centerfire handgun calibers:

- (1) .375 Winchester;
- (2) .444 Marlin; or
- (3) .45-70 Gov't.

ITEM 11. Amend subrule 106.7(3) as follows:

106.7(3) Muzzleloader seasons. Only muzzleloading rifles and muzzleloading pistols will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloading rifle, muzzleloading pistol, ~~centerfire handgun~~, crossbow as described in 106.7(1)“b,” or bow as described in 106.7(1).

~~a. Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 caliber and not larger than .775 caliber, shooting single projectiles only.~~

~~b. Centerfire handguns must be .357 caliber or larger shooting straight wall cartridges propelling an expanding type bullet (no full metal jacket) and complying with all other requirements provided in Iowa Code section 481A.48. In addition, centerfire handguns must be designed to be shot with one hand using a pistol grip and have either:~~

~~(1) A cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer; or~~

~~(2) A magazine feeding a single chamber integral with the barrel and using either the action of a slide or a bolt action to eject the casing, or having a break action capable of only holding one round.~~

~~c. b. Muzzleloading pistols must be .44 caliber or larger, shooting shoot single projectiles only, and have a 4-inch minimum barrel length.~~

~~d. Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical trigger and a working safety. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead.~~

~~e. Legal handgun calibers for hunting deer in Iowa are listed in the department of natural resources' hunting and trapping regulations booklet published each summer and adopted by reference herein. Centerfire handguns and black powder handguns must have a 4 inch minimum barrel length, and centerfire handguns shall not have any parts that extend beyond the back of the pistol grip. There can be no shoulder stock or long barrel modifications to any handgun.~~

ITEM 12. Amend subrule 106.7(5) as follows:

106.7(5) *January antlerless-deer-only season.* ~~Rescinded IAB 8/6/14, effective 9/10/14. Bows, crossbows, shotguns, muzzleloaders, and handguns as described in this rule, and centerfire rifles .24 caliber or larger, may be used during the January antlerless-deer-only season.~~

ITEM 13. Amend subrule 106.7(6) as follows:

106.7(6) *Prohibited weapons and devices.* The use of dogs, domestic animals, bait, rifles other than muzzleloaded or straight wall cartridge as provided in 106.7(2), 106.7(3) , 106.7(5), and 106.10(5), handguns except as provided in 106.7(2) and ~~106.7(3)~~ 106.7(5), crossbows except as provided in 106.7(1) and 106.7(3), automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. “Bait” means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. “Paraplegic” means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.7(2), 106.7(3), 106.7(5), and 106.10(5). A person in possession of a valid permit to carry weapons may carry a handgun while hunting. However, ~~only the handguns listed as described in 106.7(3) shall~~ 106.7(2) may be used to hunt deer and only when a handgun is a lawful method of take.

Tyler Harms, Wildlife Biometrician, provided a summary of changes proposed in Chapters 94 and 106. Commissioners and staff discussed the changes, quantity and method in which public comments were received, handgun use, round limitations, disease management efforts, zones, non-resident hunters, deer population management, and Iowa Code requirements.

After discussion, Chris Ensminger, Wildlife Bureau Supervisor, confirmed the Commission’s requested changes to the Final Rule:

- The six round limitation proposed for 106.7(2) will be withdrawn.
- The language in 106.7(2)“c”(2) regarding shoulder stock or long-barrel modifications is modified to more closely follow Iowa Code section 481A.48(5).
- The removal of modern handguns as an allowable method of take during the late muzzleloader season will be withdrawn.
- Amend 106.10(2) to allow youth deer hunting licenses and tags to remain valid, if unfilled, in all subsequent deer hunting seasons. This amendment is added to enact a provision of House File 631 which was passed by the Iowa legislature during the course of this rule making.

The rule will be revised for the Commission’s review and vote for their 05/16/18 meeting.

INFORMATION

17. CHAPTER 98, “WILD TURKEY SPRING HUNTING” AND CHAPTER 99, “WILD TURKEY FALL HUNTING” – FINAL RULES

The Commission is requested to approve the Final Rules – Chapter 98, “Wild Turkey Spring Hunting”, and Chapter 99, “Wild Turkey Fall Hunting.”

Chapter 98, Wild Turkey Spring Hunting:

Basic Intent of Rule - Chapter 98 sets regulations for spring turkey hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

The NOIA proposed the following amendments:

1. The shotgun shot sizes approved for hunting wild turkey are out of date with what is available on the market, so the ammunition lists for both residents and nonresidents are updated.
2. The start of the first shotgun-and-archery season for spring wild turkey is pushed back by several days and permanently established in narrative form (“second Monday of April”).
3. The youth-only season is reduced from nine days to three days because, by law, youth are now able to hunt with an unfilled youth license and tag during any remaining spring wild turkey hunting season in the year the youth license was issued. In other words, this reduction does not limit youth opportunity, and enables an earlier start to the first shotgun-and-archery season. See IOWA CODE § 483A.7(4). Furthermore, the youth-only season had long been three days, but was expanded in 2011 to afford youths more opportunity. Subsequently, in 2014 the Iowa Code was amended to allow unfulfilled youth licenses and tags to be valid in any other season, rendering the need for a longer youth-only season unnecessary, as previously noted. Thus, this proposed rule change is a return to the original youth-only three-day season.
4. Code and rule references are updated to reflect current law.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC# 3729C. A public hearing was held on May 1, 2018, for these two rules. No one attended the public hearing and two comments were received during the open comment period. One comment was opposed to shortening the Youth Season and one comment was supportive of the proposed change.

Changes from NOIA: None

Effective Date of Final Rule: July 11, 2018

Chapter 99, Wild Turkey Fall Hunting:

Basic Intent of Rule - Chapter 99 sets regulations for fall turkey hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

Chapter 99 is amended to likewise adjust the approved shotgun shot sizes for hunting wild turkeys to reflect the materials and sizes available on the current market. In addition, a code reference is updated to reflect current law.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC# 3729C. A public hearing was held on May 1, 2018, for these two rules. No one attended the public hearing and two comments were received during the open comment period. One comment was opposed to shortening the Youth Season and one comment was supportive of the proposed change.

Changes from NOIA: None

Effective Date of Final Rule: July 11, 2018

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

The Natural Resource Commission hereby amends Chapter 98, “Wild Turkey Spring Hunting,” and Chapter 99, “Wild Turkey Fall Hunting,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.38, 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(1).

Purpose and Summary

Chapter 98 regulates spring wild turkey hunting for both residents and nonresidents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements.

Several changes to Chapter 98 are made. First, because the shotgun shot sizes approved for hunting wild turkey are out of date with shot types currently available on the market, the ammunition lists for both residents and nonresidents are being updated.

Second, the start of the first shotgun-and-archery season for spring wild turkey hunting is pushed back by several days and permanently established in narrative form (“second Monday of April”).

Third, the youth-only season is reduced from nine days to three days because, pursuant to Iowa Code section 483A.7(4), youth are now allowed to hunt with an unfilled youth license and tag during any other established wild turkey season. In other words, this reduction does not limit youth opportunity and enables an earlier start to the first shotgun-and-archery season. Furthermore, the youth-only season had long been three days but was expanded in 2011 to afford youth more opportunity. Subsequently, in 2014 the Iowa Code was amended to allow unfilled youth licenses and tags to be valid in any other season, rendering the need for a longer youth-only season unnecessary, as previously noted. Thus, this proposed amendment is a return to the original youth-only, three-day season.

Finally, references to the Iowa Code and to Chapter 98 are updated to reflect current law.

Chapter 99 regulates fall wild turkey hunting for residents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements. (It should be noted that there is no fall wild turkey season for nonresidents in Iowa, except for nonresidents who are under 21 years old and have a severe physical disability or have been diagnosed with a terminal illness, as set forth in Iowa Code section 483A.24(12) and subrule 99.2(4)).

Chapter 99 is amended to adjust the approved shotgun shot sizes for hunting wild turkeys to reflect the materials and sizes available on the current market. This amendment is identical to that proposed in Chapter 98. In addition, an Iowa Code reference is updated to reflect current law.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC 3729C.

A public hearing was held on May 1, 2018 at 12 noon at Conference Room 4E of the Wallace State Office Building, Des Moines, Iowa.

No one attended the public hearing and two comments were received during the open comment period. One comment was opposed to shortening the Youth Season and one comment was supportive of the proposed change.

Adoption of Rule Making

This rule making was adopted by the Natural Resource Commission on May 16, 2018.

Fiscal Impact

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

Jobs Impact

After analysis and review of this rule making, the Commission does not expect any impact to private sector jobs as a result of this rule making, nor does the Commission expect any impact to wild turkey hunting participation or license sales. The following types of jobs are positively impacted by turkey hunting in Iowa generally and should see no noticeable change due to this rule making: hunting equipment retailers (firearms, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state. A copy of the jobs impact statement is available upon request from the Department.

Waivers

This rule is subject to the waiver provisions of 561—Chapter 10. 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 Department for a waiver of the discretionary provisions, if any.

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).

Effective Date

This rule making will become effective on July 11, 2018.

The following rule-making action is adopted:

ITEM 1. Amend subrule 98.2(1) as follows:

98.2(1) Permitted weapons. Wild turkey may be taken in accordance with the type of license issued as follows:

a. Combination shotgun-or-archery license. Wild turkey may be taken by shotgun or muzzleloading shotgun not smaller than 20-gauge and shooting only shot sizes ~~number 2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through~~ 8 lead or nontoxic shot; and by bow and arrow as defined in paragraph 98.2(1)"b." A person shall not have ~~shot shells~~ shotshells containing shot of any size other than ~~number 2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through~~ 8 lead or nontoxic shot on the person while hunting wild turkey.

b. Archery-only license. Except for crossbows for persons with certain afflictions of the upper body, as provided in ~~571—15.5(481A)~~ 571—15.22(481A), only longbow, compound, or recurve bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. No explosive or chemical devices may be attached to the arrow, broadhead, or blunthead.

ITEM 2. Amend paragraph **98.2(4)"a"** as follows:

a. Combination shotgun-or-archery licenses. Consecutive seasons are 4, 5, 7, and 19 days, respectively, with the first season beginning on the second Monday closest to ~~of~~ April ~~15~~. These seasons shall be designated as seasons 1, 2, 3 and 4, respectively.

ITEM 3. Amend subrule 98.6(2) as follows:

98.6(2) Youth season dates. The youth turkey hunting license shall be valid during the ~~nine~~ three days immediately before the first turkey season. A person who is issued a youth spring wild turkey hunting license and does not take a wild turkey during the youth spring wild turkey hunting season may use the wild turkey hunting license and unused tag during any remaining spring wild turkey hunting season in the year in which the youth license was issued.

ITEM 4. Amend subrule 98.9(5) as follows:

98.9(5) Special licenses. The commission shall issue licenses in conformance with Iowa Code section ~~483A.24(10)~~ 483A.24(12) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

ITEM 5. Amend subrule 98.12(1) as follows:

98.12(1) Permitted weapons. Wild turkey may be taken only with shotguns and muzzleloading shotguns not smaller than 20-gauge and shooting only shot sizes ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, and through~~ 8 lead or nontoxic shot. No person may have ~~shot shells~~ shotshells containing shot of any size other than ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through~~ 8 lead or nontoxic shot on the person while hunting wild turkey. Except for crossbows for persons with certain afflictions of the upper body, as provided in ~~571—15.5(481A)~~ 571—15.22(481A), only longbow, compound, or recurve bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. No explosive or chemical devices may be attached to the arrow, broadhead, or blunthead.

ITEM 6. Amend subrule 99.2(4) as follows:

99.2(4) Special licenses. The commission shall issue licenses in conformance with Iowa Code section

~~483A.24(10)~~ 483A.24(12) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant’s attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant’s attending physician that specifies criteria met shall be on 8½” × 11” letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

ITEM 7. Amend subrule 99.8(1) as follows:

99.8(1) Permitted weapons. In accordance with the type of license issued, wild turkey may be taken by shotgun and muzzleloading shotgun not smaller than 20-gauge and shooting only shot sizes ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8~~ lead or nontoxic shot; and by longbow, recurve, or compound bow shooting broadhead or blunthead (minimum diameter 9/16 inch) arrows only. No person may carry or have in possession shotshells containing shot of any size other than ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8~~ lead or nontoxic shot while hunting wild turkey. Arrows with chemical or explosive pods are not permitted.

Chris Ensminger, Wildlife Supervisor, presented the rule.

INFORMATION

18. CONTRACT WITH PHEASANTS FOREVER, INC.

Commission approval is requested for a contract with Pheasants Forever, Inc., of Saint Paul, Minnesota.

Contract Terms:

Amount: Not to exceed \$6,045,298.00

Dates: July 1, 2018 to June 30, 2024

Funding Source(s): Fish and Wildlife Trust Fund

Contract Purpose: The DNR is partnering with Pheasants Forever, Inc. to provide up to twenty Wildlife and Research Specialists to carry out wildlife habitat and population management activities.

The DNR Wildlife Bureau actively manages public land and wildlife populations statewide to maintain biological balance and for the benefit of the public. Due to uncertainty in the trajectory of the Fish and Wildlife Trust Fund, it has been prudent to hold open vacancies across the Wildlife Bureau, including in positions that directly manage public land and in positions that monitor and research wildlife species. This cooperative agreement will allow the Department to work with Pheasants Forever (PF) to fill critical needs in a fiscally responsible manner that can be adjusted depending upon the availability of funding as well as the land and wildlife management needs on the ground. This agreement will increase the number of Wildlife/Research Specialists with the technical skills to carry out habitat management activities as well as wildlife research and monitoring projects necessary to inform management decisions. Similar contracts between the Department and PF have been implemented.

Under this contract, Pheasants Forever will hire and employ up to 20 Wildlife/Research Specialists for a period of up to six years. The Wildlife Specialists will work closely with DNR Wildlife staff to conserve and enhance wildlife habitat on DNR-managed lands. They will perform a variety of activities (e.g., invasive species removal, assisting with prescribed fire, maintaining infrastructure such as fence or parking lots, and assisting with long-term wildlife monitoring activities such as bird banding or CWD sample collection). The Research Specialists will work with Wildlife Research staff to conduct research and/or monitoring surveys on wildlife species. They will assist with statewide coordination of wildlife surveys and with synthesis and dissemination of research and survey results, to inform wildlife management decisions. Pheasants Forever, Inc. is managing staffing and providing oversight. The DNR will provide these specialists with any necessary training, equipment, and safety gear needed to perform their functions as well as facilitate collaboration with DNR field staff.

Selection Process Summary: Statute or federal grant contracting with Pheasants Forever, Inc. is authorized by 11 IAC 117.5(5) and 118.7 which allows for agreements with entities without competition when the law or federal grant requires them.

Motion – Commissioner Branstad
Seconded – Commissioner Reimer

Discussion – Katy Reeder, Wildlife Bureau, provided information regarding contracted staff and that staff will be placed across the state where there are needs.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

19. CONTRACT WITH US ARMY CORPS OF ENGINEERS

Commission approval is requested for a contract with US Army Corps of Engineers, of Kansas City, MO.

Contract Terms:

Amount: Not to exceed \$100,000

Dates: May 11, 2018 to June 30, 2020

Funding Source(s): Rathbun Regional Water Association, Inc.

Contract Purpose: Walker Branch is a south-southeast oriented tributary of the South Fork Chariton River, which is located adjacent to the Walker Branch Project Area. The project area is bisected west-east by an abandoned roadbed, which provides some water retention in the northern portion of the project area, but prevents hydrology from entering the southern portion of the project area. Degraded wetland habitat would be restored by implementing measures to restore and increase wetland hydrology, water level control to manage hydrology, eradicate invasive species and reestablish native plant species and associated wetland functions. Ecosystem restoration would benefit regional flora and fauna including waterfowl, migratory songbirds, the federal endangered Indiana bat and federal threatened northern long-eared bat, which are known to occur within Wayne County. Ecosystem restoration would also provide incidental water quality benefits such as sediment retention to the South Fork Chariton River and Rathbun Lake.

Pursuant to Section 1135 of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2309a), this contract will result in a feasibility study, prepared by the US Army Corps of Engineers, beginning with an estimate of the overall scope and cost of the study and a determination of whether the project is in the federal interest. The feasibility study formulates alternatives to achieve the restoration, evaluates the environmental effects of the alternatives, documents the project requirements, and provides a scope and cost estimate for project implementation. If the feasibility report recommends a plan for implementation, the Corps of Engineers prepares detailed project plans and specifications and obtains any required federal permits. The Corps of Engineers then manages construction of the project by a private contractor. The study will result in a plan to restore degraded wetland habitat along Walker Branch.

The Section 1135 project requires a 1:1 non-federal match and the Rathbun Regional Water Association has agreed to provide the necessary match.

Selection Process Summary: Intergovernmental contracting with US Army Corps of Engineers is authorized under 11 IAC 118.4.

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

CARRIED AS PRESENTED

20. CONTRACT WITH BRANDT INFORMATION SERVICES

Commission approval is requested for a service contract with Brandt Information Services of Tallahassee, FL.

Contract Terms

Amount: Not to exceed \$2,500,000 annually

Dates: 06/04/18 – 06/04/22

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this contract.

Funding Source(s): Fish and Wildlife Trust Fund

Contract Purpose: Development and support of Electronic Licensing System (ELSI). ELSI is a statewide system that the DNR uses to sell or otherwise make available to the public, selected outdoor recreation and commercial privileges it administers. ELSI is responsible for selling over 1.3 million licensing related privileges and collects revenues of over \$30 million per year.

Development and support of Recreational Vehicle and Vessel Registration System (RVVRS). RVVRS is a statewide system that the DNR and County Recorders register, renew, title and place liens on recreational vehicles and vessels throughout the state of Iowa. Over 80,000 OHV's and Snowmobiles are registered annually and over 230,000 vessels are registered during the three year registration cycle on our RVVRS's system.

The Department does not pay any up-front or lump sum costs for this contract. The vendor is compensated through a vendor fee for each privilege sold. The DNR collects an administrative fee from license buyers and recreational vehicle and vessel users to pay the vendor fee.

Selection Process Summary: The DNR worked with the Department of Administrative Services (DAS) to solicit bids through a formal Request for Proposals (RFP) process. DAS published a Request for Proposal (RFP) on the Department of Administrative Services website.

Proposal Due Date: 11/02/2017

Review and Selection Committee: 9 members

- DNR Law Enforcement (1)
- DNR Wildlife (1)
- OCIO/DNR IT (1)
- DNR Customer Service (2)
- DNR Accounting (1)
- DNR Licensing (3)

Scoring Criteria: Proposals were scored based on responses to the technical specifications and the cost proposal. 80% of the points were allocated to the technical specifications and 20% to the cost proposal. Please see page two for a breakdown of scoring.

Proposals Received: 6

Recommendation: Brandt Information Services

	Brandt Information Services, Tallahassee FL	Capstone Consulting, Omaha NE	JMT Technology Group Hunt Valley, MD	Kalkomey Enterprises, Dallas TX	RA Outdoors, Dallas TX	Sovereign Sportsman Solutions (S3), Nashville, TN
Technical Proposal - Yes/No - Met all Section 4.2 Mandatory (Pass/Fail) Specifications	Yes	Yes	Yes	Yes	Yes	Yes
Technical Proposal (Section 4.3 Scored Technical Specifications) (Maximum points = 7600)	5463.50	2594.50	4737.00	4725.50	4256.50	4428.50
Technical Proposal (Section 4.4 Optional Scored Technical Specifications) (Maximum points = 400)	292.00	N/A	228.00	228.00	224.00	240.00
Cost Proposal (Attachment 5) Total Estimated Annual Cost (Maximum points = 1950)	1260.98	N/A	828.36	1326.05	1950.00	1080.58
Cost Proposal (Attachment 5) Change Order Per Hour Rate (Maximum points = 50)	0.33	N/A	0.33	50.00	0.30	0.40
TOTAL POINTS (Maximum points = 10,000)	7016.81	2594.50	5793.69	6329.55	6430.80	5749.48

Motion – Commissioner Branstad
 Seconded – Commissioner Francisco
 Discussion – Alex Cross, Customer Service Bureau Supervisor, provided information regarding the difference between our current vendor and this vendor, equipment, charges, services, license sales, data collection, marketing, and report building,
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

21. GENERAL DISCUSSION

- Commissioner Prickett shared his respect for Chuck (Gipp) and that he was sad to see him leave the Department. He appreciated hearing that the license fees passed and look forward to hearing the thoughts of the Department, what the fee structures will look like, and where the dollars will go. He also noted he has enjoyed mushroom hunting.
- Commissioner Reimer also shared that she will miss Chuck (Gipp) and respected his knowledge and way he represented the DNR. She thanked the staff again for their work as well as their work with legislators.

- Commissioner Francisco reported that tomorrow is a Forestry Group teleconference to discuss SSB3702. He also shared about their vision plan and future efforts. He noted he is hoping to get a chance to go turkey hunting this spring.
- Commissioner Branstad thanked Commissioner Francisco for serving on the Forest Advisory Group. He offered thanks for the great discussion held today, staff’s hard work, and how they are always available to address questions and concerns. He is looking forward to turkey hunting and shared that his niece successfully passed Hunters Ed. He commented that he enjoys serving on the Commission and how much he learns every month.
- Commissioner Hommel shared her experience with public comment emails, email blasts the Commission received, and inquired about managing them and sharing information with other commissioners. Aaron Brees, DNR legal counsel, informed the commission they are able to email each other with information but recommended they refrain from creating an electronic discussion because that could be considered a meeting outside of the open meetings law. She also noted that she has appreciated her first year on the commission and that it has been fun.
- Commissioner Underwood reminded commissioners of the 05/16/18 agenda and the June tours and meeting. She offered a thank you to staff for their work and to the Commissioners for good discussion today. She encouraged commissioners to begin thinking about annual goals for this year and if a task force needs to be created for specific issues.

Lunchtime Presentation: DNR Staff Appreciation: Commissioners offered a special thank you to staff and shared their appreciation for the work they do.

ADJOURNMENT

Motion to adjourn the meeting – Commissioner Branstad
Seconded – Commissioner Reimer
Decision - Approved by Unanimous Vote
With no further business to come before the Natural Resource Commission, Chair Underwood adjourned the meeting on 05/10/18 at 2:50p

CARRIED – MEETING ADJOURNED

UPCOMING NRC MEETING DATES

- Wed, 05/16/18: 7:30a Business Meeting (Teleconference): IA DNR, 502 E 9th St, Des Moines, IA
- Wed, 06/13/18, 11:00 am, Field Tour: (Winneshiek County)
- Thu, 06/14/18, 8:30 am, Business Meeting: (Winneshiek County)
- Thu, 07/12/18, 9:30 am, Business Meeting: State Forest Nursery, 2404 S Duff Ave, Ames, IA
- Thu, 08/09/18, 9:30 am, Business Meeting: IA DNR, 502 E 9th St, Des Moines, IA

ATTENDEES - SIGN IN SHEET

FOR NATURAL RESOURCE COMMISSION MEETING HELD ON 5/10/18

PLEASE PRINT

NAME ADDRESS CITY, STATE, ZIP	GROUP REPRESENTING (if applicable)	TOPIC OF INTEREST
Luke Hodges 117 NE Crestmoor pl Aurum, IA 50021	N/A	Rule changes
Alan Swartz 1906 Buckingham Dr. NW Cedar Rapids, IA 52405	none	Hunting rules
Nathan Gibson 1167 250th Ave New Virginia, IA 50210	IFC	Hunting Rules
Lance Sitay 242 HART AVE Des Moines, IA 50315	Self/IOWANS	Hunting Rules
Craig L. Swartz 24970 270th Adel, IA 50003	Iowa State Rifle & Pistol Assn.	Deer/Turkey proposals
Amber Shanahan Fickel		
Joseph Simpson		Rules
Kelly Fynn	Self	New Laws
L. Flanagan	Self	New Laws
T. Jensen	Self	New LAWS



PUBLIC SPEAKER CARD
Natural Resource Commission Meeting

PLEASE PRINT Date: 5/10

Name: Lance Sharp

Address: 242 HOLT Ave

City, State, Zip: Dsm IA 50315

Group Representing (if any): self

Subject Matter: Deer Regulations

PUBLIC SPEAKER CARD

Natural Resource Commission Meeting

PLEASE PRINT Date: 5/10/18

Name: Luke Hodges

Address: 117 NE Chestnut St

City, State, Zip: Ames, IA, 50021

Group Representing (if any): _____

Subject Matter: Rule & Regulation

Changes

PUBLIC SPEAKER CARD
Natural Resource Commission Meeting

PLEASE PRINT Date: 4-10-18

Name: Roger Burdette

Address: 800 Knob Hill Dr.

City, State, Zip: Des Moines IA

Group Representing (if any): _____

Subject Matter: Proposed rule changes for

handgun deer hunting

5/10/18 wgs

PUBLIC SPEAKER CARD

Natural Resource Commission Meeting

PLEASE PRINT Date: 5/10/18

Name: Craig L. Smith

Address: 24970 270th

City, State, Zip: Adel, IA 50003

Group Representing (if any): IA St Rifle/Arch Assn

Subject Matter: Deer reg proposals

PUBLIC SPEAKER CARD
Natural Resource Commission Meeting

PLEASE PRINT Date: 5-10-18

Name: Al Swartz

Address: 1906 Buckingham Dr. NW

City, State, Zip: Cedar Rapids, IA 52405

Group Representing (if any): none

Subject Matter: Hunting rules change

PUBLIC SPEAKER CARD
Natural Resource Commission Meeting

PLEASE PRINT Date: 5/10/18

Name: Nathan Gibson

Address: 1167 250th Ave

City, State, Zip: New Virginia, IA 50210

Group Representing (if any): Iowa Firearms Coalition

Subject Matter: Deer Hunting proposed

rule changes

5/10/18 NRC mtg
public comment
handout from
Lance Shay

Hello,

My name is Lance Shay. I am resident of Des Moines; a high school English teacher; the head coach of my school's trap shooting team; and an avid hunter, trapper, and shooter. I volunteer a considerable amount of my time and resources attempting to get both kids and adults involved in similar activities. Just last fall I volunteered as a mentor at Chichaqua's youth season waterfowl hunt. This was the second year I've been privileged to volunteer. During waterfowl season I was able to get at least 16 different individuals into the field. Many of them hadn't been hunting in years; several had never waterfowled before. This spring I introduced 24 teenagers to the sport of trap shooting. A few of them had never fired a gun before. I hope to get several of them and their family members into the field next fall and transition the skill of breaking clays into the skill of harvesting game. My interest in hunting and getting others into hunting extends to every season offered in Iowa. When I leave here today, I intend to spend the rest of my afternoon attempting to fill my 4th season turkey tag.

I am here today to speak against the proposed restrictions to Iowa's deer hunting seasons. My main concern is that each year fewer and fewer people spend time hunting. Money from hunters helps drive conservation and development of the natural resources Iowa has. In contrast, it seems like with these rules, this committee and the DNR are proposing restrictions that do nothing other than throw up additional barriers that will discourage individuals from hunting deer in Iowa. We should be doing everything we can to get hunters into the field, not implementing rules that do nothing other than discourage people from buying deer tags.

I am strongly opposed to removing AR15 style pistols from any deer season. Two out of the last three years I hunted deer with an AR15 style pistol in 50 Beowulf. I would not have purchased deer tags those two years had the AR pistol option not been available. My pistol had a Sig Brace, and the configuration of my firearm was designed entirely to accomplish the most humane method of take. It is exactly what you are trying to restrict. The idea that rules are being proposed to restrict the use of this firearm seems very shortsighted, and appears to be based on the simple fact that the pistol is scary looking. I don't understand why rules are proposed that make it so my method of take is less effective and there will be greater likelihood wounded deer are left in the field.

In its focus on removing AR15 pistols from deer season the writers of proposed changes to 106.7 seem to have forgotten that any other type of pistol exists. The clumsy wording on restricting pistols "designed to be shot with one hand" very obviously comes from the ATF's open letter regarding AR pistol braces. Whoever proposed these changes was so intent on excluding AR15 pistols that as they took the wording from that ATF letter they forgot there are many other pistols being used that also fit this classification. All of a sudden rules are being proposed that also effect pistols like my 1911, my GLOCK, and even my revolvers. I doubt this was the original intention, but I have to ask, do the people who are proposing these rules even know what they are talking about? For example, how many of you on this committee even know that a pistol with a stock on it is no longer considered a pistol? These aren't definitions that I am making up as I go. They are clearly defined by our federal government. I find it unnerving that the people writing these proposed changes appear to be ignorant of the basic terminology.

I am also strongly opposed to the six round capacity limit for firearms. This limit is arbitrary and is definitely not research based. In the INRC's March 13, 2018, meeting notes it states this restriction is being added "to improve human and hunter safety and to reduce the likelihood of wounding deer." If the rules were actually being changed for this purpose, and research was being used, you would encourage me to hunt with my very effective AR15 pistol and you would eliminate party hunting. Both you and I know that you will not eliminate party hunting, even though it is more unsafe and wounds more deer.

In addition, I fear the implications a capacity restriction has for when I am not hunting, but happen to have a deer tag in my possession. I have a weapons permit, and when I am not at work I am almost always armed. This type of rule will allow an officer to cite me simply for having a tag in my glove compartment while I am legally armed for self-defense purposes. If you think this will not happen, please consider that weapons permits were considered invalid on ATVs up until a few years ago exactly because of administrative rules like these. This is not acceptable.

Finally, I am strongly opposed to removing centerfire handguns from the late muzzleloader season. The reason listed in the March 13 meeting minutes is to "restore the original intent of the season." This is laughable. With the advent of modern technology, muzzleloaders are no longer the primitive weapons people hunted with when you and I were kids, and "original intent of the season" would have us hunting with percussion caps and flint locks rather than 209 primers. Modern muzzleloaders are as effective, often much more effective, than many centerfire handguns.

Additionally, and more importantly, our goal should be getting more hunters out into the field. Late muzzleloader deer harvest numbers are traditionally low, and removing a previously accepted method of take for this season is a backwards step. We should be encouraging people to hunt that season, not make it less accessible.

I ask you to vote against the proposed rule changes that restrict AR15 pistols, limit magazine capacity, and remove centerfire handguns from muzzleloader season. These proposed changes are poorly thought out, poorly worded and defined, make hunters use less effective equipment, impose arbitrary limitations not based on science, and make it so people are less likely to hunt.

I agree the current rules need to be changed, as last year's wording was clumsy and ineffective as well. It is not enough that the INRC vote down these rules. The INRC should abandon the concepts behind them entirely and eliminate poor wording from last year. This needs to be done immediately so this season we are not saddled with the blunders made in the past. It is obvious that those in the DNR need to partner with groups like the NRA and the Iowa Firearms Coalition that have knowledge of basic terminology and are aware of how myopic rulemaking has negatively affected Iowans in the past.

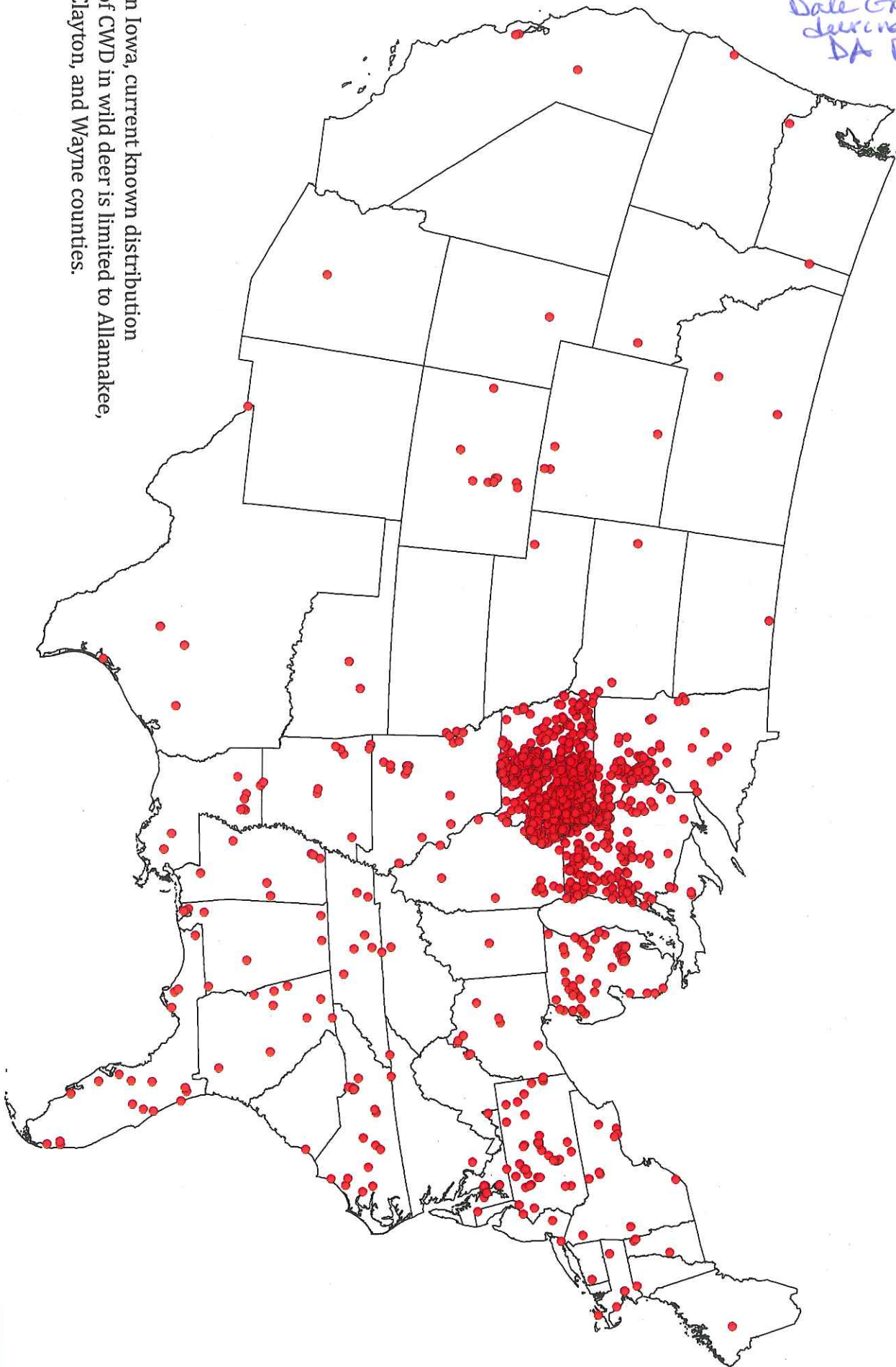
Going forward, I will continue to volunteer my time and resources to encourage youth and adult hunters to get out into the field. I ask that the Iowa Natural Resources Committee do the same.

Thank you,
Lance Shay

5/10/18 NRC mtg
handout from
Dale Garner
during Hemitts
DA Remarks

Home Zip Codes of Hunters Harvesting Deer in Allamakee, Clayton, or Wayne County, Iowa, in 2017

9,995 Total Deer Registered



In Iowa, current known distribution of CWD in wild deer is limited to Allamakee, Clayton, and Wayne counties.

6 hunters from AK also harvested 8 deer in Allamakee, Clayton, or Wayne county in 2017.



5/10/18 NRC mtg
Commission req'd
DNR doc re
item #6 Addition

Iowa City sharpshooting recommendations for NRC consideration:

- 1) All carcasses shall be individually identified (i.e., tagged) and transported whole (i.e., not field dressed) to a locker of Iowa City's choice for processing. Proper disposal of all carcasses and offal will be the responsibility of the locker. All meat shall be frozen and held in individual containers (i.e., no comingling) until Chronic Wasting Disease (CWD) test results are known. Upon receiving a "positive" CWD test result, meat from that individual animal will be properly disposed of in a landfill; pre-arrangements with a landfill for proper disposal will be the responsibility of the locker. Upon receiving a "not detected" CWD test result, meat from that individual animal shall be given to a local food bank to be distributed free of charge.
- 2) All deer ages 1 year and older shall be tested for CWD. Iowa City and/or their contractor is responsible for collecting both medial retro-pharyngeal lymph nodes from each deer (1 year and older). Lymph nodes from each individual will be placed in separate plastic bags; each bag shall be labelled with the individual identification number assigned to each individual animal. A spread sheet shall be kept identifying the sex and age, location of kill and the unique identification number of each individual animal. Bagged samples shall be turned over to an official from the Iowa Department of Natural Resources (IDNR). IDNR will submit all samples for CWD testing to Iowa State University Veterinary Services Lab. A contract shall be established between Iowa City and IDNR for CWD testing. All testing and associated costs will be the responsibility of Iowa City and/or their contractor.
- 3) If a CWD positive test result is confirmed, all baiting shall be discontinued immediately and all remaining bait shall be removed at all bait sites. If no CWD positive test result is confirmed all bait will be removed at the end of the sharp shooting effort.
- 4) Antlers from all male deer killed shall be sawed off above the pedicle and turned over to a Conservation Officer. Hides from all deer may be kept and utilized by the locker.
- 5) All sharpshooting shall be conducted using non-toxic (i.e., lead free) ammunition.
- 6) A future archery hunt shall be implemented to maintain Iowa City deer numbers.



Fwd: Deer Reg Changes

1 message

Dennis Schemmel <bowen475@gmail.com>
To: "Rasler, Kim [DNR]" <Kim.Rasler@dnr.iowa.gov>

Thu, May 10, 2018 at 12:08 PM

5/10/18 NRC mtg
comment re
item #16 Deer
rule/info item

Kim

Please make this part of the record of this meeting.

Thanks

Dennis Schemmel

----- Forwarded message -----

From: Dennis Schemmel <dennis.schemmel@dnr.iowa.gov>

Date: Thu, May 10, 2018, 1:56 AM

Subject: Deer Reg Changes

To: Underwood, Margo <margo.underwood@dnr.iowa.gov>, Marcus Branstad <marcus.branstad@dnr.iowa.gov>, Chris Ensminger <chris.ensminger@dnr.iowa.gov>

Cc: Bruce Trautman <bruce.trautman@dnr.iowa.gov>

Dear Margo and Marcus

I have went through the Deer Regs, as modified from the Original NOIA. As I stated earlier, I do understand we have to implement our regs to coincide with the Iowa Code. However, when recruitment and retention of HUNTERS are at all time lows, we should NOT be implementing, OR ATTEMPTING to implement major changes in our regs unless we are sure that we are not creating negative press and ill will with our hunting stakeholders like has happened in the last few weeks surrounding this deer reg NOIA, WITHOUT SPECIFIC JUSTIFICATIONS SUPPORTING SAID CHANGES. I THINK the Director at our last Meeting stated something similar that we shouldn't make changes lest we regret our decision.

As I said before this needs to be better vetted with our stakeholders and THIS Commission before these NOIA are published. We need to discuss this process at a later date, as I sense an ever worsening reputation and distrust of the Iowa DNR and the NRC in the eyes of resident and non resident hunters.

Specifically with respect to this original NOIA, as a avid hunter myself I saw number of MAJOR changes contained therein that we neither required by IOWA CODE, nor justified or supported by safety, science or other legitimate concerns and now obviously not wanted by our Stakeholders. Further, when our hunting stakeholders have been given a right, and then we take that right away without legislature or other valid justification, that infuriates people past the boiling point, and severly deminishes their trust in the Department and the NRC.

1. The first change being the magazine limitations which constitutes a prime example of this. If you know anything about modern guns, you know there were many SWC rifles, shotguns and handguns that were utilized in Iowa that far exceeded the six round capacity, many times over in some instances. Damage has been done with our stakeholders by even listing that initially in the NOIA after alliwing it, without any good justification. I'm glad that we have at least dropped that limitation from the NOIA. Further, removal of this limitation has been supported by hundreds if not thousands emails and comments.

2. Along the same lines, for several years we have allowed handguns, bows and crossbows (where authorized) to be used in the late muzzleloader season without any major problem. Why then would we now arbitrarily remove handguns only, but not bows or crossbows, from the late Muzzleloader Season. The reason given in the original NOIA is "...to restore the original intent of the season".

To any knowledgeable hunter this is a laughable BS rationale-- Iowa does not have a traditional ML season where one cannot use scopes, and modern muzzleloaders capable of accuracy far exceeding the range of most shotguns and handguns for sure--why would we then single out handguns--the simple answer is there is no good reason to do it--if you read the hundreds of emails that have come in the last few days the vast majority have included the request to remove that limitation, and to continue to allow handguns to be used in the late muzzleloader season. I wholeheartedly support this position and request handguns be put back in as acceptable method of take in late ML season.

3. That's get us down to the very TECHNICAL definition of an acceptable handgun. From reading hundreds of these emails and talking personally to a number of stakeholders, the language in 106.7 (2)(c)(3) is problematic (" Be designed to be shot with one hand using a pistol grip"). What does that mean. Does that mean you can only shoot it with one hand--well that would be foolish when any handgunner know a two hand grip is more reliable and humane. Or what guns are included or not included in this definition? I agree with the Stakeholder that sub paragraph (3) should be removed from our final reg. While I understand that this is part of the language that had been utilized last year, in my mind I do see that it is ambiguous and could be used arbitrarily by enforcement Officers to limit certain types of pistols that are currently utilized by some, namely the AR style pistol, or single shot handguns for instance that could have shoulder stocks attached.

While the press may demonize AR 15 style rifles, that is not the case with many, many hunters , especially younger hunters, as AR's have become a very accurate and acceptable hunting tool--and that trend is growing if anything. Just because they are different than what has been traditionally been used by hunters , doesn't mean we should not accept them. Similarly with AR style handguns, while they are not the norm, there usage is growing. The ATF allows the definition of handgun to include a AR style pistol with a forearm support system--a support that attached to the gun which braces against the person's forearm to help steady the weapon. This is way different than a shoulder stock that is meant to be used against the shoulder like a rifle.

However it is my understanding that ATF rules also differentiate between a forearm brace and a shoulder stock---allowing the forearm brace and NOT allowing shoulder stock per se attached, or to be used against the shoulder, which would be a violation of federal NFA rules subject to extreme penalties and registration under NFA rules.

Similarly the IOWA CODE does not allow a handgun to be used for deer hunting to have a shoulder stock which is included in sub paragraph (2) of our proposed reg, which is not inconsistent with Iowa law or fed law, so subparagraph (2) is fine. It's only sub paragraph (3) which is not required by Iowa law that I believe, as well as hundreds of emails support, that needs to be removed.

I know that this is very technical, but bottom line no shoulder stock usage can be allowed under state or federal law, but I think we need to clarify for our stakeholders sake that forearm supports, as allowed by the ATF, should also be allowed under our definition of handgun as well. Sorry, a tough concept to explain.

4. The only other notable request for change that I saw in alot of the emails, is to allow minors under 16 to deer hunt with handguns with adult supervision. From what staff has told me, the present IOWA CODE, while allowing minor under 16 to Target shoot with adult supervision, the CODE specifically states that minors under 16 cannot deer hunt with a handgun regardless of whether or not they are supervised by an adult. I think we just need Tamara going on the record stating that this is the current status of Iowa Code, and that we cannot propose a reg contrary to Iowa Law.

These are the changes to the deer reg NOIA that I propose and would support. I would not support the Reg without these changes being made. For the good of all hunters, and the future of our sport, please let us correct what I and a # of our Stakeholders consider to be blantant mistakes in this NOIA , and let us learn from this going forward to not repeat them

Sincerely

Commissioner Schemmel

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

NRC Business Meeting – Thursday, May 10, 2018
 Meeting Location: Iowa DNR, 502 E 9th St, 4th Floor Conference Rm, Des Moines, IA
 Meeting convenes at 9:30 am
 Public Participation begins at approximately 10:00 am

Lunchtime Presentation: DNR Staff Appreciation

NRC BUSINESS MEETING AGENDA

1.	Approval of Agenda Consent Agenda (<i>*within agenda indicates proposed consent agenda item</i>) *7. Publicly Owned Lakes Program Watershed Eligibility – FY19 *10.1 Management Agreement – Strasser Woods State Preserve – Polk CCB *10.2 Chapter 17 Barge Fleeting Lease Renewal - Mississippi River, Clayton County (#31-R) *10.3 Chapter 17 Barge Fleeting Lease Renewal - Mississippi River, Clayton County (#59-R)	Decision	Commission
2.	Election of Natural Resource Commission Officers	Decision	Commission
3.	Approve Minutes of 04/12/18 NRC Public Meeting	Decision	Commission
4.	Acting Director's Remarks	Information	Bruce Trautman
5.	Division Administrator's Remarks	Information	Dale Garner
6.	Petition for Iowa City Urban Deer Management Zone – Special Harvest Request	Decision	Iowa City, City Manager
*7.	Publicly Owned Lakes Program Watershed Eligibility – FY19	Decision	Travis Baker
8.	Contract with Scott County Conservation Board	Decision	Travis Baker
9.	Contract with Iowa State University (Baseline Studies for Habitat Conservation Plan: Acoustic Bat Monitoring)	Decision	Travis Baker
*10.	Land Management Projects		
	*10.1 Management Agreement – Strasser Woods State Preserve – Polk CCB	Decision	Travis Baker
	*10.2 Chapter 17 Barge Fleeting Lease Renewal - Mississippi River, Clayton County (#31-R)	Decision	Travis Baker
	*10.3 Chapter 17 Barge Fleeting Lease Renewal - Mississippi River, Clayton County (#59-R)	Decision	Travis Baker
11.	Public Land Acquisition Projects		
	11.1 Good Neighbors Marsh, Winnebago County – Frank's Wetlands LLC	Decision	Travis Baker
	11.2 Volga River Wildlife Management Area, Clayton County – Iowa Natural Heritage Foundation	Decision	Travis Baker
12.	Construction - Small Projects	Information	Travis Baker
13.	Amend Clean Water State Revolving Fund Loan (SRF) and Disbursement Agreement with Iowa Finance Authority – Geode State Park	Decision	Todd Coffelt
14.	Chapter 27 – Land and Water Conservation Fund, City and County Grant Recommendations	Decision	Todd Coffelt
15.	Chapter 47 – Snowmobiles	Decision	Jeff Swearngin

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.

16.	Chapter 94, "Non-Resident Deer Hunting" and Chapter 106, "Deer Hunting by Residents" – Final Rules	Information	Todd Bishop
17.	Chapter 98, "Wild Turkey Spring Hunting" and Chapter 99, "Wild Turkey Fall Hunting" – Final Rules	Information	Todd Bishop
18.	Contract with Pheasants Forever, Inc.	Decision	Todd Bishop
19.	Contract with US Army Corps of Engineers	Decision	Todd Bishop
20.	Contract with Brandt Information Services	Decision	Alex Cross
21.	General Discussion		
Upcoming NRC Meeting Dates:			
<ul style="list-style-type: none"> • Wed, 05/16/18: 7:30a Business Meeting (Teleconference): IA DNR, 502 E 9th St, Des Moines, IA • Wed, 06/13/18, 11:00 am, Field Tour: (Winneshiek County) • Thu, 06/14/18, 8:30 am, Business Meeting: (Winneshiek County) • Thu, 07/12/18, 9:30 am, Business Meeting: State Forest Nursery, 2404 S Duff Ave, Ames, IA • Thu, 08/09/18, 9:30 am, Business Meeting: IA DNR, 502 E 9th St, Des Moines, IA 			

For details on the NRC meeting schedule, visit:

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Iowa Department of Natural Resources
Natural Resource Commission

#6

Decision Item

Petition for Iowa City Urban Deer Management Zone – Special Harvest Request

The Department, on behalf of the Commission, has received a petition to hold a special deer harvest.

Petitioner: Iowa City, City Manager

Proposed Petition Summary: Allow the City of Iowa City to hold a special deer harvest using sharpshooters.

Attached: Petitioner's Petition/Documentation



CITY OF IOWA CITY

410 East Washington Street
Iowa City, Iowa 52240-1826
(319) 356-5000
(319) 356-5009 FAX
www.icgov.org

April 19, 2018

Natural Resource Commission
Henry Wallace Building
502 E. 9th St.
Des Moines, IA 50309

In re: May 10, 2018 Business Meeting
Urban Deer Management Zone—Special Harvest/Request to Sharp Shoot Deer

Dear Commissioners:

Thank you for the placing this request by the City of Iowa City on the agenda of your May 10, 2018 business meeting. The following City staff will be appearing at your meeting: Captain Bill Campbell of the Iowa City Police Department; Liz Ford, who is the Supervisor of the Animal Care and Adoption Center (i.e., the “shelter”); and Assistant City Attorney Sue Dulek.

Request.

Pursuant to 571 Iowa Admin. Code 105.5, the City of Iowa City (the City) is requesting NRC approval of an urban deer management zone during the winter of 2018-2019. Additionally, the City is requesting that the special harvest be conducted under the following conditions:

1. The deer management area is defined as all public and private land within the corporate limits as designated by the City Council. Property owners will need to provide the City with permission.
2. No limit is placed on the number of to be killed.
3. The deer management program will be conducted solely by professional wildlife biologists trained as sharp shooters.
4. Bait may be used to attract deer to select sharpshooting locations.
5. Deer sharp shooting activities may occur from December 1, 2018 through March 31, 2019.

Previous NRC Action/Historical Background.

The City began its deer management just over twenty (20) years ago with discussions in 1996 with the DNR. As recommended by the DNR, the City formed a committee in 1997 to determine the best methods for the City to manage the deer population consisting of representatives of a variety of groups, such as a resident living in areas heavily populated with deer, resident in areas not heavily populated with deer, animal rights, science/biology background, and Iowa Wildlife Federation. After spending 5 months deciding whether to reduce the number of deer and how to do so, the committee recommended to City Council reduction by sharp shooting and trap and kill, but not bow hunting. The NRC approved the request to sharp shoot, and the City entered into a contract with the U.S. Department of Agriculture (USDA) to sharp shoot, but in February 1999, a lawsuit was filed against the USDA alleging a violation of the National

Environmental Policy Act. The Court entered a temporary restraining order which terminated the sharpshooting that spring and ended the City's relationship with the USDA.

Beginning the following winter of 1999-2000 and continuing annually through 2009-2010 (with the exception of the winter of 2002-2003), the City contracted with White Buffalo, Inc. to sharp shoot. In each of those winters the City applied for authorization from the NRC to shoot, and in each year, the NRC granted the application.

Because the numbers of deer were at a reasonable population level, the City notified the NRC in May 2010 that it was not seeking authorization to sharp shoot the following winter. The City's Deer Task Force was also dissolved that spring.

For your information, attached as Exhibit A is a copy of the report by White Buffalo, Inc. from the operation of the winter of 2009-2010, which includes a summary of the number of deer harvested in each of the winters the City engaged White Buffalo, Inc.

Current Deer Population.

Unfortunately, the deer population in the City has grown since 2010 and has returned to the level of twenty (20) years ago. I am attaching as Exhibit B a copy of the report by White Buffalo, Inc. entitled "Iowa City White-Tailed Deer Population Estimate January 2018."

City Council Discussion/Direction.

On March 6, 2018, the City Council discussed the issue of deer management at its work session and directed staff to: a) Request NRC authorization to sharp shoot deer during the upcoming winter; and b) Prepare a Council resolution to establish a deer task force/committee similar to the previous one. Given that the work of the task force/committee will take some time and given Council's direction to proceed with a hunt this winter, this request is being made prior to the task force/committee being created.

White Buffalo, Inc.

White Buffalo, Inc. is a nonprofit organization with considerable experienced in deer management in urban and suburban settings by means of professional sharpshooting. Its web site is <https://www.whitebuffaloinc.org/> As I said earlier, the City contracted with White Buffalo, Inc. for 10 years without incident and will do so again this year if the NRC approves this request. I am attaching as Exhibit C the sharpshooting protocol employed by White Buffalo, Inc.

Bow Hunting.

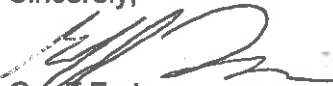
I anticipate some commissioners may want to see the City offer bow hunting as an option to manage the deer within the City limits. I also understand that bow hunting is successful in many communities. The current City Council, as did previous Councils, prefers to manage the deer population in Iowa City by means of sharp shooting. As we did previously, the City will contract with a local locker to package and freeze all the deer meat to be distributed free of charge at the Crisis Center that operates our local food bank. The locker will be allowed to keep and utilize the hides.

Conclusion.

City staff looks forward to the opportunity to meet with you, answer your questions, and address your concerns. If you find that you need additional information, we will provide that to you either in writing and/or in person. If authorization to proceed with sharp shooting is approved, I will provide the NRC with a report next spring summarizing the operation.

Thank you very much for your time and consideration.

Sincerely,



Geoff Fruin
City Manager

Enc.

Copies w/enc. to:

Jody Matherly, Chief of Police
Bill Campbell, Lt. Iowa City Police Dept.
Liz Ford, Animal Services Supervisor
Susan Dulek, Ass't. City Attorney



SUMMARY REPORT
2010 Deer Management Program

Iowa City, Iowa

by

White Buffalo, Inc.

Site Description

Iowa City contains a matrix of suburban/commercial development, agricultural fields, parks and open grasslands. As a result of no legal hunting opportunities and fertile soils, the deer population had increased to a level incompatible with some land uses and human activities. Although deer physical condition is not an issue, there is concern regarding deer/vehicle collisions and damage to garden and landscape plantings. As part of the 2010 comprehensive deer management program under the authorization of the Iowa Department of Natural Resources this is the 10th year, taking the 2002-2003 winter off, in which a population reduction program was implemented.

Deer Management Program Overview

Prebaiting was conducted from 18 December 2009 – 10 January 2010. Deer removal activities conducted from 11 - 21 January 2010. Eleven days of fieldwork were required to achieve the harvest of 57 deer.

Field Methods

We followed the operations protocol outlined in the contract. Seventeen bait sites were selected throughout the area of operation. Bait sites were shut down during the program as productivity declined, initial prebaiting activity demonstrated little deer activity, or weather conditions deemed the sites inaccessible.

Deer were shot on a first opportunity basis. This means that deer were shot only when, 1) a safe opportunity presented itself, and 2) maximal harvest efficiency would be achieved. Carcasses were then tagged and delivered to Ruzicka's Meats for processing.

Harvest Demographics

The entire data set generated from harvested deer is represented in the spreadsheet entitled "City of Iowa City – Deer Harvest by Date: 11 - 21 January 2010" (Appendix A). We harvested 39 females (68%) and 18 males (32%). The overall harvest demographics are summarized in Table 1. Eighteen (32%) fawns and 39 (68%) adults were harvested.

Table 1. Age class and sex distribution of deer harvested in Iowa City, Iowa from 11–21 January 2010.

AGE	# MALE (%)	# FEMALE (%)	# COMBINED
Fawn	11 (19.3)	7 (12.3)	18
Adult	7 (12.3)	32 (56.1)	39

Harvest by Deer Management Zone

To allow for a more comprehensive population management program, we summarized all the harvest data by management zone (Table 2) relative to deer concentration identified by the City’s 2008 aerial snow count, no count was conducted in 2009. The most productive sites were within Zone D and the combination of Zone H&I, where 22, 7, and 15 deer were removed respectively (77% of the total harvest).

Table 2. Ten year comparison of harvest data by deer management zone.

ZONE	1999-2000	2001	2002	2004	2005	2006	2007	2008	2009*	2010
A	15	2	27	-	-	-	-	-	-	-
B	186	74	48	31	13	19	8	3	6	3
C	57	123	51	49	44	17	13	7	18	6
D	102	122	93	117	48	66	29	33	23	22
F	-	19	10	3	8	7	20	2	4	4
H & I	-	-	21	-	41	41	129	44	18	22
Total	360	340	250	200	154	150	199	89	69	57

Discussion

Three sites initially prepared for culling operations were shut down before removal efforts began based on our inability to access the sites due to the persistent deep and drifting snow. All three sites were located on University of Iowa property. Two additional sites were shut down due to lack of deer activity. Of the remaining 12 sites, all but two received two sharpshooting attempts (removal effort). In every case the second seated attempt resulted in a significant decline in productivity (deer harvested/man hour).

Harvest demographics this year indicate fawn recruitment to be 0.56 fawns per adult doe. This ratio is further confirmed by the limited number of fawns seen in the field (i.e., those not harvested). Many times, adult does harvested in groups would have no fawns present. Historical fawn recruitment based on past cull data was ~1.1 fawns per adult doe. This is the second year in a row where fawn recruitment is significantly below the historical average.

Adult male (males that had shed their antlers) harvest is similar to past years (~12.5%), with the exception of 2009 where 15% more adult males were harvested due to a later start date of operations (i.e. more males had shed their antlers). As stated in previous years, we would likely remove ≤1% adult males if the entire permit were valid starting 1 December.

Thirty six antlered males were observed while field operations were being conducted, additional antlered males were observed though infrared camera data. Individual animals were identified based on antler characteristics, no male was counted twice and if any doubt existed they were not added to the total. If snow counts are conducted, they should be interpreted with caution as, generally, there are a significant number of adult males (relative to adult females) present at most harvest sites. The ratio of observed yearling/adult males to yearling/adult females was ~1:1. Therefore, the population growth

potential relative to observed density will be greatly diminished. Again, next year's harvest projections should reflect this change in demographics.

Recreational feeding of deer on Saint Joseph's Cemetery continues to hamper our ability to manage deer in the Northwest corner of Hickory Hill Park and the surrounding area. Deer densities in this area appear (based on track sign and visual observations) to be significantly higher than the rest of town. The wood lot on the Southeast corner of Interstate Highway 6 and Hawkins Road also has substantial feeding activity from the residents of the Hope House (University of Iowa). Nine percent of the deer/vehicle strikes in town occur proximate to this location.

Deer vehicle strikes are down significantly from 1999 when 103 collisions were recorded. Thirty three collisions were recorded in 2009 (a 68% reduction), with 15 (45%) of those occurring on Highway 218 or Interstate 80, where town boundaries prevent adequate management activities to occur.

Total harvest has dropped significantly from 2007 to 2010. There are a number of reasons for this decline; however it should be noted that our effort per site has increased (at most sites) as deer densities continue to fall. Trend data suggest an overall herd reduction in all zones where culling activity occurs. A good example of this is Zone B, 186 deer were removed in 1999-2000 cull operations, only 3 animals were removed this year with two seated attempts. Harvest in this zone has stabilized in the single digits. Similar results occur in all zones.

Future Program Suggestions

Based on low recruitment over the last two years, dramatically reduced deer vehicle strikes (and corresponding deer densities), and a generally insignificant amount landscape damage we suggest that Iowa City consider delaying any additional deer management activities until winter of 2011-2012. At this time the State permit will again need to be made valid early to maintain the reduced densities on the University property (i.e., during the Christmas break). Also, if the State sees value in protecting males, I recommend that the general City-wide permit be made active by 1 December so males can be avoided (nearly all yearling and adult males will have visible antlers).

Acknowledgments

We would like to thank Kathi Johansen, City Manager's Office, Glenn Pauley, Iowa City Fire Department, Jeff Ruzicka of Ruzicka's Meats and his crew, and all the participating landowners for their cooperation and continued support. We also are grateful to IDNR for continued support of this program.

Iowa City Aerial Deer Counts

Zone	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
A	37	*	60	74	64	29	76	*	71	*	170	80	*	71
B	69	*	154	81	33	30	30	*	19	*	5	2	*	7
C	78	*	90	99	39	36	60	*	43	*	46	33	*	21
D	65	*	127	140	38	25	100	*	88	*	65	36	*	25
E	0	*	0	7	12	0	12	*	9	*	41	19	*	0
F	11	*	15	48	42	15	74	*	65	*	80	32	*	31
G	3	*	0	4	0	0	0	*	5	*	43	35	*	29
H	6	*	31	48	24	23	42	*	6	*	53	26	*	11
I	49	*	79	197	99	43	169	*	109	*	101	39	*	27
Total	318	0	556	698	351	201	563	0	415	0	604	302	0	222

* Not Flown

Aerial count conducted on February 11, 2010 by Greg Harris, Wildlife Depredation Biologist, Iowa DNR



White Buffalo Inc.
Conserving Native Species and Ecosystems



Iowa City
White-Tailed Deer Population Estimate
January 2018

January 30, 2018

Submitted by:

Dr. Anthony J. DeNicola
White Buffalo Inc.



INTRODUCTION

Deer overabundance and the associated conflicts are pervasive throughout much of the US. Alternative management techniques (i.e., controlled hunting, sharpshooting, trap and relocation, fertility control research) have been explored from Georgia to Texas to Minnesota and back through Maine and nearly all the states contained therein. Throughout this large geographic region, deer are creating both social and ecological conflicts in suburban, corporate, and park environments. Many federal, state and local agencies are struggling to address this ever-increasing problem.

Critical to any management decision and research assessment is an understanding of the abundance and distribution of deer, yet it is often difficult to obtain accurate estimates. There are a variety of estimation methods available to decision makers, and each method has its advantages and disadvantages. The techniques typically used to estimate the abundance of white-tailed deer include: spotlight surveys, aerial infrared-scanning or snow counts, mark-recapture/resight, and population reconstruction (Downing 1980). Mark-resight with infrared triggered camera-traps has successfully been used to estimate population size for free-ranging deer with a portion of the population tagged (Curtis et al. 2009). Jacobson et al. (1997) established that individual antler patterns could be used as a unique mark to identify the approximate number of individual antlered males using the survey area. This unique mark and photo ratios could then be used to successfully estimate population size, assuming all sex and age classes are equally susceptible to the camera-trap (Jacobson et al. 1997). Curtis et al. (2009) documented that using IRCs with the Jacobson method provided a reliable method for estimating the abundance of suburban white-tailed deer herds.

STUDY AREA

Iowa City contains a matrix of suburban/commercial development, agricultural fields, parks and open grasslands. As a result of no legal hunting opportunities and fertile soils, the deer population had increased to a level incompatible with some land uses and human activities in the late 1990s. Although deer physical condition was not an issue, there was concern regarding deer/vehicle collisions and damage to garden and landscape plantings. In 2000, a sharpshooting program was initiated that resulted in a significant deer population reduction, and associated deer-vehicle collisions, over a nearly 10 year period. The population reduction program was implemented through 2009 when it was concluded as deer-human conflicts were no longer of concern. This population estimate was requested given the deer population had not been actively managed for 8+ years and appeared to be increasing.



METHODS

Camera Survey

The camera survey was conducted in a ~3-mile² population estimation area (Figure 1). We divided the sampling area into 15 sections by overlaying a grid of approximately 130-acre blocks. We adjusted the grid for the best fit to deer habitat in each block. We deployed one camera per 130-acre block. The infrared-triggered digital cameras (Moultrie D-80 White Flash camera, Moultrie Feeders, Alabaster, AL, USA) were deployed over bait piles of shelled corn on properties with a high probability of deer activity. Camera sites were baited daily for several days prior to, and during camera deployment, starting on 5 December 2017 until the cameras were removed on 16 December 2017. Each camera was elevated approximately 2 ft off the ground, oriented north to control exposure issues, and placed approximately 12 ft from the center of bait. The cameras were set to run continuously for 24 hours per day, with a preset delay of 5 minutes between pictures. Every other day during the survey the memory cards in the cameras were changed to confirm the cameras were functioning properly. On 16 December, the photo survey was completed, and cameras were removed.

Figure 1. Population estimation area and camera locations.



After the cameras were removed from the field, all of the pictures containing deer were sorted by site. Each picture was closely studied, and we recorded the total number of deer, the number of antlered males, the number of non-branched antlered males that could not be uniquely identified, the number of adult females, and the number of fawns. The number of unique males observed at each site was determined using unique antler patterns.



Population Estimate: Jacobson's BDR Method

With the camera data we used the Jacobson buck:doe ratio (BDR) population estimator. As outlined in Jacobson (1997), "individual branch-antlered males were identified from photographs using antler configuration (# of points, relative length of points, angle of projection of points, and relative location of points on the antler beam), antler mass, pelage characteristics and body traits. We then assigned an identifying number to each antlered male. Branch-antlered males were any antlered males with greater than or equal to 1 branched antler. Photographs were excluded from analysis when identification of an animal was uncertain."

Spike-antlered males can be difficult to distinguish individually; therefore, spike:branch-antlered ratios were determined and the estimated total antlered male population was calculated using this ratio:

$$P_s = N_{sa}/N_{ba},$$

where

P_s = ratio of spike:branch-antlered bucks (antlered males),

N_{sa} = total number of spike-antlered deer occurrences in photographs,

N_{ba} = total number of branch-antlered deer occurrences in photographs,

and

$$E_b = (B \times P_s) + B,$$

where

E_b = estimated total buck (antlered male) population,

B = number of individually identified branch-antlered bucks (antlered males)."

The estimated **adult female** population was calculated using the estimated antlered male population and the antlered male:adult female ratio (calculated from the photographs):

$$P_d = N_d/N_b,$$

where

P_d = ratio of does (adult female) : bucks (antlered male),

N_d = total number of antlerless adult deer occurrences in photographs,

N_b = total number of antlered adult deer occurrences in photographs,

and

$$E_d = E_b \times P_d,$$

where

E_d = estimated total doe (adult female) population.

Fawn abundance was calculated in the same manner:

$$P_f = N_f/N_d,$$

where

P_f = ratio fawns: does (adult female),

N_f = total number of fawn occurrences in photographs,



and

$$E_f = E_d \times P_f,$$

where

E_f = estimated total fawn population.

Total population size was estimated by summing each segment of the population. The sex ratio was determined using the ratio of antlered males to adult females in photo observations, where sex ratio = N_d/N_b . The recruitment rate was determined using the ratio of fawns to adult does in photo observations, where recruitment rate = N_f/N_d .

RESULTS/DISCUSSION

Photo summary

We obtained a total of 7,874 usable pictures from the 15 baited camera sites from 5-16 December 2017, which included 10,324 photographic observations of individual deer (Table 1). The total number of branched antlered male images that were identifiable in the pictures was 4,010, the total number of spike antlered male images was 317, the total number of females was 3,050, and the total number of fawns was 2,947 (Table 1).

TABLE 1. Summary of photos observations in Iowa City, IA December 2017.

	Photo Observations				
	# Observations of Deer	# Branched Antlered Males	# Spike Antlered Males*	# Females	# Fawns
Total	10,324	4,010	317	3,050	2,947

*Animal cannot be identified as unique based on antler pattern.

Density Estimate and Recruitment Rate

We estimated the total population in the survey area at 172 (Table 2), and given the area was ~3 mi², the minimum estimated density was 57.5 deer/mile². We estimated the total adult female population at 51 and the total fawn population at 49. This results in a fawn recruitment rate of 1.0.



TABLE 2. Estimated population in sample area using Jacobson BDR method based on photo observation data in Table 1).¹

	A: # Individual Branched Antlered Males ²	B: # Spike Antlered Males ^{1,3}	C: Total Antlered Males	D: Estimated # Adult Females ⁴	E: Estimated # Fawns ⁵	F: Minimum Estimated Total Population
Total	67	5	72	51	49	172

1. If a number is less than 1, we round up to 1, given there is likely a deer in the area. Rounding calculated in separate spreadsheet and numbers may vary slightly due to when rounding is applied.
2. The number of branched antlered males is based on photo capture of these males in camera survey and identification based on unique antler pattern.
3. # Spike Antlered Males (B) = (# Spike Antlered Male Photo Observations (Table 1)/# Branched Antlered Male Photo Observations (Table 1)) * # of Branched Antlered Males (A)
4. # Adult Females (D) = ((# Adult Female Photo Observations (Table 1)/# Antlered Male Photo Observations (Table 1)) * Total Antlered Males (A)
5. # Fawns (E) = (# Fawn Photo Observations (Table 1)/# Adult Female Photo Observations (Table 1)) * Total Adult Females (D)

Camera Survey Bias Adjustments and Sex/Age Class Ratio Ranges

There are potential sex and seasonal biases in attracting deer to bait relative to their occurrence in the population (Koerth and Kroll 2000, McCoy et al. 2011, Chitwood et al. 2017). The type of bias varies for any number of reasons, including food availability, breeding season, fawning period, and ratio of males to females. Given the unlikely ratio of antlered males:adult females:fawns in photos (~1.4:1:1), we believe the population estimate is an absolute minimum. In other words, females and fawns may be underrepresented as antlered males can dominate baited locations (especially after the breeding season while males still have their antlers) limiting the number of photos of females and fawns comparatively.

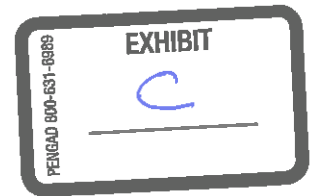
Typical suburban deer populations have been documented to be 20% antlered males (DeNicola et al. 2008). We believe the percentage of males in Iowa City is higher than the DeNicola et al. (2008) study, but likely not as high as the 42% observed in photos. We have documented approximately 30% antlered males in local populations at other project locations with male mortality rates that may be similar to those in Iowa City (e.g., our research site in Cincinnati, OH had 31.4% antlered males and San Jose, CA had 30% antlered males). **If we adjust the ratio of antlered males to 30% this would increase the population estimate to 80 deer/mile², or 240 deer in the area surveyed.**

The Iowa DNR counted 69 deer in 2008 in the same area of Iowa City. They used helicopter counts over snow. Therefore, there are likely 3 times as many deer now in the survey area as there were ~10 years ago. This reflects a density similar to what was present when we initiated the sharpshooting program in 2000.



LITERATURE CITED

- Chitwood, M. C., M. A. Lashley, J. C. Kilgo, M. J. Cherry, L. M. Conner, M. Vukovich, H. S. Ray, C. Ruth, R. J. Warren, C. S. DePerno, and C. E. Moorman. 2017. Are camera surveys useful for assessing recruitment in white-tailed deer? *Wildlife Biology* wlb.00178; 1 - 6.
- Curtis, P. D., B. Bazartseren, P. M. Mattison, and J. R. Boulanger. 2009. Estimating deer abundance in suburban areas with infrared-triggered cameras. *Human–Wildlife Conflicts* 3(1):116–128.
- DeNicola, A. J., D. Etter, and T. Almendinger. 2008. Demographics of non-hunted white-tailed deer populations in suburban areas. *Human-Wildlife Conflicts* 2:102-109.
- Downing, R. L. 1980. Vital statistics of animal populations. Pages 247-267 in S. D. Schemnitz, ed. *Wildlife management techniques manual*. Fourth ed. The Wildlife Society, Washington, D.C. 86pp.
- Jacobson, H. A., J. C. Kroll, R. W. Browning, B. H. Koerth, and M. H. Conway. 1997. Infrared-triggered cameras for censusing white-tailed deer. *Wildlife Society Bulletin* 25:547-556.
- Koerth, B. H., and J. C. Kroll. 2000. Bait type and timing for deer counts using cameras triggered by infrared monitors. *Wildlife Society Bulletin* 28:630-635.
- McCoy, J. C., S. S. Ditchkoff, and T. D. Steury. 2011. Bias associated with baited camera sites for assessing population characteristics of deer. *Journal of Wildlife Management* 75:472-477.



SHARPSHOOTING PROTOCOL

Subsequent to a decision by the landowner/s and the state wildlife management agency to implement a controlled deer reduction using White Buffalo Inc., the following procedures are used:

- 1) Prior to initiating any field activities the target area/s and surrounding properties are thoroughly surveyed using digital aerial images followed by field confirmation. By knowing the location of every occupied structure and areas of human use we are better able to work safely, discretely, and efficiently;
- 2) Bait sites are selected with the involvement of the landowner/s and the cooperating state agency. Each site is selected based on safety concerns and deer activity;
- 3) We conduct field operations during hours of lowest human activity. In addition, during the removal operation we search intensively for people and non-target animals to avoid mishaps;
- 4) Deer of all ages and sexes are harvested, however, adult does are prioritized. Deer are shot from a vehicle with a rifle during the night with the aid of spotlights. Some deer are shot over bait from a tree stand with a rifle during the day or at night. Night-vision equipment and suppressed firearms (only in states where they are legal to possess) are used to expedite field procedures and to ensure discrete operations;
- 5) During suburban deer reductions there will be continuous open communication between community members, municipality officials, and White Buffalo Inc. to keep people well informed regarding field activities to avoid conflicts;
- 6) When in doubt, never shoot;
- 7) All deer carcasses are transported and dressed with the highest degree of discretion;
- 8) When desired, we are willing to be responsible for the disposal of all by-products and transport of deer carcasses to a USDA inspected facility for processing and subsequent donation to the needy.

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

*#7 (**indicates proposed consent item*)

Decision Item

Publicly Owned Lakes Program Watershed Eligibility – FY19

Purpose: The Department of Agriculture and Land Stewardship (IDALS) - Division of Soil Conservation and Water Quality manages and provides funding for Iowa's Publicly Owned Lakes Program. This program establishes and maintains a priority list of watersheds above publicly owned lakes and reservoirs. In order to be eligible to receive IDALS's Publicly Owned Lake (POL) Program funds, an applicant must be a soil and water conservation district and submit an application for POL priority designation to IDALS. The application must include a map of the watershed identifying the sources of significant sediment delivery to the lake and documentation of the existence of a watershed plan that targets significant sources of sediment delivery to the lake. Applications are approved based on adequacy of the watershed plan for the publicly owned lake, presence on the priority list for lake restoration, and available funding.

As outlined in Iowa Administrative Code 571, Chapter 31, Public Owned Lakes Program, the DNR is part of the application review and recommendation process. The DNR is to, then, submit the recommended list of publicly owned lakes eligible under the program to the NRC for approval.

Summary of Selection Process: The Review and Selection Committee evaluated applications based on the criteria above. Locations within the watersheds that contribute significant sediment to the lake have plans for targeted installation of permanent soil conservation practices or management practices that will reduce sediment delivery.

Selection Committee Members: The review and selection committee consisted of four members:

- IDNR Staff – Conservation and Recreation Division (2)
- IDNR Staff – Environmental Services Division (1)
- IDALS Staff (1)

Number of Applications Received: 10

Recommendations: In accordance with the administrative rules, the Review and Selection Committee has determined that the following meet program requirements and recommends approval of the following list of watersheds for program eligibility:

- Lake Binder, Adams SWCD
- Lake Icaria, Adams SWCD
- Clarke County Reservoir, Clarke SWCD
- West Lake, Clarke SWCD
- Lake Geode, Des Moines and Henry SWCD's
- Volga Lake, Fayette SWCD
- Lake Miami, Monroe
- Hickory Grove, Story
- Three Mile Lake, Union and Adair SWCD's
- Twelve Mile Lake, Union and Adair SWCD's

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
May 10, 2018

Iowa Department of Natural Resources
Natural Resources Commission

#8

Decision Item

Contract with Scott County Conservation Board

Commission approval is requested for a contract with the Scott County Conservation Board (SCCB), of Davenport, Iowa.

Contract Terms:

Amount: Not to exceed \$ 380,020.50

Dates: May 10, 2018 to June 30, 2020

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this Contract.

Funding Source(s): Lake Restoration Program

Background: The Lake of the Hills complex of lakes encompasses four publicly owned lakes (Lake of the Hills, Railroad Lake, Bluegrass Lake, and Lambach Lake) within West Lake Park, which is owned and operated by SCCB. The park serves as an important recreation destination for eastern Iowa, with approximately 500,000 visitors to the park each year. During the summer months, the campground is filled most days and most park shelters are rented to capacity. The park is in the process of making additional infrastructure improvements, including building cabins to attract additional users. Additionally, West Lake Park is the home of the Quad Cities Triathlon, drawing approximately 700 athletes to the park. Other day uses include fishing, paddling, environmental education, hiking, photography, bird watching, and relaxation.

Lake of the Hills, located within West Lake Park, is a 54.6 acre lake with a watershed of approximately 1500 acres (27.5:1 watershed to lake area ratio). Thirty-eight percent of the watershed is located within the park's boundaries, including 90.6 acres of water and 521 acres of land. Lake of the Hills is surrounded by four smaller lakes, three of which are contained within the park and under public ownership. Until recently, the smaller lakes have protected Lake of the Hills; however high sedimentation rates and declining water quality in recent years have had a negative impact on overall water quality and recreational opportunities at the park.

Over the years, water quality at Lake of the Hills and the surrounding lakes has degraded due to increased nutrient and sediments from the watershed. Excess nutrients, especially phosphorus, have led to frequent algae blooms and low water clarity. Sedimentation in the smaller lakes surrounding Lake of the Hills has contributed to the decline in overall water quality at the park. Lake of the Hills is considered impaired by DNR and the EPA. Research conducted by DNR and others determined that phosphorus inputs to the lake needed to be reduced by 78% for Lake of the Hills to meet state water quality standards. A combination of restoration practices are needed to achieve this goal. In 2016, both a TMDL and Watershed Management Plan were developed for Lake of the Hills. In 2017, The SCCB hired FYRA Engineering to evaluate potential restoration strategies identified in the watershed improvement plan. Restoration strategies within the park (watershed) and in the lake were prioritized for water quality benefits to the lake and costs, and a conceptual design and planning budget for the overall project was completed as a part of a technical memo from FYRA.

Past work completed to date at West Lake Park:

Evaluation and Conceptual Design of Restoration Strategies for West Lake Park (improvements on public ground and in-lake restoration strategies):

DNR Contribution (75%):	Not to exceed \$32,526.45
SCCB Contribution (25%):	Not to exceed \$10,842.15
Total Cost:	Not to exceed \$43,368.60

Contract Purpose: The purpose of this cooperative agreement is to work with the SCCB to complete engineering services for the restoration of the lakes (Lake of the Hills, Railroad Lake, Lambach Lake, and Bluegrass Lake) within West Lake Park in Scott County, Iowa. Engineering services for this project include, but are not limited to:

- 60%, 90% and final design including surveys; engineering and construction plans; permit submission; drainage; structural; geotechnical; plant materials, wetland mitigation/delineation services; cost estimates and all other miscellaneous elements required for building six new ponds/wetlands and rehabilitating three existing ponds/wetlands within West Lake Park and one bio-swales or bio-retention cells to infiltrate water coming off of a parking lot.
- 60%, 90% and final design including surveys; engineering and construction plans; permit submission; drainage; structural; geotechnical; plant materials, wetland mitigation/delineation services; cost estimates and all other miscellaneous elements required for dredging Railroad Lake and Bluegrass Lake including a plan for transport and stabilization of dredge material; shoreline deepening/stabilization; new Blue Grass drawdown structure; repair Railroad drawdown structure; and installation of fish habitat.
- Plans and specifications for bid letting watershed BMPs and in-lake portions of the project.
- Application and secure all required permits from the Federal, State and Local governments.
- Attend pre-construction meeting and provide engineering oversight throughout the construction of the project.

Work proposed under this contract:

Engineering Services including design, permitting, bid letting and construction oversight:

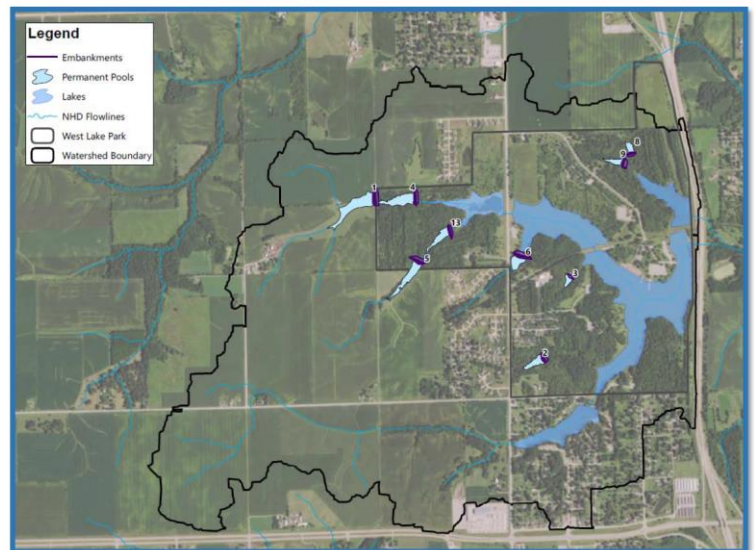
DNR Contribution (75%):	Not to exceed \$380,020.50
SCCB Contribution (25%):	Not to exceed \$126,673.50
Total Cost:	Not to exceed \$506,694.00

Anticipated Future Work: Future work will include construction of watershed BMPs and in-lake restoration strategies that are designed as a part of this contract with a county cost share partnership. Total estimated cost for construction of all elements of the project is currently \$3.7 Million and will include construction of six new ponds within the park, rehabilitation of three existing ponds in the park, construction of a bio-swale near the beach parking lot, targeted mechanical dredging of ~150,000 CY of sediment from the lakes in West Lake Park, shoreline deepening and stabilization, installation of fish habitat, and upgrades/repairs to the drawdown structures at Railroad and Bluegrass Lakes.

Selection Process Summary: Intergovernmental contracting with the SCCB is authorized under 11 IAC 118.4.

Travis Baker, Bureau Chief, Land and Waters Bureau
 Conservation and Recreation Division
 May 10, 2018

Selected watershed ponds to be constructed/rehabilitated to protect the lakes in West Lake Park.



Iowa Department of Natural Resources
Natural Resource Commission

#9

Decision Item

Contract with Iowa State University (Baseline Studies for Habitat Conservation Plan: Acoustic Bat Monitoring)

Commission approval is requested for a contract with Iowa State University, of Ames, IA.

Contract Terms:

Amount: Not to exceed \$54,354.31

Dates: May 09, 2018 to January 31, 2019.

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this Contract.

Funding Source(s): USFWS Grant

Contract Purpose: The parties propose to enter into this contract to conduct baseline studies including acoustic monitoring studies to assess distribution of the northern long-eared bat (NLEB) in Iowa. As identified in the grant, the resulting studies will support the development of a Habitat Conservation Plan (HCP) for MidAmerican Electric Company (MEC) wind power facilities in Iowa. This HCP will address the potential impacts of MEC's current and proposed wind energy facilities on the northern long-eared bat, as well as the federally endangered Indiana bat and other species.

Tasks in this contract include:

1. Acoustic Monitoring: Conduct acoustic monitoring surveys at 30 sites located in 21 counties in central Iowa June and July 2018.
2. Analyze Acoustic Monitoring Data: Analysis of recorded bat calls to determine presence (or probable absence) of the NLEB and identify potential capture sites for a fall telemetry study.
3. Prepare Acoustic Monitoring Report: Prepare and submit to DNR a written report which includes details of the monitoring process, summary of sites where NLEB calls were detected and the frequency of calls by site. ISU will also provide data in file format for mapping distribution of NLEB as well as audio files of bat calls.

This collection of data is in year three of three for development of the HCP. Previous work with ISU, since 2016, also included monitoring as well as assisting with telemetry studies.

Selection Process Summary: Intergovernmental contracting with Iowa State University is authorized under 11 IAC 118.4.

Travis Baker, Lands & Waters Bureau Chief
Conservation and Recreation Division
May 10, 2018

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

***#10** (**indicates proposed consent item*)

Decision Items

Public Land Management Projects

***1. Management Agreement – Strasser Woods State Preserve – Polk CCB**

The Natural Resource Commission is requested to approve a management agreement with the Polk County Conservation Board (PCCB) for Strasser Woods State Preserve.

Location: Strasser Woods State Preserve is located at 1552 E 36th St, Des Moines, IA

Site Purpose: Strasser Woods is a 40-acre tract of forest within city limits of Des Moines. Joseph and Elizabeth Strasser, who had owned the property since 1965, donated the woodland to the Iowa Natural Heritage Foundation in 1981. The area was transferred to the Iowa DNR in 1982 and dedicated as a biological state preserve. The Four Mile Creek Greenway (featuring a bicycle trail) runs along the creek through the bottomland. Several hiking trails also run through the upland portions of the preserve. This area is currently managed under the Wildlife Bureau. With the county already managing much of the surrounding area in this urban Greenbelt, PCCB approached the DNR with the request to include the preserve in their management plan. It was determined PCCB would be able to manage the area as outlined in the preserves management plan. The consideration to transfer management of the area has been approved by the State Preserves Advisory Board (02/14/18) and the PCCB (04/11/18).

Management Agreement Term: The term of this Agreement with the Polk County Conservation Board to manage Strasser Woods State Preserve is through 2043.

***2. Chapter 17 Barge Fleeting Lease Renewal - Mississippi River, Clayton County**

The Natural Resource Commission is requested to approve the renewal of Chapter 17 Lease No. 31-R with American River Transportation Company of Decatur, Illinois.

Location: The leased area is described as a portion of the bed of the Mississippi River including approximately 1200 feet of frontage by 200 feet of depth located at Mississippi River Mile 636.2 in Clayton County, Iowa.

Site Purpose: This area has been under a barge fleeting lease since 1982. A Public Notice was printed in a local newspaper and no comments were received.

Lease Fee and Term: The annual fee is \$9,650.31 and will be increased annually based on the percentage increase of the consumer price index. The term of the lease will be five years.

***3. Chapter 17 Barge Fleeting Lease Renewal - Mississippi River, Clayton County**

The Natural Resource Commission is requested to approve the renewal of Chapter 17 Lease No. 59-R with American River Transportation Company of Decatur, Illinois.

Location: The leased area is described as a portion of the bed of the Mississippi River including approximately 1000 feet of frontage by 105 feet of depth located at Mississippi River Mile 607.5 in Clayton County, Iowa.

Site Purpose: This area has been under a barge fleeting lease since 1960. A Public Notice was printed in a local newspaper and no comments were received.

Lease Fee and Term: The annual fee is \$16,885.25 and will be increased annually based on the percentage increase of the consumer price index. The term of the lease will be five years.

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
May 10, 2018

Iowa Department of Natural Resources
Natural Resource Commission

#11

Decision Item

Public Land Acquisition Projects

1. Good Neighbors Marsh, Winnebago County – Frank’s Wetlands LLC

The Natural Resource Commission’s approval is requested to purchase a tract of land located in Winnebago County near Good Neighbors Marsh.

Seller: Franks’s Wetland, LLC, Frank Doden, Trustee

Acreage: 160 acres

DNR Purchase Price: \$175,410

Appraised Price: \$208,000

Property Description: This property is located four miles northeast of Buffalo Center in west central Winnebago County. The tract is gently sloping with level to depressional flats consisting of 150 acres enrolled in the permanent Wetlands Reserve Program. In addition, there are 6 acres of grassland and 4 acres of public road right of way. The Wetlands Reserve easement land is seeded to native prairie grasses and includes wetland slough areas. The property has no building improvements. County roads front along the west and south boundaries of the tract.

Purpose: This tract will provide diversity for several habitat types to manage for potential additional wetland restoration and additional recovery of native prairie species. The property will provide public access to hunting and other outdoor recreation opportunities.

DNR Property Manager: Wildlife Bureau

Funding Source(s): Prairie Lakes 7 NAWCA (Federal)

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

2. Volga River Wildlife Management Area, Clayton County – Iowa Natural Heritage Foundation

The Natural Resource Commission’s approval is requested to purchase a tract of land located in Clayton County adjacent Volga River Wildlife Management Area (WMA).

Seller: Iowa Natural Heritage Foundation

Acreage: 22 acres

DNR Purchase Price: \$79,740

Appraised Price: \$79,740

Property Description: This property is located approximately one mile east of Volga in west central Clayton County. The near level tract consists of 10 acres of timber, 8 acres of grassland enrolled in CRP, and 4 acres of river. Most of the tract is positioned within the 100-year floodplain. The Volga River runs approximately 2000 feet through the tract. There are no building improvements. Access to the property is provided by an easement extending from a county road south of the south boundary, as well as adjacent to state-owned land.

Purpose: This acquisition is part of an on-going effort to protect the Volga River riparian area and forest management for Species of Greatest Conservation Need. The property will provide public access to hunting and other outdoor recreation opportunities.

DNR Property Manager: Wildlife Bureau

Funding Source(s): Pittman-Robertson (Federal)

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

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
May 10, 2018

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

#12

Information Item

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
3/29/18	18-01-32-02 Wildlife	Ingham- High HQ	Emmet	Restore/create two wetland pool areas.	\$12,000	\$7,975.00 \$9,500.00 \$9,916.10 \$11,180.00 \$12,759.00 \$17,250.00
4/5/18	18-05-04-08 Fisheries	Rathbun Fish Hatchery	Appanoose	Construct a fiberglass work platform to support aquaculture tanks and equipment.	\$25,000	\$22,703.00 \$23,680.00 \$29,000.00 \$40,835.00
4/12/18	18-04-39-01 Parks	Springbrook State Park	Guthrie	Remove and replace 4,260 SF of asphalt shingle roofing and gutter and downspouts on the park shop/office.	\$25,000	\$22,346.00
4/12/18	17-01-81-05 Fisheries	Black Hawk Lake	Sac	Remove and replace existing fish cleaning station at the boat ramp.	\$55,000	\$48,325.00 \$57,349.40 \$66,275.00
4/12/18	18-03-96-04	Decorah Fish Hatchery	Winneshiek	Upgrade office and house electrical service.	\$8,000	\$4,000.00 \$4,675.00 \$4,950.00 \$12,470.00

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
May 10, 2018

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

#13

Decision Item

Amend Clean Water State Revolving Fund Loan (SRF) and Disbursement Agreement with Iowa Finance Authority – Geode State Park

The Commission is requested to adopt a resolution approving and authorizing the Department to amend its current \$1,025,000 loan and disbursement agreement for Geode State Park to include funding for a water resource restoration sponsored project by and between the Iowa Finance Authority, and authorizing and providing for the continuation of a lien upon the State Conservation Fund to secure payment thereof (Code of Iowa Section 456.17A).

Amended Loan Terms:

Amended Loan Amount: \$840,318.94

Interest Rate Effective June 1, 2018: 0.75% plus .25% Annual Servicing Fee

Maturity Date: June 1, 2034

Funding Source: State Conservation Fund

Loan Purpose: Since 1996, the Natural Resource Commission has approved resolutions authorizing the Director to enter into four State Revolving Fund (SRF) loan agreements through the Iowa Finance Authority in the principal amounts of \$796,000, \$1,554,000, \$1,568,000 and \$1,025,000 for the purpose of defraying the costs of construction of wastewater treatment improvements in state park facilities. The loans are payable over 20 years from a ten percent lien on State Conservation Fund receipts.

The SRF loan agreement to be amended was for \$1,025,000 in reference to a Geode State Park construction project for the conversion of a single cell waste treatment lagoon to a two cell controlled discharge lagoon that was brought before, and approved by, the Commission in December 2014. The DNR has been working with the Natural Resources Conservation Service and Iowa Department of Agriculture to install Best Management Practices (BMPs) addressing nonpoint source water quality issues on state property which qualifies for sponsored project funding in conjunction with the existing SRF loan. For this funding, the overall interest rate on the principal borrowed is reduced so that no more is paid than would have been paid just for the wastewater project. In essence two water quality projects are accomplished for the cost of one. The amount available for sponsored project funding is determined based on the outstanding balance of principal owed on the wastewater loan.

In February 2016, the Commission approved a \$178,000 contract for Project # 16-06-44-02 for the repair or construction of six sediment basins in the Lake Geode watershed. This project was approved for SRF water resource restoration funding, in conjunction with Lake Restoration. The amount of SRF funding available is \$66,000 to be added to the \$774,318.94 borrowed for the wastewater project, for an amended SRF loan amount of \$840,318.94. Effective June 1, 2018, the current interest rate of 1.75% will be reduced to 0.75% for the outstanding loan balance.

Todd Coffelt, State Parks Bureau Chief
Conservation and Recreation Division
May 10, 2018

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

#14

Decision Item

Chapter 27 – Land and Water Conservation Fund, City and County Grant Recommendations

The Commission is requested to approve the ranking of the project applications for the Land and Water Conservation Fund (LWCF) Program, City and County Grants, and award grants to applicants in that ranked order and as funds are available. The Land and Water Conservation Fund is a federal fifty percent cost share grant program. The funds may be used by Iowa's cities and counties for outdoor recreation projects and is governed by program rules adopted in Chapter 27 of the Iowa Administrative Code.

Grant Purpose: The Land and Water Conservation Fund is a federally funded program for cities and counties in Iowa to assist with planning, acquisition and development of outdoor recreation. The scoring criteria established in Chapter 27 include:

- Relationship to SCORP priorities (Statewide Comprehensive Outdoor Recreation Plan),
- Direct recreation benefits provided,
- Local need, and
- Quality of the site.

In addition, the committee awarded bonus and penalty points, also as established by rule, based on criteria such as: level of prior assistance from the LWCF, special features for the elderly and handicapped; minority populations served, degree of public participation and support, recycled content material use, and level of planning that has preceded the application for a LWCF grant.

Funding Source: U.S. Department of the Interior distributes the LWCF grant funds after their budget is approved, which is usually by the fall of the year.

Grant Funding Available: Based on historic data, it is anticipated that Iowa's apportionment will be approximately \$800,000

Summary of Selection Process: As directed by criteria under Chapter 27, the grant review and selection committee met on April 23, 2018, to evaluate and score applications and to provide recommendations for the grant awards.

Selection Committee Members: The review and selection committee consisted of five members:

- Iowa Association of County Conservation Boards (1)
- Iowa Parks and Recreation Association (1)
- DNR (3)

Number of Applications Received: 10

Recommendations: The Committee requests that the Commission approve the proposed rankings and fund the projects in the order they are listed as funds are available.

Rank	Score	Grant Applicant	Project	Total Project Cost	Grant Amount Requested
1	72	City of Laurens	Pocahontas County Trail Phase I-Prairie Park Trail	\$757,319	\$60,000
<p><i>This project is for the acquisition and development of an approximately 2.2 mile trail corridor in northwest Laurens. The proposed trail will connect to the existing 1.6 mile trail located in the southeast section of the City. Both the proposed and existing trails, together known as the Prairie Park Trail, are part of the larger Pocahontas County Trails Master Plan which seeks to connect the existing Three Rivers Trail in eastern Pocahontas County to the western border. This is Phase One.</i></p>					
2	70	City of Mason City	Mason City Highline Trail-Acquisition of Union Pacific Railroad Property	\$1,700,000	\$150,000
<p><i>The City has partnered with the Iowa Natural Heritage Foundation (INHF) to acquire unused railroad property from Backtrack Inc. and the Union Pacific Railroad (UPRR) for the purpose of creating an approximate 5 mile off-street trail from 19th St. SE to County Rd B-20. The City will purchase the Backtrack segment outright. INHF will purchase the UPRR property and hold it in trust; this application requests funding to assist with the purchasing of the UPRR property from INHF.</i></p>					
3	66	O'Brien County Conservation Board	Douma Park Campground Upgrade	\$244,000	\$122,000
<p><i>This project will redesign the campground at Douma Park resulting in fourteen campsites upgraded for modern recreational vehicles. All sites will include cement pads, rural water, and electricity. Half of the sites will include sewer hookups. A modern shower building will replace the existing pit toilet. A dump station will be added. Internet service will be installed for camper use and security cameras. Green space will be added by removing scrub trees. Shoreline access for anglers will be increased.</i></p>					
4	65	Winneshiek County Conservation Board	Neste Valley Recreation Area Development	\$354,086	\$125,000
<p><i>Neste Valley Recreation Area is a newly purchased property slated to become a regional destination park. Future development plans include a campground, a welcome center with interpretive exhibits, an outdoor agricultural museum, and a regional bike trail. This grant addresses fundamental and crucial first steps in converting this farm into a park. Constructing a public roadway and parking area, as well as an initial campground infrastructure, roadways and camping spurs.</i></p>					
5	64	Black Hawk County Conservation Board	Hickory Hills Park Electrical upgrades	\$81,073	\$40,000
<p><i>Phase I of this project involves installing new, larger gauge electric wire, 200 amp entrance breakers; install twenty eight 50 amp electric boxes, and transform fifteen campsites that are too short for new campers into eight pull-through sites. When completed, twenty eight campsites will have new electric service.</i></p>					
6	63	Hamilton County	Briggs Woods Campground Renovation	\$160,000	\$80,000
<p><i>Campground renovation includes the development of at-grade level campsites with a gravel base and ADA accessibility, new electric pedestals with GFI 20, 30 and 50 amp service, new water service at each renovated site, new fire rings and registration pedestals.</i></p>					

7	60	City of Lamoni	Lamoni Recreational Trail Extension	\$87,000	\$43,500
<p><i>The Lamoni Recreational Trails Commission, assisted by Trees Forever, prepared a long-range community trails plan. The plan included developing a nine hundred foot trail extension from the existing trail across the dam and spillway of Home Pond, providing a loop option for trail users and improving trail connectivity and safety. The extension allows for a view of the locations' scenic beauty, pond, wildflowers, trees, and wildlife. Grant funds will be used to build the trail and install a bridge.</i></p>					
8	60	City of Bellevue	Cole Park Playground Project	\$250,000	\$75,000
<p><i>The City of Bellevue's Cole Park is an active 7.8 acre Park that lies in the heart of Bellevue and hosts a variety of events and recreational activities. The playground project will replace a thirty year old playground structure with new Miracle equipment. The project will improve handicap accessibility; install two age split structures, swings, a ten-spin, and a poured rubber surfacing.</i></p>					
9	60	Marion County Conservation Board	Roberts Creek Park, East Campground Renovation	\$87,279	\$43,640
<p><i>The campground renovation will reduce the number of existing campsites from fifty to twenty eight, increasing the distance between sites to an average of sixty feet, install 20/30/50 amp electric service, water spigots and sewer drops to make all new sites full service hookup. Landscaping between sites will consist of various trees and shrubs to provide screening and privacy between sites.</i></p>					
10	53	City of Avoca	Rock Island RR Trail	\$229,523	\$75,000
<p><i>In 2017, the City of Avoca acquired a thirty five hundred foot section of abandoned railroad from Hawkeye Land Corporation. This section of railroad ROW had long-been planned for acquisition and development for a trail. An additional one thousand three hundred and seventy five feet of trail will need to be constructed in order to connect the railroad ROW trail to the City's existing trail network. The City proposes to construct a total of four thousand eight hundred seventy five feet of trail.</i></p>					

Todd A. Coffelt, State Parks Bureau Chief
Conservation and Recreation Division
May 10, 2018

Iowa Department of Natural Resources
Natural Resource Commission

#15

Decision Item

Chapter 47, Snowmobiles – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action – Chapter 47, “Snowmobiles” The Department has completed the initial steps in Executive Order 71 prior to submitting the Notice of Intended Action.

Basic Intent of Current Rule: Chapter 47 sets regulations on the registry and titling of snowmobile, on dealerships that sell snowmobiles, and on the use of registration fees in cost-sharing program created by Iowa Code section 321G.7.

Proposed Rule Change: This Notice of Intended Action is to rescind Division III of Chapter 47. In 2017, the Iowa Legislature amended Iowa Code section 321G.7(2) by increasing the percentage of snowmobile registration fees that could be used to develop, maintain, or improve snowmobile areas and trails from 50% of the fees to 70% of the fees. This revised distribution necessarily increases the DNR’s work load associated with implementing such grants, contracts, and cost-share programs. With this increase in funding, the DNR and the Iowa State Snowmobile Association (ISSA) agreed for the ISSA to play a larger role in the management of the funds gathered from snowmobile registration fees. This benefits both parties by enabling the Department to focus its limited resources on other administrative and enforcement matters, while empowering the ISSA to foster a more active snowmobile community within the state. With this agreement, Division III of Chapter 47, the cost share program, becomes unnecessary and the DNR proposes the rules under Division III be rescinded.

DNR and ISSA have partnered in providing a snowmobile program in Iowa for over 40 years. ISSA has been an integral part in evaluating and recommending grant awards, assignment and purchase of equipment, and trail management. They have also been awarded and managed grants in compliance with IAC Chapter 47.

Jeff Swearngin, Law Enforcement Bureau Chief
Conservation and Recreation Division
May 10, 2018

Attachment: Chapter 47, “Snowmobiles” – NOIA

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

The Natural Resource Commission hereby proposes to adopt rule 571-47.10(321G) and rescind rule 571-47.30(321G) through rule 571-47.47(321G), Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in sections 455A.5(6), 321G.2(1)“e”, and 321G.7(2) of the Iowa Code.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455A.5(6), 321G.2(1)“e”, and 321G.7.

Purpose and Summary

Iowa Code section 321G.7(2) requires that at least 70% of Iowa’s snowmobile registration funds be used on grants, subgrants, contracts, or cost-share programs in support of Iowa’s snowmobile programs. These funds are available for political subdivisions and incorporated private organizations. Prior to 2017, only 50% of registration funds were required to be used in such a manner, but the

amount was increased by the 87th General Assembly in Senate File 472, signed by Governor Branstad on April 12, 2017. This enlargement necessarily increases the Iowa Department of Natural Resources' (Department) work load associated with implementing such grants, contracts, and cost-share programs. After the passage of the bill, the Department and the Iowa State Snowmobile Association (ISSA) mutually agreed to transfer these monies to ISSA via contract so that ISSA rather than the Department may distribute the funds consistent with the statutory directive. This benefits both parties by enabling the Department to focus its limited resources on other administrative and enforcement matters, while empowering the ISSA to foster a more active snowmobile community within the state. The parties signed the contract on September 5, 2017 specifying the requirements in law for these registration funds.

Chapter 47 contains the rules for registering, operating, and selling snowmobiles in the state. Two amendments are proposed for the chapter. First, rule 47.10 is being added to make clear that at least seventy percent of snowmobile fees will be transferred via contract to a political subdivision or incorporated private organization for use consistent with Iowa Code section 321G.7(2). The new rule also outlines the minimum terms such a contract shall always contain to ensure the statutorily-mandated grants and cost-share programs are being implemented and to ensure that these public funds are subject to regular accounting and reporting. Second, the Commission's snowmobile registration revenue grant program rules contained in Division III are being rescinded. These rules are no longer necessary since ISSA shall be administering the program.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa. The funds used in the snowmobile registration revenue grant program have not changed because of the proposed amendments.

Jobs Impact

The proposed amendments will have a neutral impact on private sector jobs in the state.

Waivers

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 Department for a waiver of the discretionary provisions, if any, pursuant to chapter 561-10 of the Iowa Administrative Code.

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 June 26, 2018. Comments should be directed to:

Rhonda Fowler
502 9th St. Wallace State Office Building
Des Moines, IA 50319
(515) 725-8490
rhonda.fowler@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held on June 26, 2018 at the following address:

Iowa DNR
502 9th St. Wallace State Office Building
Des Moines, IA 50319

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. Adopt the following **new** rule 571—47.10(321G):

571—47.10(321G) Snowmobile fee grants, cost-share programs, and contracts - implementation.

The department shall transfer, via contract, at least seventy percent of snowmobile fees to a political subdivision or an incorporated private organization for distribution through snowmobile-related grants, cost-share agreements, or contracts consistent with Iowa Code section 321G.7(2). Terms of this contract shall, at a minimum, direct the receiving party to identify and make publically available grant, cost-share program, and contract eligibility and selection criteria; accounting, auditing, and reporting requirements; termination terms; and unspent money repayment processes. Any contract entered into pursuant to this rule shall be available on the department's website or upon request from department snowmobile program staff.

This rule is intended to implement Iowa Code section 321G.7(2).

ITEM 2. Rescind and reserve rule **571—47.30(321G)** through rule **571—47.47(321G)**, Division III, "Snowmobile Registration Revenue Cost-Share Program."

Iowa Department of Natural Resources
Natural Resource Commission

#16

Information Item

Chapter 94, “Non-Resident Deer Hunting” and Chapter 106, “Deer Hunting by Residents”– Final Rules

The Commission is requested to approve Final Rules – Chapter 94, “Non-Resident Deer Hunting” and Chapter 106, “Deer Hunting by Residents.”

Chapter 94, Non-Resident Deer Hunting:

Basic Intent of Rule: Chapter 94 sets regulations for deer hunting by non-residents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

All Chapter 94 method of take rules are amended to reference the Chapter 106 method of take rules. This ensures consistency in the rules and will avoid the need to amend both chapters in the future. The Chapter 94 nonresident license quotas for any-deer and mandatory antlerless licenses are lowered in Zones 1, 2, and 10 and raised in Zone 9. These quota changes are intended to stabilize a declining deer population in the northwest area of the state, similar to the changes described for Chapter 106 below.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC#3731C. A public hearing was held on May 1, 2018. In total, 3,245 comments were received. Of the total comments, 98.4% addressed three subjects: opposed to a round limitation (1,161), opposed to language defining firearm types (1,137), and in favor of youth handgun use for deer hunting (895). The remaining 1.6% of the comments covered 14 different subjects relating to deer hunting.

Changes from NOIA: None

Effective Date of Final Rule: July 11, 2018

Chapter 106, Deer Hunting by Residents:

Basic Intent of 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, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

Several of the amendments to Chapter 106 involve reestablishment of a January antlerless-deer-only season in Allamakee, Appanoose, Clayton, and Wayne counties and define license requirements, season dates, bag limits, and method of take. This season is coupled with increased county quotas and is targeted at slowing the spread of Chronic Wasting Disease (CWD) in the four counties.

Modifications to the resident antlerless deer county quotas are made to Allamakee, Appanoose, Bremer, Butler, Clayton, Fayette, Madison, Wayne, and Winneshiek counties. With the exception of Bremer County, all quotas are increased in order to reduce deer densities for disease control or to alleviate negative human-deer interactions. The quota in Bremer County is decreased modestly as a

first attempt to stabilize a healthy local population. Statewide, the overall quota change is an increase of 1,550.

Clarifications are made to the definition of a legal handgun and to the legal calibers for SWC rifles. These clarifications will ensure hunters can determine what firearms are legal methods of take for deer hunting in this state. These definitions apply only to the firearms that may be used while deer hunting, and have no bearing on or relevance to other firearm laws. This rule also removes handguns from the late muzzleloader season to restore the original intent of the season.

Lastly, there are general organization and clarification changes made in Chapter 106. For example, in subrule 106.1(9), two references to an earlier Iowa Acts are changed to reflect that this law has been codified as Iowa Code section 483A.8C.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC#3731C. A public hearing was held on May 1, 2018. In total, 3,245 comments were received. Of the total comments, 98.4% addressed three subjects: opposed to a round limitation (1,161), opposed to language defining firearm types (1,137), and in favor of youth handgun use for deer hunting (895). The remaining 1.6% of the comments covered 14 different subjects relating to deer hunting.

Changes from NOIA: The six cartridge limit proposed for 106.7(2) is withdrawn. Additionally, the language in 106.7(2)“c”(2) is modified to more closely follow Iowa Code 481A.48(5).

Effective Date of Final Rule: July 11, 2018

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation Division
May 10, 2018

Attached: Chapter 94, “Non-Resident Deer Hunting” and Chapter 106, “Deer Hunting by Residents” – Final Rules

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

The Natural Resource Commission hereby amends Chapter 94, “Nonresident Deer Hunting,” and Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.38(1)“a,” 481A.39, 481A.48(1), 481A.48(5) and 481A.48(6).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 481A.38(1)“a,” 481A.39, 481A.48(1), 481A.48(5), and 481A.48(6).

Purpose and Summary

Chapter 94 provides rules for deer hunting by nonresidents and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. Chapter 106 provides rules 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, and transportation and reporting requirements.

Chapter 94

All of the rules regarding method of take in Chapter 94 are amended to reference the method of take rules in Chapter 106. This will ensure consistency in the rules and to avoid the need to amend both chapters in the future when changes apply to both chapters.

Nonresident license quotas for any-sex and mandatory antlerless licenses in Chapter 94 are decreased in Zones 1, 2, and 10 and increased in Zone 9. The changes in quotas are intended to stabilize a declining deer population in the northwest area of the state, similar to the changes in this rule making regarding Chapter 106. More specifically, both any-sex and mandatory antlerless license quotas are decreased from 180 to 90 in Zones 1 and 2 for all methods of take. Because Iowa Code section 483A.8(3)“b” requires that a nonresident who purchases an any-sex license must also purchase an antlerless license, the two licenses are necessarily paired in the regulations. This decrease results in a corresponding decrease in any-sex licenses for bow season from 63 to 31 because Iowa Code section 483A.8(3)“c” also requires that bow licenses not account for more than 35 percent of nonresident any-sex deer licenses available each year. Similarly, both any-sex and mandatory antlerless license quotas will be decreased from 200 to 100 in Zone 10 for all methods of take, resulting in a corresponding decrease in any-sex licenses available for bow season from 70 to 35. Finally, both any-sex and mandatory antlerless license quotas are increased from 600 to 880 for all methods of take in Zone 9, resulting in an increase in any-sex licenses available for bow season from 210 to 308. The changes to the number of nonresident any-sex and mandatory antlerless licenses available in these four zones result in no net change to the number of nonresident any-sex and mandatory antlerless licenses available statewide.

Chapter 106

Several of the amendments to Chapter 106 involve reestablishment of a January antlerless-deer-only season in Allamakee, Appanoose, Clayton, and Wayne counties and define license requirements, season dates, bag limits, and means and method of take. This season is coupled with increased county quotas and is targeted at slowing the spread of chronic wasting disease (CWD) in the four counties.

Modifications to the resident antlerless deer county quotas are made to Allamakee, Appanoose, Bremer, Butler, Clayton, Fayette, Madison, Wayne, and Winneshiek counties. With the exception of Bremer County, all quotas are increased in order to reduce deer densities for disease control or to alleviate negative human-deer interactions. The quota in Bremer County is decreased modestly as a first attempt to stabilize a healthy local population. Statewide, the overall quota change is an increase of 1,550.

Clarifications are made to the definition of a legal handgun and to the legal calibers for SWC rifles. These clarifications will ensure that hunters can determine what firearms are a legal method of take for deer hunting in this state. These definitions apply only to the firearms that may be used while deer hunting and have no bearing on or relevance to other firearms laws. This rule making also removes handguns as a method of take from the late muzzleloader season to restore the original intent of the season.

Lastly, general organization and clarification changes are made in Chapter 106. For example, in subrule 106.1(9), two references to 2009 Iowa Acts are being updated to reflect codification as Iowa Code section 483A.8C.

Public Comment and Changes to Rule Making

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC#3731C. A public hearing was held on May 1, 2018. In total, 3,245 comments were received. Of the total comments, 98.4% addressed three subjects: opposed to a round limitation (1,161), opposed to language defining firearm types (1,137), and in favor of youth handgun use for deer hunting (895). The remaining 1.6% of the comments covered 14 different subjects relating to deer hunting.

Adoption of Rule Making

This rule making was adopted by the Natural Resource Commission on May 16, 2018.

Fiscal Impact

This rule making should not result in any negative fiscal impact to the State. Deer hunting has been relatively constant in Iowa for many years, and none of the changes will substantially alter hunters' ability to purchase tags and pursue deer. The Commission expects a very minor increase in license sales with only 1,550 additional tags being available statewide (many of which will be free or low-cost (\$10) tags). The Commission is not aware of any fiscal impact of this rule making on the general public, counties or local governments. A copy of the fiscal impact statement is available upon request from the Department.

Jobs Impact

After analysis and review of this rule making, the Commission has determined that there should not be a noticeable change overall in deer hunting in the state based upon the rule making. The adopted quotas are

designed to keep deer numbers stable in the identified counties and will not significantly alter license sales overall. The following types of jobs are positively impacted by deer hunting in Iowa generally and should see no noticeable change due to this rule making: hunting equipment retailers (firearms, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state. A copy of the jobs impact statement is available upon request from the Department.

Waivers

This rule is subject to the waiver provisions of 561—Chapter 10. 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 Department for a waiver of the discretionary provisions, if any.

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).

Effective Date

This rule making will become effective on July 11, 2018.

The following rule-making action is adopted:

ITEM 1. Amend subrule 94.6(1) as follows:

94.6(1) Zone license quotas. Nonresident license quotas are as follows:

	Any-deer <u>Any-sex</u> licenses		Mandatory Antlerless- only	Optional Antlerless- only
	All Methods	Bow		
Zone 1.	180 <u>90</u>	63 <u>31</u>	180 <u>90</u>	
Zone 2.	180 <u>90</u>	63 <u>31</u>	180 <u>90</u>	
Zone 3.	560	196	560	
Zone 4.	1280	448	1280	
Zone 5.	1600	560	1600	
Zone 6.	800	280	800	
Zone 7.	360	126	360	
Zone 8.	240	84	240	
Zone 9.	600 <u>880</u>	210 <u>308</u>	600 <u>880</u>	
Zone	200	70 <u>35</u>	200 <u>100</u>	

	Any-deer <u>Any-sex</u> licenses		Mandatory Antlerless- only	Optional Antlerless- only
	All Methods	Bow		
10.	<u>100</u>			
Total	6000	2100 <u>2099</u>	6000	3500

ITEM 2. Rescind rule 571—94.7(483A) and adopt the following new rule in lieu thereof:

571—94.7(483A) Method of take. Permitted weapons and devices vary according to the type of season.

94.7(1) Bow season. Bow season is as described in 571—subrule 106.7(1).

94.7(2) Regular gun seasons. Regular gun seasons are as described in 571—subrule 106.7(2).

94.7(3) Muzzleloader seasons. Muzzleloader seasons are as described in 571—subrule 106.7(3).

94.7(4) Prohibited weapons and devices. Prohibited weapons and devices are as described in 571—subrule 106.7(6).

94.7(5) Discharge of firearms from roadway. Discharge of firearms from roadway is as described in 571—subrule 106.7(7).

94.7(6) Hunting from blinds. Hunting from blinds is as described in 571—subrule 106.7(8).

ITEM 3. Amend subrule 106.1(6) as follows:

106.1(6) January antlerless-deer-only licenses. ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ Only antlerless-deer-only licenses, paid or free, will be issued for the January antlerless-deer-only season. Free antlerless-deer-only licenses shall be available only in the portion of the farm unit located in a county where paid antlerless-deer-only licenses are available during the January antlerless-deer-only season.

ITEM 4. Amend subrule 106.1(9) as follows:

106.1(9) ~~Nonambulatory deer~~ Deer hunting licenses for nonambulatory persons. The commission shall issue licenses in conformance with ~~2009 Iowa Acts, Senate File 187~~ Iowa Code section 483A.8C. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant is nonambulatory using the criteria listed in ~~2009 Iowa Acts, Senate File 187~~ Iowa Code section 483A.8C(4). A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

ITEM 5. Amend subrule 106.2(5) as follows:

106.2(5) January antlerless-deer-only season. ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ Antlerless deer may be taken from January 11 through the third Sunday after that date.

ITEM 6. Amend subrule 106.4(5) as follows:

106.4(5) January antlerless-deer-only season. ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ The daily bag and possession limits and tagging requirements are the same as for the regular gun seasons.

ITEM 7. Amend subrule 106.6(4) as follows:

106.6(4) January antlerless-deer-only licenses. ~~Rescinded IAB 8/6/14, effective 9/10/14.~~ Licenses for the January antlerless-deer-only season shall be available in the following counties: Allamakee, Appanoose, Clayton, and Wayne. Prior to December 15, a hunter may purchase up to three January antlerless-deer-only licenses. Beginning December 15, an unlimited number of paid antlerless-deer-only licenses may be purchased for the January antlerless-deer-only season until the antlerless-deer-only quota as described in 106.6(6) is met in the aforementioned counties. These licenses may be obtained regardless of any other paid any-sex or paid antlerless-deer-only licenses that may have been obtained.

ITEM 8. Amend subrule 106.6(6) as follows:

106.6(6) Antlerless-deer-only licenses. Paid antlerless-deer-only licenses will be available by county ~~for the 2017–2018 deer season~~ as follows:

County	Quota	County	Quota	County	Quota
Adair	1025	Floyd	0	Monona	850
Adams	1450	Franklin	0	Monroe	1950
Allamakee	3600 <u>3700</u>	Fremont	400	Montgomery	750
Appanoose	1800 <u>2400</u>	Greene	0	Muscatine	775
Audubon	0	Grundy	0	O'Brien	0
Benton	325	Guthrie	1950	Osceola	0
Black Hawk	0	Hamilton	0	Page	750
Boone	300	Hancock	0	Palo Alto	0
Bremer	650 <u>500</u>	Hardin	0	Plymouth	0
Buchanan	300	Harrison	850	Pocahontas	0
Buena Vista	0	Henry	925	Polk	1350
Butler	0 <u>150</u>	Howard	350	Pottawattamie	850
Calhoun	0	Humboldt	0	Poweshiek	300
Carroll	0	Ida	0	Ringgold	1600
Cass	400	Iowa	450	Sac	0
Cedar	775	Jackson	825	Scott	200
Cerro Gordo	0	Jasper	775	Shelby	0
Cherokee	0	Jefferson	1650	Sioux	0
Chickasaw	375	Johnson	850	Story	150
Clarke	2100	Jones	800	Tama	200
Clay	0	Keokuk	450	Taylor	1600
Clayton	3400 <u>3600</u>	Kossuth	0	Union	1500
Clinton	400	Lee	1275	Van Buren	2000
Crawford	0	Linn	850	Wapello	1825
Dallas	1875	Louisa	675	Warren	2200
Davis	1600	Lucas	2200	Washington	750

County	Quota	County	Quota	County	Quota
Decatur	2200	Lyon	0	Wayne	2200 <u>2400</u>
Delaware	800	Madison	2350 <u>2600</u>	Webster	0
Des Moines	800	Mahaska	475	Winnebago	0
Dickinson	0	Marion	1650	Winneshiek	2275 <u>2375</u>
Dubuque	825	Marshall	150	Woodbury	625
Emmet	0	Mills	750	Worth	0
Fayette	1800 <u>1900</u>	Mitchell	0	Wright	0

ITEM 9. Amend subrule 106.7(1) as follows:

106.7(1) Bow season. Only longbow, compound, or recurve bows shooting broadhead arrows are permitted during the bow season. Arrows must be at least 18 inches long.

a. Crossbows, as described in 106.7(1)“b,” may be used during the bow season in the following two situations:

(1) By persons with certain afflictions of the upper body as provided in ~~571—15.5(481A)~~ 571—15.22(481A); and

(2) By persons over the age of 70 with an antlerless-deer-only license as provided in Iowa Code section ~~483A.8A~~ 483A.8B.

b. Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical trigger and a working safety. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead.

~~*b-c.*~~ No explosive or chemical devices or device may be attached to the any arrow, broadhead or bolt (if used with a crossbow).

ITEM 10. Amend subrule 106.7(2) as follows:

106.7(2) Regular gun seasons. Only 10-, 12-, 16-, and 20-gauge shotguns shooting single slugs, and straight wall cartridge rifles, as described in 106.7(2)“a” and “b,” muzzleloaders as described in 106.7(3), and handguns as described more fully in 106.7(3), will be permitted for taking in 106.7(2)“c” to “e” shall be used to take deer during the regular gun seasons.

a. Legal straight wall cartridge rifle calibers for hunting deer in Iowa must meet all of the following criteria:

(1) Be center-fired;

(2) Be straight-walled;

(3) Have a diameter of 0.357 inches to 0.500 inches;

(4) Have a case length no greater than 1.800 inches; and

(5) For rimless cartridges, have a case length of no less than 0.850 inches, and for rimmed cartridges, have a case length of no less than 1.285 inches.

b. Notwithstanding 106.7(2)“a,” the following calibers are considered legal straight wall cartridge rifle calibers:

(1) .375 Winchester;

(2) .444 Marlin; or

(3) .45-70 Gov't.

c. Legal centerfire handguns for hunting deer in Iowa must meet all of the following criteria:

(1) Have a 4-inch minimum barrel length;

(2) Have no shoulder stock or long barrel modifications;

(3) Be designed to be shot with one hand using a pistol grip and have either:

1. A cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer; or

2. A magazine feeding a single chamber integral with the barrel and using either the action of a slide or a bolt action to eject the casing, or having a break action capable of only holding one round.

d. Legal centerfire handgun calibers for hunting deer in Iowa must meet all of the following criteria:

(1) Be center-fired;

(2) Be straight-walled;

(3) Have a diameter of 0.357 inches to 0.500 inches;

(4) Have a case length no greater than 1.800 inches; and

(5) For rimless cartridges, have a case length of no less than 0.850 inches, or for rimmed cartridges, have a case length of no less than 1.285 inches.

e. Notwithstanding 106.7(2)“d,” the following calibers are considered legal centerfire handgun calibers:

(1) .375 Winchester;

(2) .444 Marlin; or

(3) .45-70 Gov't.

ITEM 11. Amend subrule 106.7(3) as follows:

106.7(3) Muzzleloader seasons. Only muzzleloading rifles and muzzleloading pistols will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloading rifle, muzzleloading pistol, ~~centerfire handgun,~~ crossbow as described in 106.7(1)“b,” or bow as described in 106.7(1).

a. Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 caliber and not larger than .775 caliber, shooting single projectiles only.

~~b. Centerfire handguns must be .357 caliber or larger shooting straight wall cartridges propelling an expanding type bullet (no full metal jacket) and complying with all other requirements provided in Iowa Code section 481A.48. In addition, centerfire handguns must be designed to be shot with one hand using a pistol grip and have either:~~

~~(1) A cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer; or~~

~~(2) A magazine feeding a single chamber integral with the barrel and using either the action of a slide or a bolt action to eject the casing, or having a break action capable of only holding one round.~~

~~c. b. Muzzleloading pistols must be .44 caliber or larger, shooting shoot single projectiles only, and have a 4-inch minimum barrel length.~~

~~d. Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical trigger and a working safety. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead.~~

~~e. Legal handgun calibers for hunting deer in Iowa are listed in the department of natural resources' hunting and trapping regulations booklet published each summer and adopted by reference herein. Centerfire handguns and black powder handguns must have a 4-inch minimum barrel length, and centerfire handguns shall not have any parts that extend beyond the back of the pistol grip. There can be no shoulder stock or long barrel modifications to any handgun.~~

ITEM 12. Amend subrule 106.7(5) as follows:

106.7(5) January antlerless-deer-only season. Rescinded IAB 8/6/14, effective 9/10/14. Bows, crossbows, shotguns, muzzleloaders, and handguns as described in this rule, and centerfire rifles .24 caliber or larger, may be used during the January antlerless-deer-only season.

ITEM 13. Amend subrule 106.7(6) as follows:

106.7(6) *Prohibited weapons and devices.* The use of dogs, domestic animals, bait, rifles other than muzzleloaded or straight wall cartridge as provided in 106.7(2), 106.7(3), 106.7(5), and 106.10(5), handguns except as provided in 106.7(2) and ~~106.7(3)~~ 106.7(5), crossbows except as provided in 106.7(1) and 106.7(3), automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. “Bait” means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait does not include food placed during normal agricultural activities. “Paraplegic” means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.7(2), 106.7(3), 106.7(5), and 106.10(5). A person in possession of a valid permit to carry weapons may carry a handgun while hunting. However, only ~~the handguns listed as described in 106.7(3) shall~~ 106.7(2) may be used to hunt deer and only when a handgun is a lawful method of take.

Iowa Department of Natural Resources
Natural Resource Commission

#17

Information Item

Chapter 98, “Wild Turkey Spring Hunting” and Chapter 99, “Wild Turkey Fall Hunting” – Final Rules

The Commission is requested to approve the Final Rules – Chapter 98, “Wild Turkey Spring Hunting”, and Chapter 99, “Wild Turkey Fall Hunting.”

Chapter 98, Wild Turkey Spring Hunting:

Basic Intent of Rule - Chapter 98 sets regulations for spring turkey hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

The NOIA proposed the following amendments:

1. The shotgun shot sizes approved for hunting wild turkey are out of date with what is available on the market, so the ammunition lists for both residents and nonresidents are updated.
2. The start of the first shotgun-and-archery season for spring wild turkey is pushed back by several days and permanently established in narrative form (“second Monday of April”).
3. The youth-only season is reduced from nine days to three days because, by law, youth are now able to hunt with an unfilled youth license and tag during any remaining spring wild turkey hunting season in the year the youth license was issued. In other words, this reduction does not limit youth opportunity, and enables an earlier start to the first shotgun-and-archery season. See IOWA CODE § 483A.7(4). Furthermore, the youth-only season had long been three days, but was expanded in 2011 to afford youths more opportunity. Subsequently, in 2014 the Iowa Code was amended to allow unfulfilled youth licenses and tags to be valid in any other season, rendering the need for a longer youth-only season unnecessary, as previously noted. Thus, this proposed rule change is a return to the original youth-only three-day season.
4. Code and rule references are updated to reflect current law.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC# 3729C. A public hearing was held on May 1, 2018, for these two rules. No one attended the public hearing and two comments were received during the open comment period. One comment was opposed to shortening the Youth Season and one comment was supportive of the proposed change.

Changes from NOIA: None

Effective Date of Final Rule: July 11, 2018

Chapter 99, Wild Turkey Fall Hunting:

Basic Intent of Rule - Chapter 99 sets regulations for fall turkey hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

NOIA Process: The Notice of Intended Action was approved by the NRC on 03/13/18.

Chapter 99 is amended to likewise adjust the approved shotgun shot sizes for hunting wild turkeys to

reflect the materials and sizes available on the current market. In addition, a code reference is updated to reflect current law.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC# 3729C. A public hearing was held on May 1, 2018, for these two rules. No one attended the public hearing and two comments were received during the open comment period. One comment was opposed to shortening the Youth Season and one comment was supportive of the proposed change.

Changes from NOIA: None

Effective Date of Final Rule: July 11, 2018

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation Division
May 10, 2018

Attached: Chapter 98, "Wild Turkey Spring Hunting" and Chapter 99, "Wild Turkey Fall Hunting" – Final Rules

NATURAL RESOURCE COMMISSION[571]
Adopted and Filed

The Natural Resource Commission hereby amends Chapter 98, "Wild Turkey Spring Hunting," and Chapter 99, "Wild Turkey Fall Hunting," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 481A.38, 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(1).

Purpose and Summary

Chapter 98 regulates spring wild turkey hunting for both residents and nonresidents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements.

Several changes to Chapter 98 are made. First, because the shotgun shot sizes approved for hunting wild turkey are out of date with shot types currently available on the market, the ammunition lists for both residents and nonresidents are being updated.

Second, the start of the first shotgun-and-archery season for spring wild turkey hunting is pushed back by several days and permanently established in narrative form ("second Monday of April").

Third, the youth-only season is reduced from nine days to three days because, pursuant to Iowa Code section 483A.7(4), youth are now allowed to hunt with an unfilled youth license and tag during any other established wild turkey season. In other words, this reduction does not limit youth opportunity and enables an earlier start to the first shotgun-and-archery season. Furthermore, the youth-only season had long been three days but was expanded in 2011 to afford youth more opportunity. Subsequently, in 2014 the Iowa Code was amended to allow unfilled youth licenses and tags to be valid in any other season, rendering the need for a longer youth-only season unnecessary, as previously noted. Thus, this proposed amendment is a return to the original youth-only, three-day season.

Finally, references to the Iowa Code and to Chapter 98 are updated to reflect current law.

Chapter 99 regulates fall wild turkey hunting for residents, and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements. (It should be noted that there is no fall wild turkey season for nonresidents in Iowa, except for nonresidents who are under 21 years old and have a severe physical disability or have been diagnosed with a terminal illness, as set forth in Iowa Code section 483A.24(12) and subrule 99.2(4)).

Chapter 99 is amended to adjust the approved shotgun shot sizes for hunting wild turkeys to reflect the materials and sizes available on the current market. This amendment is identical to that proposed in Chapter 98. In addition, an Iowa Code reference is updated to reflect current law.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 11, 2018, as ARC 3729C.

A public hearing was held on May 1, 2018 at 12 noon at Conference Room 4E of the Wallace State Office Building, Des Moines, Iowa.

No one attended the public hearing and two comments were received during the open comment period. One comment was opposed to shortening the Youth Season and one comment was supportive of the proposed change.

Adoption of Rule Making

This rule making was adopted by the Natural Resource Commission on May 16, 2018.

Fiscal Impact

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

Jobs Impact

After analysis and review of this rule making, the Commission does not expect any impact to private sector jobs as a result of this rule making, nor does the Commission expect any impact to wild turkey hunting participation or license sales. The following types of jobs are positively impacted by turkey hunting in Iowa generally and should see no noticeable change due to this rule making: hunting equipment retailers (firearms, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state. A copy of the jobs impact statement is available upon request from the Department.

Waivers

This rule is subject to the waiver provisions of 561—Chapter 10. 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 Department for a waiver of the discretionary provisions, if any.

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).

Effective Date

This rule making will become effective on July 11, 2018.

The following rule-making action is adopted:

ITEM 1. Amend subrule 98.2(1) as follows:

98.2(1) Permitted weapons. Wild turkey may be taken in accordance with the type of license issued as follows:

a. Combination shotgun-or-archery license. Wild turkey may be taken by shotgun or muzzleloading shotgun not smaller than 20-gauge and shooting only shot sizes ~~number 2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 lead or nontoxic shot~~; and by bow and arrow as defined in paragraph 98.2(1)"b." A person shall not have ~~shot shells~~ shotshells containing shot of any size other than ~~number 2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 lead or nontoxic shot~~ on the person while hunting wild turkey.

b. Archery-only license. Except for crossbows for persons with certain afflictions of the upper body, as provided in ~~571—15.5(481A)~~ 571—15.22(481A), only longbow, compound, or recurve bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. No explosive or chemical devices may be attached to the arrow, broadhead, or blunthead.

ITEM 2. Amend paragraph **98.2(4)"a"** as follows:

a. *Combination shotgun-or-archery licenses.* Consecutive seasons are 4, 5, 7, and 19 days, respectively, with the first season beginning on the second Monday ~~closest to~~ of April ~~15~~. These seasons shall be designated as seasons 1, 2, 3 and 4, respectively.

ITEM 3. Amend subrule 98.6(2) as follows:

98.6(2) Youth season dates. The youth turkey hunting license shall be valid during the ~~nine~~ three days immediately before the first turkey season. A person who is issued a youth spring wild turkey hunting license and does not take a wild turkey during the youth spring wild turkey hunting season may use the wild turkey hunting license and unused tag during any remaining spring wild turkey hunting season in the year in which the youth license was issued.

ITEM 4. Amend subrule 98.9(5) as follows:

98.9(5) Special licenses. The commission shall issue licenses in conformance with Iowa Code section ~~483A.24(10)~~ 483A.24(12) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

ITEM 5. Amend subrule 98.12(1) as follows:

98.12(1) Permitted weapons. Wild turkey may be taken only with shotguns and muzzleloading shotguns not smaller than 20-gauge and shooting only shot sizes ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, and through 8 lead or nontoxic shot.~~ No person may have ~~shot shells~~ shotshells containing shot of any size other than ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 lead or nontoxic shot~~ on the person while hunting wild turkey. Except for crossbows for persons with certain afflictions of the upper body, as provided in ~~571—15.5(481A)~~ 571—15.22(481A), only longbow, compound, or recurve bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. No explosive or chemical devices may be attached to the arrow, broadhead, or blunthead.

ITEM 6. Amend subrule 99.2(4) as follows:

99.2(4) Special licenses. The commission shall issue licenses in conformance with Iowa Code section ~~483A.24(10)~~ 483A.24(12) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

ITEM 7. Amend subrule 99.8(1) as follows:

99.8(1) Permitted weapons. In accordance with the type of license issued, wild turkey may be taken by shotgun and muzzleloading shotgun not smaller than 20-gauge and shooting only shot sizes ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 lead or nontoxic shot;~~ and by longbow, recurve, or compound bow shooting broadhead or blunthead (minimum diameter 9/16 inch) arrows only. No person may carry or have in possession shotshells containing shot of any size other than ~~2 or 3 nontoxic shot or number 4, 5, 6, 7½, or through 8 lead or nontoxic shot~~ while hunting wild turkey. Arrows with chemical or explosive pods are not permitted.

Iowa Department of Natural Resources
Natural Resource Commission

#18

Decision Item

Contract with Pheasants Forever, Inc.

Commission approval is requested for a contract with Pheasants Forever, Inc., of Saint Paul, Minnesota.

Contract Terms:

Amount: Not to exceed \$6,045,298.00

Dates: July 1, 2018 to June 30, 2024

Funding Source(s): Fish and Wildlife Trust Fund

Contract Purpose: The DNR is partnering with Pheasants Forever, Inc. to provide up to twenty Wildlife and Research Specialists to carry out wildlife habitat and population management activities.

The DNR Wildlife Bureau actively manages public land and wildlife populations statewide to maintain biological balance and for the benefit of the public. Due to uncertainty in the trajectory of the Fish and Wildlife Trust Fund, it has been prudent to hold open vacancies across the Wildlife Bureau, including in positions that directly manage public land and in positions that monitor and research wildlife species. This cooperative agreement will allow the Department to work with Pheasants Forever (PF) to fill critical needs in a fiscally responsible manner that can be adjusted depending upon the availability of funding as well as the land and wildlife management needs on the ground. This agreement will increase the number of Wildlife/Research Specialists with the technical skills to carry out habitat management activities as well as wildlife research and monitoring projects necessary to inform management decisions. Similar contracts between the Department and PF have been implemented.

Under this contract, Pheasants Forever will hire and employ up to 20 Wildlife/Research Specialists for a period of up to six years. The Wildlife Specialists will work closely with DNR Wildlife staff to conserve and enhance wildlife habitat on DNR-managed lands. They will perform a variety of activities (e.g., invasive species removal, assisting with prescribed fire, maintaining infrastructure such as fence or parking lots, and assisting with long-term wildlife monitoring activities such as bird banding or CWD sample collection). The Research Specialists will work with Wildlife Research staff to conduct research and/or monitoring surveys on wildlife species. They will assist with statewide coordination of wildlife surveys and with synthesis and dissemination of research and survey results, to inform wildlife management decisions. Pheasants Forever, Inc. is managing staffing and providing oversight. The DNR will provide these specialists with any necessary training, equipment, and safety gear needed to perform their functions as well as facilitate collaboration with DNR field staff.

Selection Process Summary: Statute or federal grant contracting with Pheasants Forever, Inc. is authorized by 11 IAC 117.5(5) and 118.7 which allows for agreements with entities without competition when the law or federal grant requires them.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation Division
May 10, 2018

Iowa Department of Natural Resources
Natural Resources Commission

#19

Decision Item

Contract with US Army Corps of Engineers

Commission approval is requested for a contract with US Army Corps of Engineers, of Kansas City, MO.

Contract Terms:

Amount: Not to exceed \$100,000

Dates: May 11, 2018 to June 30, 2020

Funding Source(s): Rathbun Regional Water Association, Inc.

Contract Purpose: Walker Branch is a south-southeast oriented tributary of the South Fork Chariton River, which is located adjacent to the Walker Branch Project Area. The project area is bisected west-east by an abandoned roadbed, which provides some water retention in the northern portion of the project area, but prevents hydrology from entering the southern portion of the project area. Degraded wetland habitat would be restored by implementing measures to restore and increase wetland hydrology, water level control to manage hydrology, eradicate invasive species and reestablish native plant species and associated wetland functions. Ecosystem restoration would benefit regional flora and fauna including waterfowl, migratory songbirds, the federal endangered Indiana bat and federal threatened northern long-eared bat, which are known to occur within Wayne County. Ecosystem restoration would also provide incidental water quality benefits such as sediment retention to the South Fork Chariton River and Rathbun Lake.

Pursuant to Section 1135 of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2309a), this contract will result in a feasibility study, prepared by the US Army Corps of Engineers, beginning with an estimate of the overall scope and cost of the study and a determination of whether the project is in the federal interest. The feasibility study formulates alternatives to achieve the restoration, evaluates the environmental effects of the alternatives, documents the project requirements, and provides a scope and cost estimate for project implementation. If the feasibility report recommends a plan for implementation, the Corps of Engineers prepares detailed project plans and specifications and obtains any required federal permits. The Corps of Engineers then manages construction of the project by a private contractor. The study will result in a plan to restore degraded wetland habitat along Walker Branch.

The Section 1135 project requires a 1:1 non-federal match and the Rathbun Regional Water Association has agreed to provide the necessary match.

Selection Process Summary: Intergovernmental contracting with US Army Corps of Engineers is authorized under 11 IAC 118.4.

Todd Bishop, Bureau Chief, Wildlife
Conservation and Recreation Division
May 10, 2018

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

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Decision Item

Contract with Brandt Information Services

Commission approval is requested for a service contract with Brandt Information Services of Tallahassee, FL.

Contract Terms

Amount: Not to exceed \$2,500,000 annually

Dates: 06/04/18 – 06/04/22

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this contract.

Funding Source(s): Fish and Wildlife Trust Fund

Contract Purpose: Development and support of Electronic Licensing System (ELSI). ELSI is a statewide system that the DNR uses to sell or otherwise make available to the public, selected outdoor recreation and commercial privileges it administers. ELSI is responsible for selling over 1.3 million licensing related privileges and collects revenues of over \$30 million per year.

Development and support of Recreational Vehicle and Vessel Registration System (RVVRS). RVVRS is a statewide system that the DNR and County Recorders register, renew, title and place liens on recreational vehicles and vessels throughout the state of Iowa. Over 80,000 OHV's and Snowmobiles are registered annually and over 230,000 vessels are registered during the three year registration cycle on our RVVRS system.

The Department does not pay any up-front or lump sum costs for this contract. The vendor is compensated through a vendor fee for each privilege sold. The DNR collects an administrative fee from license buyers and recreational vehicle and vessel users to pay the vendor fee.

Selection Process Summary: The DNR worked with the Department of Administrative Services (DAS) to solicit bids through a formal Request for Proposals (RFP) process. DAS published a Request for Proposal (RFP) on the Department of Administrative Services website.

Proposal Due Date: 11/02/2017

Review and Selection Committee: 9 members

- DNR Law Enforcement (1)
- DNR Wildlife (1)
- OCIO/DNR IT (1)
- DNR Customer Service (2)
- DNR Accounting (1)
- DNR Licensing (3)

Scoring Criteria: Proposals were scored based on responses to the technical specifications and the cost proposal. 80% of the points were allocated to the technical specifications and 20% to the cost proposal. Please see page two for a breakdown of scoring.

Proposals Received: 6

Recommendation: Brandt Information Services

	Brandt Information Services, Tallahassee FL	Capstone Consulting, Omaha NE	JMT Technology Group Hunt Valley, MD	Kalkomey Enterprises, Dallas TX	RA Outdoors, Dallas TX	Sovereign Sportsman Solutions (S3), Nashville, TN
Technical Proposal - Yes/No - Met all Section 4.2 Mandatory (Pass/Fail) Specifications	Yes	Yes	Yes	Yes	Yes	Yes
Technical Proposal (Section 4.3 Scored Technical Specifications) (Maximum points = 7600)	5463.50	2594.50	4737.00	4725.50	4256.50	4428.50
Technical Proposal (Section 4.4 Optional Scored Technical Specifications) (Maximum points = 400)	292.00	N/A	228.00	228.00	224.00	240.00
Cost Proposal (Attachment 5) Total Estimated Annual Cost (Maximum points = 1950)	1260.98	N/A	828.36	1326.05	1950.00	1080.58
Cost Proposal (Attachment 5) Change Order Per Hour Rate (Maximum points = 50)	0.33	N/A	0.33	50.00	0.30	0.40
TOTAL POINTS (Maximum points = 10,000)	7016.81	2594.50	5793.69	6329.55	6430.80	5749.48

Alex Cross, Supervisor, Customer & Employee Services Bureau
Directors Office
May 10, 2018