

**Minutes of the
Natural Resource Commission
Meeting**

**January 19,
2022**

Business Meeting
Iowa Department of Natural Resources
502 E 9th St, 4th Fl Conf Rm, Des Moines, IA

For Office Use Only

Date Minutes Approved By NRC: 02/10/22

Director's Signature: _____
Kayla Lyon, Director

RECORD COPY
File Name: ADM 1-5.G
Natural Resource Commission Minutes

Sender's initials: KR

TABLE OF CONTENTS (* indicates consent item)

Call to Order..... 2

Commissioner Attendance 2

Public Participation 2

1. Approval of Agenda 2
 CARRIED AS PRESENTED..... 2

2. Approve Minutes of 12/09/21 Public Meeting..... 2
 CARRIED AS PRESENTED..... 2

3. Director’s Remarks 2

4. Division Administrator’s Remarks 2

5. Donations 2
 CARRIED AS PRESENTED..... 3

*6. Contract with Ducks Unlimited, Inc. (REAP License Plate) 3
 CARRIED UNDER CONSENT..... 4

7. Chapter 16, “Docks and Other Structures on Public Waters” – Final Rule..... 4
 CARRIED AS PRESENTED..... 5

*8. Contract Amendment 2 with Audus Supply Company d/b/a Audus Sanitation and Recycling..... 5
 CARRIED UNDER CONSENT..... 5

9. Contract with the University of Tennessee, Human Dimensions Research Lab, Department of Forestry, Wildlife and Fisheries..... 6
 CARRIED AS PRESENTED..... 6

10. Contract with Bachman Aero, Inc..... 6
 CARRIED AS PRESENTED..... 7

11. Chapter 52, “Wildlife Refuges”, Chapter 91, “Waterfowl and Coot Hunting Seasons”, and Chapter 92, “Migratory Game Birds” – Notice of Intended Action 7
 CARRIED AS PRESENTED..... 13

12. Contract Amendment-5 with Des Moines Blue Print Company 13
 CARRIED AS PRESENTED..... 14

13. Chapter 30 - Waters Cost-Share and Grants Program, Low-Head Dam Public Hazard Grant Recommendations 14
 CARRIED AS PRESENTED..... 15

14. Public Land Acquisition Project: Falcon Springs Wildlife Management Area, Winneshiek County – Iowa Natural Heritage Foundation..... 15
 CARRIED AS PRESENTED..... 16

15. Construction - Small Projects 16
 INFORMATIONAL 16

16. Construction Projects 16

16.1 Sweet Marsh Wildlife Management Area, Boat Channel Dredging – Bremer County 16
 CARRIED AS PRESENTED..... 17

16.2 Frank Starr Park at Storm Lake, Shoreline Armoring – Buena Vista County..... 17
 CARRIED AS PRESENTED..... 18

16.3 Green Valley State Park Shoreline Armoring – Union County 18
 CARRIED AS PRESENTED..... 18

16.4 Big Spring Fish Hatchery, Road Reconstruction – Clayton County 18
 CARRIED AS PRESENTED..... 19

16.5 Black Hawk Lake, Shoreline Stabilization – Sac County 19
 CARRIED AS PRESENTED..... 19

16.6 Silver Lake, Shoreline Stabilization – Dickinson County 19
 CARRIED AS PRESENTED..... 20

16.7 Ahquabi State Park, Mechanical Dredging and Shoreline Armoring – Warren County..... 20
 CARRIED AS PRESENTED..... 21

16.8 Riverton Wildlife Management Area, Pavement Preservation - Fremont County 21
 CARRIED AS PRESENTED..... 21

*16.9 Ambrose A. Call State Park, Pavement Preservation – Kossuth County..... 22
 CARRIED UNDER CONSENT..... 22

17. General Discussion22
 Adjournment.....22
 CARRIED – MEETING ADJOURNED 22
 Upcoming NRC Meeting Dates22

MEETING MINUTES

Call to Order

The meeting of the Natural Resource Commission was called to order by the NRC Chair, Margo Underwood, on 01/19/22 at 10am. This meeting is open to the public and is being recorded as outlined by Iowa Code (571-1.8).

Commissioner Attendance

Present

- Marcus Branstad, Vice Chair (electronically) [10:40am-12:00pm]
- Laura Foell (electronically) [10:00am – 12:33pm]
- Uriah Hansen [10:00am – 11:40am]
- Laura Hommel, Secretary [10:00am – 12:33pm]
- Tammi Kircher [10:00am – 12:33pm]
- Tom Prickett (electronically) [10:00am – 12:33pm]
- Margo Underwood, Chair [10:00am – 12:33pm]

Public Participation

Iowa Senator, Annette Sweeney, Chair of the Natural Resources Committee, introduced herself and her legal intern, Kiera Leddy, and invited the Commissioners to contact her anytime if they had a question.

1. Approval of Agenda

Motion – Commissioner Hommel with the removal of items 12 and 16.8 from consent.
 Seconded – Commissioner Hansen
 Decision – Approved (1 abstained from consent item #6 (Contract with Ducks Unlimited) – Commissioner Kircher due to serving on the board of Ducks Unlimited)

CARRIED AS PRESENTED

2. Approve Minutes of 12/09/21 Public Meeting

Motion – Commissioner Kircher
 Seconded – Commissioner Foell
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

3. Director’s Remarks

Director Kayla Lyon noted the legislative session has begun and the Governor gave her Condition of the State address. She also noted the Governor’s budget has been released and compared the budget to what the NRC approved. She also reported that Delaware North, managers of Honey Creek Resort (HCR), have made a business decision to leave HCR by April 2023, which they are able to do per the contract. Options for HCR are being considered.

4. Division Administrator’s Remarks

Pete Hildreth, Conservation and Recreation Division Administrator, provided information on REAP Congress held in January 2022, the current deer harvest numbers, and Chronic Wasting Disease. He noted that the annual Wildlife Listening Sessions, to collect input from citizens, are being coordinated and will occur in February.

5. Donations

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

Donation to:	Amount	Description	Donation Provided by:

Fish and Wildlife Trust Fund	\$100.00	Funds to support the Fish and Wildlife Trust Fund.	Jane Williamson
Parks and Forestry	\$15.00	Funds to support Parks and Forestry.	Christi Lowry
Fish and Wildlife Trust Fund	\$250.00	Funds to support the Fish and Wildlife Trust Fund in memory of Marty Liepa.	Royce Burns
Fish and Wildlife Trust Fund	\$50.00	Funds to support the Fish and Wildlife Trust Fund.	Pete Lilja
General Fund	\$100.00	Donation to support the General Fund in memory of John Henry Milder.	Christopher Milder
Fish and Wildlife Trust Fund	\$100.00	Funds to support the Fish and Wildlife Trust Fund in memory of Martin Liepa.	John and Dianne Liepa
Fish and Wildlife Trust Fund	\$500.00	Funds to support the Fish and Wildlife Trust Fund.	Janice Kerkove and David Richardson
Parks and Forestry	\$500.00	Funds to support Parks and Forestry.	Janice Kerkove and David Richardson
Backbone State Park	\$150.00	A quality used stove for concessions.	Kelly Peterman
General Fund	\$500.00	Funds to support the General Fund in memory of Stan Fox.	Randall Fox
Parks and Forestry	\$150.00	Funds to support Parks and Forestry.	Scott Larson
Parks and Forestry	\$150.00	Funds to support Parks and Forestry.	Kari Rau
Parks and Forestry	\$50.00	Funds to support Parks and Forestry.	William Potter

Motion – Commissioner Hansen
 Seconded – Commissioner Kircher
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

***6. Contract with Ducks Unlimited, Inc. (REAP License Plate)**

Commission approval is requested for a Cooperative Agreement with Ducks Unlimited, Inc. (DU), of Memphis, TN.

Contract Terms:

Amount: \$34,230 for immediate transfer; future transfers based on license plate sales.

Dates: January 20, 2022 through December 31, 2026

Funding Source(s): Department of Transportation License Plate Revenue

Contract Purpose: The purpose of this agreement is to provide to the citizens of Iowa a DU logo license plate as part of the Resource Enhancement and Protection (REAP) license plate offerings. For sales and renewals of this plate and all other REAP specialty plates, the Department of Transportation collects funds and transfers that revenue to the DNR on a quarterly basis. Provisions for state agency sponsored plates are outlined in the Code of Iowa and DOT administrative rules.

The REAP program offers natural resource design license plates to the citizens of Iowa to help generate revenue to support Iowa’s natural resources. In 2008, the DNR and Ducks Unlimited, Inc. (DU), entered into a partnership agreement to use the Ducks Unlimited logo for a license plate and the funds generated would support the REAP program and the natural resource and wetland related work of Ducks Unlimited.

To compensate for the likely small percentage of Iowans who may choose to purchase a DU plate instead of one of the other REAP related license plates, 20% of funds will be deposited into the REAP account with other REAP specialty plate revenue which helps support the DNR’s Wildlife Diversity program. The REAP Alliance and the Wildlife Diversity Coordinator support

this agreement. Ducks Unlimited, Inc., will receive 80% of the income DOT transfers to the DNR to establish and maintain wetland conservation work in the state of Iowa. As part of the agreement, DU will also market the DU plate beyond what the DOT and County Treasurers' may provide and provide an annual report describing how revenues were expended on projects.

With the wide variety of specialty plates DOT offers, there is a natural fluctuation of plate sales depending on popularity. Over the past four fiscal years, the allocated funds from DOT for DU plates have been approximately \$11,000 annually. In December 2018, the contract between DNR and DU to transfer revenue generated to DU expired and this agreement will reinstitute the transfer of funds related to their portion of the DU license plate sales.

Decision – Approved by Consent (1 abstain – Commissioner Kircher due to serving on Ducks Unlimited’s board)

CARRIED UNDER CONSENT

7. Chapter 16, “Docks and Other Structures on Public Waters” – Final Rule

The Commission is requested to adopt a Final rule to amend Chapter 16, “Docks and Other Structures on Public Waters.”

Basic Intent of Current Rule: Chapter 16 contains rules governing docks and boat hoists, including rules for issuing Class I dock permits. Subrules 16.4(3) and 16.17(1) designate procedures for issuing Class I dock permits.

NOIA Process: The NRC approved the Notice of Intended Action (NOIA) on October 14, 2021. The NOIA for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021 as ARC 60028C. No public comments were received.

Changes from NOIA: None.

Effective Date of Final Rule: March 16, 2022

Attached: Chapter 16, “Docks and Other Structures on Public Waters” NOIA

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

The Natural Resource Commission hereby amends Chapter 16, “Docks and Other Structures on Public Waters,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 461A.4(1)(b), and 462A.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 461A.4 and 461A.18.

Purpose and Summary

Chapter 16 contains rules governing docks and boat hoists, including the issuance of Class I dock permits. This rule making amends subrules 16.4(3) and 16.17(1). These subrules designate procedures for issuing Class I dock permits. The amendment changes the existing term of the Class I permit from five years to a perpetual term. A permit will be valid until the property is sold or transferred or the dock no longer meets the criteria for a Class I permit.

Currently, the Department of Natural Resources (Department), on behalf of the Commission, manages 7,683 dock permits in its dock program. Of these, 4,854 are Class I permits. Eliminating routine Class I permit reapplications simplifies the process for Class I permittees and significantly reduces the amount of staff time spent assisting Class I dock permits. This frees staff up to work on other Departmental priorities.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021, as **ARC 6028C**.

A public hearing was held on November 30, 2021, at 10:00 a.m. via conference call. No one attended the hearing and no public comments were received during the comment period.

There have been no changes since the Notice.

Adoption of Rule Making

This rule making was adopted by the Natural Resource Commission on January 19, 2022.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

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 March 16, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 16.4(3) as follows:

16.4(3) Procedures for issuance of Class I dock permits. The owner of a standard dock eligible for a Class I permit under the criteria in 16.4(1) or a dock in an area specified in 16.4(2) shall apply for a Class I dock permit on an application form supplied by the department. The applicant shall certify that the dock meets the criteria for a Class I permit. The department shall approve the application based on the applicant’s certification and shall assign a permit number, which may be a series of numbers or letters, or a combination of numbers and letters. The applicant shall be responsible for obtaining stickers with the permit numbers and letters, for attaching them to the end of the dock facing opposite from the shoreline, and for displaying the 911 address as provided in 16.3(5). Class I dock permits authorized by this rule ~~may be issued for terms up to five years and~~ shall be issued without administrative fee and remain valid until the property is sold or transferred. In the event the property is sold or transferred, the new owner may request to transfer the Class I dock permit as provided in 16.17(1). A Class I dock permit shall be valid only while dock and hoists comply with the criteria for a Class I permit.

ITEM 2. Amend subrule 16.17(1) as follows:

16.17(1) Duration and transferability of dock permits; administrative fee refunds. ~~Each~~ With the exception of Class I dock permits, each dock permit shall be issued for a term of five years unless a shorter term is needed due to specified circumstances. The administrative fee paid with an application is nonrefundable unless the application is withdrawn before the department incurs administrative expense in investigating the application. A dock permit is automatically transferable to a new owner of the shoreline property upon request of the new owner.

Motion – Commissioner Foell
Seconded – Commissioner Kircher
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

***8. Contract Amendment 2 with Audus Supply Company d/b/a Audus Sanitation and Recycling**

Commission approval is requested for a service contract amendment with Audus Supply Company d/b/a/ Audus Sanitation and Recycling, of Montezuma, Iowa.

Amendment 2 Terms:

Amendment Amount: \$13,125

Amendment Dates: January 31, 2022 to January 30, 2023

Funding Source(s): General Fund

Amendment Purpose: To provide the garbage service for an additional year. This service is needed to maintain a clean and safe environment for visitors to Rock Creek State Park.

Original Contract Purpose: Trash service which includes collection, hauling, and disposal of garbage from Rock Creek State Park.

Original Selection Process: The DNR solicited quotes from targeted small businesses and also published a Request for Quotes (RFQ) on the Department of Administrative Services website.

Contract History:

Original Contract Terms: Amount \$20,022; Timeframe: February 1, 2020 to January 31, 2022; Purpose: trash removal

Amendment 1 Terms: Amount: \$4,965; Timeframe: July 1, 2020 to January 31, 2022; Purpose: provide expanded service due to increased use

CARRIED UNDER CONSENT

9. Contract with the University of Tennessee, Human Dimensions Research Lab, Department of Forestry, Wildlife and Fisheries

Commission approval is requested for a contract with The University of Tennessee, Human Dimensions Research Lab, Department of Forestry, Wildlife and Fisheries, of Knoxville, Tennessee.

Contract Terms

Amount: Not to exceed \$40,000

Dates: January 19, 2022 to January 18, 2023

Funding Source(s): OHV Fund

Contract Purpose: Currently there are over 75,000 off-highway vehicles (ATV, ORM, ORV) registered through the DNR. With the increasing number of registrations, DNR is interested in better understanding the characteristics of the registered riders, how they use their OHVs, what they do when taking OHV recreational trips, and what OHV riders’ preferences are for OHV activities.

In researching other States who have completed an OHV related survey, it was determined that Tennessee had completed a similar assessment. The University of Tennessee conducted a study for a Governor appointed committee of state, federal, and public representatives who were to develop recommendations for a statewide OHV recreation plan. The purpose of the survey was to articulate the nature and extent of OHV recreation in Tennessee and its associated economic impacts. Furthermore, the study was to characterize and describe OHV users in Tennessee, their perception of the current situation regarding OHV recreation in Tennessee, and their support for aspects of a potential future OHV program. This is the type of information the Department is looking to evaluate, also.

DNR staff will be engaged with the development and review of the tasks outlined in the contract. Tasks include:

- Develop a sampling strategy,
- Draft a survey questionnaire,
- Distribute the survey,
- Collect and analyze the data,
- Draft a report of survey findings,
- Consult with the DNR regarding findings relative to OHV Program policy and procedures,
- Draft a comprehensive report of survey findings and discuss implications for Iowa DNR management of Iowa OHV Program,
- And prepare a final comprehensive report.

The information provided in the survey results will be used by DNR to evaluate the Iowa OHV program and determine if changes or improvements could better align the program to the needs of registered OHV riders.

Selection Process Summary: Contracts with another governmental entity are authorized under 11 Iowa Administrative Code 118.4.

Motion – Commissioner Hansen
 Seconded – Commissioner Kircher
 Discussion – Sherry Arntzen, State Parks Bureau Chief, provided information regarding Tennessee’s intent for their study and how the information from that type of study can be helpful for Iowa’s OHV program.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

10. Contract with Bachman Aero, Inc.

Commission approval is requested for a contract with Bachman Aero, Inc., of Green Oaks, IL.

Contract Terms

Amount: Not to exceed \$400,000

Dates: 1/24/2022 to 1/24/2025

Funding Source(s): Fish and Wildlife Trust Fund

Contract Purpose: Aerial wildlife surveys have been conducted annually for over twenty years to assess population responses to habitat restoration and management initiatives. This survey data is used to develop biologically sound wildlife management and harvest programs.

Iowa’s waterfowl populations are monitored yearly via a statewide aerial survey for Canada geese and breeding pair counts on selected wetlands for ducks. Population status is used to help determine hunting regulations each year. Also, Federal regulations require the Canada goose population be monitored annually to use lethal control methods in Iowa. Waterfowl surveys have been conducted annually since 1993 in northern Iowa to assess population responses to habitat restoration and management initiatives. This survey data is used to develop biologically sound wildlife management and harvest programs.

Deer density surveys are conducted annually by wildlife staff in deer management zones. These surveys provide staff, and the communities, with the information needed to establish hunt quotas and monitor success of the prior harvest. Deer surveys must be conducted when adequate snowfall and daily weather conditions are favorable and predetermined survey blocks must be flown on roughly ¼ mile transects or along the flow of the terrain. Each survey block must be flown at an altitude of 150-300 feet. The surveys require up to 5 days (up to 8 hours of flight time/day) to complete.

This three year contract with Bachman Aero will provide helicopter equipment and piloting services for DNR staff to conduct annual wildlife surveys. Bachman Aero was initially contracted with the Department in April 2014 for this service; their bid score continues to indicate their ability to safely conduct the specialty service of low level wildlife surveys at a competitive price.

Selection Process Summary: The Department solicited proposals from targeted small businesses and also published a Request For Proposals on the Department of Administrative Services website. Criteria reviewed for this work included professional experience, direct wildlife survey experience, aircraft offered, and cost. Based on conditions and scenarios presented in the RFP, bids reflect an estimated per survey cost.

Proposal Due Date: November 8, 2021

of Proposals Received: 3

Recommendation: Bachman Aero, Inc.

Vendor	Vendor Location (city, state)	Score (70 pts total)	Rank	Cost
Bachman Aero	Green Oaks, IL	67	1	\$38,250
Collective Aviation	Orient, IA	41	2	\$48,400
Fulks Helicopter Service	Norfolk, NE	38	3	\$57,200

Motion – Commissioner Prickett
 Seconded – Commissioner Hansen
 Discussion – Chris Ensminger and Orrin Jones, Wildlife Bureau, provided information about the bidding process and how additional surveys, such as the IL Natural History Survey, are included when evaluating data.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

11. Chapter 52, “Wildlife Refuges”, Chapter 91, “Waterfowl and Coot Hunting Seasons”, and Chapter 92, “Migratory Game Birds” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action – Chapter 52, “Wildlife Refuges”, Chapter 91, “Waterfowl and Coot Hunting Seasons”, and Chapter 92, “Migratory Game Birds.”

Chapter 52, Wildlife Refuges:

Basic Intent of Current Rule: Chapter 52 contains regulations for wildlife refuges.

Proposed Rule Change: The proposed amendment reclassifies the wildlife refuge on the Hawkeye Wildlife Area as a waterfowl refuge. Reclassifying the refuge as a waterfowl refuge will streamline public access. It will also reduce the staff time required to annually post the current wildlife refuge.

Chapter 91, Waterfowl and Coot Hunting Seasons:

Basic Intent of Current Rule: Chapter 91 contains regulations for waterfowl and coot hunting seasons.

Proposed Rule Change: The proposed amendments remove outdated language pertaining to waterfowl hunting zone boundaries and season dates. The proposed amendments also adjust the daily bag limit for Canada geese, re-organize and rename the Special September Canada Goose Season, and adjust the boundaries of the Des Moines Metropolitan Goose Hunting Area. Finally, the proposed amendments adjust areas closed to Canada goose hunting by rescinding regulations at four areas and reducing the boundary of six areas.

Chapter 92, Migratory Game Birds:

Basic Intent of Current Rule: Chapter 92 contains additional regulations for the taking of Migratory Game Birds.

Proposed Rule Change: The proposed amendment makes minor adjustments to the description of light goose hunting regulations to ensure they are consistent with the Light Goose Conservation Order authorized by the U.S. Fish and Wildlife Service.

Attached: Chapter 52, “Wildlife Refuges”, Chapter 91, “Waterfowl and Coot Hunting Seasons”, and Chapter 92, “Migratory Game Birds” NOIA

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 52 “Wildlife Refuges”, Chapter 91 “Waterfowl and Coot Hunting Seasons” and Chapter 92 “Migratory Game Birds”, Iowa Administrative Code.

Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.48.

Purpose and Summary

This rulemaking proposes amendments to three chapters governing waterfowl hunting.

Chapter 52 contains regulations designating wildlife refuges. The proposed amendment re-classifies the wildlife refuge on the Hawkeye Wildlife Area as a waterfowl refuge.

Chapter 91 contains the regulations for hunting waterfowl and coot, and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. The proposed amendments remove expired zone boundary descriptions, renames and streamlines special goose hunting regulations in metropolitan areas, expands the boundaries of the Des Moines Metropolitan Goose Hunting zone, and adjusts several areas closed to goose hunting.

Chapter 92 contains regulations for hunting migratory game birds. The proposed amendment makes minor adjustments to the description of light goose hunting regulations to ensure they are consistent with the Light Goose Conservation Order authorized by the U.S. Fish and Wildlife Service.

Fiscal Impact

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

Jobs Impact

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

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 Commission for a waiver of the discretionary provisions, if any, pursuant to 571-Chapter 11.

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 Commission no later than 4:30 p.m. on March 4, 2022. Comments should be directed to:

Orrin Jones
Department of Natural Resources
1203 North Shore Drive
Clear Lake IA, 50428
Email: orrin.jones@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held as follows. Persons who wish to attend the conference call should contact Orrin Jones at orrin.jones@dnr.iowa.gov. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Orrin Jones prior to the hearing to facilitate an orderly hearing.

March 4, 2022 Conference call
1:00 p.m. Wallace State Office Building

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 impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rule-making action proposed:

ITEM 1. Amend subrules 52.1(2) to 52.1(3) as follows:

52.1(2) Wildlife refuges. The following areas under the jurisdiction of the department of natural resources are established as wildlife refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
South Twin Lake	Calhoun
Ventura Marsh.....	Cerro Gordo
Allen Green Refuge.....	Des Moines
Henderson	Dickinson
Ingham Lake	Emmet
Crystal Hills	Hancock
Hawkeye Wildlife Area	Johnson
Colyn Area	Lucas
Gladys Black Eagle Refuge	Marion
Five Island Lake.....	Palo Alto
Polk City Refuge.....	Polk
Smith Area	Pottawattamie
Green Valley Lake	Union

52.1(3) Waterfowl refuges. The following areas under the jurisdiction of the department of natural resources are established as waterfowl refuges where posted. It shall be unlawful to hunt ducks and geese on the following areas, where posted, at any time during the year. It shall be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
Lake Icaria.....	Adams
Pool Slough Wildlife Area	Allamakee
Rathbun Area.....	Appanoose, Lucas, Wayne
Sedan Bottoms	Appanoose
Sweet Marsh.....	Bremer
Big Marsh.....	Butler
Union Hills	Cerro Gordo
Round Lake	Clay
Jemmerson Slough Complex	Dickinson
Forney Lake	Fremont
Riverton Area.....	Fremont
Dunbar Slough	Greene
Bays Branch	Guthrie
Eagle Flats.....	Hancock
Eagle Lake	Hancock
Green Island Area	Jackson
<u>Hawkeye Wildlife Area</u>	<u>Johnson</u>
Muskrat Slough.....	Jones
Red Rock Area.....	Marion, Polk, Warren
Badger Lake	Monona
Chichaqua Area.....	Polk
McCausland	Scott
Princeton Area.....	Scott
Otter Creek Marsh.....	Tama
Rice Lake Area	Winnebago

Snyder Bend LakeWoodbury

Elk Creek Marsh.....Worth

ITEM 2. Amend subrules 91.1(1) to 91.1(4) as follows:

91.1(1) Zone boundaries. ~~The following zone boundaries apply in the time frames noted:~~

~~— a. For the 2020-2021 season, the north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River duck hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south duck hunting zone is the remainder of the state.~~

~~— b. For the fall 2021 through spring 2026 seasons, t~~The north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south duck hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central duck hunting zone is the remainder of the state.

91.1(2) Season dates - north zone.

~~a. For the 2020-2021 season. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the last Saturday in September and run for 7 days. The second segment of the season will open on the second Saturday in October and continue for 53 consecutive days.~~

~~— b. For the fall 2021 through spring 2026 seasons. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest September 30 and run for 7 days. The second segment of the season will open on the Saturday nearest October 13 and continue for 53 consecutive days.~~

91.1(3) Season dates - south zone/central zone.

~~a. For the 2020-2021 season—south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the first Saturday in October and run for 7 days. The second segment of the season will open on the third Saturday in October and continue for 53 consecutive days.~~

~~— b. For the fall 2021 through spring 2026 seasons—central zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 6 and run for 7 days. The second segment of the season will open on the Saturday nearest October 20 and continue for 53 consecutive days.~~

91.1(4) Season dates - Missouri River zone/south zone.

~~a. For the 2020-2021 season—Missouri River zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the second Saturday in October and run for 7 days. The second segment of the season will open on the fourth Saturday in October and continue for 53 consecutive days.~~

~~— b. For the fall 2021 through spring 2026 seasons—south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 13 and run for 7 days. The second segment of the season will open on the Saturday nearest October 27 and continue for 53 consecutive days.~~

ITEM 3. Amend subrules 91.3(1) to 91.3(5) as follows:

91.3(1) Zone boundaries. ~~The following zone boundaries apply in the time frames noted:~~

~~— a. For the 2020-2021 season, the north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River goose hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south goose hunting zone is the remainder of the state.~~

~~— b. Effective fall 2021 through spring 2026, t~~The north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south ~~duck~~ goose hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central ~~duck~~ goose hunting zone is the remainder of the state.

91.3(2) Season dates - north zone.

~~— a. For the 2020-2021 season. For all geese: The first segment of the regular goose season will begin on the second-to-last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the second Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~— b. For the fall 2021 through spring 2026 seasons. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 23 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 13 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 13 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

91.3(3) Season dates - ~~south zone/central zone.~~

~~a. For the 2020-2021 season south zone. For all geese: The first segment of the regular goose season will begin on the last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the third Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~b. For the fall 2021 through spring 2026 seasons central zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 30 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 20 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 20 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

91.3(4) Season dates - ~~Missouri River zone/south zone.~~

~~a. For the 2020-2021 season Missouri River zone. For all geese: The first segment of the regular goose season will begin on the first Saturday of October and run for a 16-day period. The second segment of the goose season will open on the fourth Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~b. For the fall 2021 through spring 2026 seasons south zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest October 6 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 27 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 27 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

91.3(5) Bag limit. The daily bag limit for dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese) is 5 and may include no more than 2 Canada geese, during the first segment of the statewide season and no more than 3 Canada geese during the remainder of the statewide season. ~~from September 16 through October 31 and no more than 3 Canada geese from November 1 through the end of the season.~~ The daily bag limit for light geese (white and blue-phase snow geese and Ross' geese) is 20.

ITEM 4. Amend subrule 91.3(9) as follows:

91.3(9) ~~Cedar Rapids/Iowa City goose hunting zone~~ Metropolitan Goose Hunting Seasons and specified areas.

- a. *Season dates.* The ~~first~~ second Saturday in September for nine consecutive days.
- b. *Bag limit.* Daily bag limit is 5 Canada geese.
- c. *Possession limit.* Three times the daily bag limit.
- d. *Zone boundary Specified areas.*

Cedar Rapids/Iowa City: The Cedar Rapids/Iowa City goose hunting zone area includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; thence south and east along County Road E2W to Highway 920; thence north along Highway 920 to County Road E16; thence east along County Road E16 to County Road W58; thence south along County Road W58 to County Road E34; thence east along County Road E34 to Highway 13; thence south along Highway 13 to Highway 30; thence east along Highway 30 to Highway 1; thence south along Highway 1 to Morse Road in Johnson County; thence east along Morse Road to Wapsi Avenue; thence south along Wapsi Avenue to Lower West Branch Road; thence west along Lower West Branch Road to Taft Avenue; thence south along Taft Avenue to County Road F62; thence west along County Road F62 to Kansas Avenue; thence north along Kansas Avenue to Black Diamond Road; thence west on Black Diamond Road to Jasper Avenue; thence north along Jasper Avenue to Rohert Road; thence west along Rohert Road to Ivy Avenue; thence north along Ivy Avenue to 340th Street; thence west along 340th Street to Half Moon Avenue; thence north along Half Moon Avenue to Highway 6; thence west along Highway 6 to Echo Avenue; thence north along Echo Avenue to 250th Street; thence east on 250th Street to Green Castle Avenue; thence north along Green Castle Avenue to County Road F12; thence west along County Road F12 to County Road W30; thence north along County Road W30 to Highway 151; thence north along the Linn-Benton County line to the point of beginning.

Des Moines: The Des Moines goose hunting area includes those portions of Boone, Story Polk, Warren, Madison, Dallas and Marion Counties bounded as follows: Beginning at the intersection of State Highway 210 and S27 in Story County; thence south along County Road S27 to Polk County; thence south to State Highway 316; thence south to State Highway 5 in Marion County; thence west on State Highway 92 to State Highway 169 in Madison County; thence north on State Highway 169 to State Highway 141 in Dallas County, thence east to State Highway 210; thence north on State Highway 210 to Boone County; thence east on State Highway 210 to point of the beginning.

Cedar Falls/Waterloo: The Cedar Falls/Waterloo goose hunting area includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, thence south along County Road

V49 to County Road D38, thence west along County Road D38 to State Highway 21, thence south along State Highway 21 to County Road D35, thence west along County Road D35 to Grundy Road, thence north along Grundy Road to County Road D19, thence west along County Road D19 to Butler Road, thence north along Butler Road to County Road C57, thence north and east along County Road C57 to U.S. Highway 63, thence south along U.S. Highway 63 to County Road C66, thence east along County Road C66 to the point of beginning.

ITEM 5. Rescind subrules 91.3(10) and (11).

ITEM 6. Rescind and reserve paragraph 91.4(2)“c.”

ITEM 7. Amend paragraph **91.4(2)“d”** as follows:

d. Area four. Portions of Winnebago and Worth Counties bounded as follows: Beginning at the junction of U.S. Highway 69 and County Road 105 in the city of Lake Mills; thence east along County Road 105 (including the right-of-way and all other road right-of-ways identified in this description) approximately 2 miles to Apple Ave.; thence south along Apple Ave. to 448th St.; thence east two and one fourth miles on 448th St. to Cardinal Ave.; thence south one fourth mile to 445th St.; thence east one fourth mile to Cedar Ave.; thence south one half mile on Cedar Ave. to the intersection of Cedar Ave. and 440th St.; thence south one half mile across the north half of section 16, township 99 north, range 22 west, to the intersection of Cedar Ave. and 435th St.; thence south 2 miles along Cedar Ave. to Lake St.; thence west one fourth mile along Lake St. to Front St.; thence southeast one half mile along Front St. to County Road A38 (also named 410th St.); thence west along County Road A38 to County Road R74 (also named 225th Ave.); thence north along County Road R74 to 420th St.; thence west along 420th St. to 220th Ave.; thence north along 220th Ave. to 430th St.; thence west along 430th St. one half mile; thence north one mile across section 15, township 99 north, range 23 west, to the intersection of 440th St. and 215th Ave.; thence north one fourth mile on 215th Ave. to 445th St.; thence east and northeast on 445th St. to South 12th Ave. West in Lake Mills; thence east on South 12th Ave. West to South Lake St.; thence north on South Lake St. to point of beginning. of 225th Ave (also known as County Road R74) and S. 10th Ave E in the city of Lake Mills; thence east along S. 10th Ave to 445th St (including the right-of-way and all other road right-of-ways identified in this description), thence east to Apple Ave; thence north to 448th St to Bluebill Ave (also known as County Road S10); thence south to the intersection of N. Western St. (also known as Cardinal Ave) and Lake St. in the city of Joice; thence west on Lake St. (also known as 415th St) to 418th St; thence west to Balsam Ave; thence north to 420th St.; thence west to Aspen Ave; thence north to 425th St (also known as County Road A34); thence west to 225th Ave (also known as County Road R74); thence north on 225th Ave to the point of the beginning.

ITEM 8. Rescind and reserve paragraph **91.4(2)“e.”**

ITEM 9. Amend paragraphs **91.4(2)“g”** and **“h”** as follows:

g. Area seven. Portions of Guthrie and Dallas Counties bounded as follows: Beginning at the junction of State Highways 4 and 44 in Panora; thence north along State Highway 4 (including the right-of-way) to County Road F25; thence east along County Road F25 (including the right-of-way) to York Avenue County Road P30 (also known as Wink Ave); thence south along P30 1 mile (including the right-of-way) to 170th Street; thence east one-half mile (including the right-of-way) to A Yellow Avenue in Dallas County; thence south on A Yellow Avenue 5 miles (including the right-of-way) to State Highway 44; thence west along State Highway 44 (including the right-of-way) to the point of beginning.

h. Area eight. A portion of Adams County bounded as follows: Beginning at the intersection of State Highway 148 and Adams County Road N28; thence east along Adams County Road N28 (including the right of way) to Adams County Road N53; thence east and north along Adams County Road N53 (including the right of way) approximately 4.5 miles to Adams County Road H24; thence west along Adams County Road H24 (including the right of way) about 8 miles to Hickory Avenue; thence south along Hickory Avenue (including the right of way) about 2.5 miles to Adams County Road N28; thence east along Adams County Road N28 (including the right of way) to the point of beginning.

On any federal, state, or county owned lands or waters within the area bounded by the following roads: Beginning at the junction of Ironwood Avenue (State HWY 148) and County Road N28; thence north to its intersection with 150th Street; thence east to its intersection with Corning Carl Road (also known as County Road N53); thence south to its intersection with County Road N28 (also known as 183rd St.); thence west along N28 to the point of beginning.

ITEM 10. Amend paragraph **91.4(2)“k”** as follows:

k. Area eleven. Starting at the junction of the navigation channel of the Mississippi River and the mouth of the Maquoketa River in Jackson County, proceeding southwesterly along the high-water line on the west side of the Maquoketa River to U.S. Highway 52; thence southeast along U.S. Highway 52 (including the right-of-way) to the first intersection of Green Island Road; thence northeast along Green Island Road (including right-of-way) to the southeast corner of the Green Island Wildlife Management Area waterfowl refuge; thence north along the waterfowl refuge line and following said refuge line exactly to its northwest corner at the intersection with 501st Avenue; thence north along 501st Avenue (including the right-of-way) to the point where it intersects the east bank of the Maquoketa River; thence proceeding northeasterly along the high-water line on the east side of the Maquoketa River to the junction of the navigation channel of the Mississippi River;

~~thence northwest along the center of the navigational channel to the point of beginning. thence southeast along U.S. Highway 52 (including the right of way) to 607th Avenue; thence east along 607th Avenue (including the right of way) to the Sioux Line Railroad; thence north and west along the Sioux Line Railroad to the Green Island levee; thence northeast along a line following the Green Island levee to the center of the navigational channel of the Mississippi River; thence northwest along the center of the navigational channel to the point of beginning.~~

ITEM 11. Rescind and reserve paragraph **91.4(2)“m.”**

ITEM 12. Amend paragraph **91.4(2)“n”** as follows:

n. Area fourteen. Portions of Bremer County bounded as follows: Beginning at the intersection of Tahoe Avenue and State Highway 93 (also named 140th Street); thence south along Tahoe Avenue (including the right-of-way and all other road right-of-ways identified in this description) to County Road C28 (also known as 165th St.); thence west along County Road C28 to State Highway 93; thence north to County Road V5C (also known as Possum Ave) to 140th St; thence east along 140th St. to State Highway 93 to the point of the beginning. ~~C33~~; thence west along County Road ~~C33~~ to Navaho Avenue; thence north along Navaho Avenue to State Highway 93; thence west along State Highway 93 to U.S. Highway 63; thence north 3 miles along U.S. Highway 63 to 140th Street; thence east along 140th Street for 2 miles and continuing on a similar east line for 2 more miles along the north borders of sections 28 and 29, township 93 north, range 12 west, to County Road V5C (also named 140th Street); thence east about one half mile on County Road V5C to State Highway 93; thence east on State Highway 93 to the point of beginning.

ITEM 13. Rescind and reserve paragraph **91.4(2)“o.”**

ITEM 14. Amend paragraph **91.4(2)“p”** as follows:

p. Area sixteen. A portion of Union County bounded as follows; on any federal, state, or county owned lands or waters within the area bounded by the following roads: Beginning at the intersection of U.S. Highway 34 and County Road P53 near Afton; thence west along U.S. Highway 34 (including the right-of-way and all other road right-of-ways identified in this description) approximately 2.5 miles to Twelve Mile Lake Road; thence north along Twelve Mile Lake Road approximately 5 miles to Union County Road H17; thence north and east along Union County Road H17 to County Road P53; thence south along County Road P53 to the point of beginning.

ITEM 15. Rescind subrule **91.4(3)**.

ITEM 16. Amend subparagraph **91.5(1)“b”(1)** as follows:

(1) Landowners and tenants who own or farm land in the closed areas will be permitted to hunt Canada geese in the closed areas, ~~for three years. This experimental hunting opportunity will be evaluated by the landowners and the DNR following each season, at which time changes may be made.~~

ITEM 17. Amend subrule 92.3(11) as follows:

92.3(11) By any of the methods or means prohibited in this rule unless such methods or means have been approved by the U.S. Fish and Wildlife Service for the taking of ~~snow light~~ geese during special ~~snow light~~-goose-only seasons or ~~snow light~~-goose-only hunts.

Motion – Commissioner Foell
Seconded – Commissioner Branstad
Discussion – Orrin Jones, Wildlife Bureau, provided information regarding the “nearest” date language; that it was determined to best help describe the closest date range needed biologically for the rule. The actual dates will be in the regulations booklet. For public hunting in the metropolitan areas, DNR’s depredation biologist works with cities who are interested.
Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

12. Contract Amendment-5 with Des Moines Blue Print Company

Commission approval is requested for a service contract amendment with Des Moines Blue Print Company, of Des Moines, Iowa.

Amendment-5 Terms:

Amendment Amount: Not to Exceed \$50,126.99

Amendment Dates: 01/19/22-03/19/22

Funding Source(s): Federal Voluntary Public Access Grant

Amendment Purpose: The purpose of the contract amendment is to increase the amount of the contract for the procurement of signs associated with the Iowa Habitat and Access Program (IHAP); no extension of time is needed. Signs include boundary limits, no shooting within 200 yards of occupied buildings, and no unauthorized vehicles signs.

Original Contract Purpose: In March 2017, the Department entered into an agreement with Des Moines Blue Print Company/Beeline and Blue for printing and distribution services for projects advertised by the DNR Engineering Bureau. These services include: printing, distribution, and mailing of requested project manuals and project plans; maintain an electronic plan holders list by project; provide email notifications of addenda issued by the DNR about a specific project to all requestors identified in the plan holders electronic list; and provide the DNR with the requested copies of project manuals and project plans for each individual project advertised.

Original Selection Process: In 2017, the DNR published a Request for Proposal (RFP) and reviewed bids for services requested. Des Moines Blue Print Company/Beeline and Blue was awarded the bid due to their experience, performance, references, capacity, and cost. In 2021, after review of the bid and product requested, DNR’s procurement officer recommended this vendor for the signs.

Contract History:

Original Contract Terms: Amount \$ 9,377.79; Timeframe: 3/20/2017 to 3/19/2018

Amendment- 1; Terms: Amount: Not to Exceed \$24,999, annually; Timeframe: 3/20/2018 to 3/19/2019; Purpose: Extend this Contract for an additional year under the original terms and conditions

Amendment- 2; Terms: Amount: Not to Exceed \$24,999, annually; Timeframe: 3/20/2019 to 3/19/2020; Purpose: Extend this Contract for an additional year under the original terms and conditions

Amendment- 3; Terms: Amount: Not to Exceed \$24,999, annually; Timeframe: 3/20/2020 to 3/19/2021; Purpose: Extend this Contract for an additional year under the original terms and conditions

Amendment- 4; Terms: Amount: Not to Exceed \$24,999, annually; Timeframe: 3/20/2021 to 3/19/2022; Purpose: Extend this Contract for an additional year under the original terms and conditions

Motion – Commissioner Kircher
 Seconded – Commissioner Prickett
 Discussion – Nick Baumgarten, Wildlife Bureau, provided information on the determination of the number of signs by staff in relation to acres, this purchase of 2275 signs made, and procurement’s guidance to use this vendor contract after IPI was no longer able to fill the order.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

13. Chapter 30 - Waters Cost-Share and Grants Program, Low-Head Dam Public Hazard Grant Recommendations

The Commission is requested to approve the following grant recommendations pursuant to Chapter 30, Waters Cost-share and Grants Programs.

Grant Purpose: The purpose of the Low-Head Dam Public Hazard Program is to reduce drowning hazards and promote fish passage on Iowa’s navigable rivers. Eligible applicants include any owner of a low-head dam or a partner organization. A minimum 50 percent cost-share is required from the applicant. As outlined in rule, grants are issued at least annually if funding is available. The last grants were issued in November 2019.

Funding Source(s): Rebuild Iowa Infrastructure Fund

Grant Funding Available: Funding available for this grant cycle is \$400,000.

Summary of Selection Process: As directed by criteria under Chapter 30, the grant review and selection committee met on December 22, 2022, 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:

- Citizen stakeholders (2)
- DNR Staff (3)

Recommendations: The committee recommends funding the three top ranked projects. If ranked projects decline their award, dollars will be offered to the next qualified applicant. Any unused funds will revert back to the project development fund for use in future projects.

DEVELOPMENT GRANT				
Ranked by Score	Grant Applicant	Project Description	Grant Amount Requested	Recommended Award
93.6	Mitchell County Conservation Board	Otranto Dam Mitigation: Construction funds to remove the dam on the Cedar River and replace with boulder weirs in this \$445,100 project.	\$200,000	\$200,000

89.4	Buena Vista County Conservation Board	Linn Grove Dam Modification: Construction funds support FEMA match to replace failed dam with fish passage and recreational channels in a \$7.4 million project.	\$125,000	\$125,000
87	City of Mason City	Mason City Dam #1 Mitigation: Construction funds to convert 12 th Street dam on Winnebago River to large boulder rapids for navigation and fish passage in this \$987,000 project.	\$100,730	\$75,000
86.4	Linn County Conservation	Pinicon Ridge Park Dam Mitigation: Construction funds to build rapids below dam with one recreation channel and a fish passage channel in this \$3 million project.	\$100,000	-0-
72.6	City of Estherville	Estherville Low Head Dam Mitigation: Engineering funds to design fishing and recreation features to replace dam for \$85,765 project.	\$42,882	-0-
DEVELOPMENT GRANT TOTALS			\$568,612	\$400,000

Motion – Commissioner Branstad
 Seconded – Commissioner Prickett
 Discussion – Nate Hoogeveen, Rivers Program, provided information on the grant process, partial funding options, and that there are approximately 180 dams on major rivers left to address.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

14. Public Land Acquisition Project: Falcon Springs Wildlife Management Area, Winneshiek County – Iowa Natural Heritage Foundation

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

Seller: Iowa Natural Heritage Foundation

Acreage: 41 acres

DNR Purchase Price: \$147,000

Appraised Price: \$239,800

Property Description: This property is located 4 miles northwest of Decorah in central Winneshiek County. Half of the moderately rolling to steep tract is characterized by upland grassland, and the other half is hardwood forested ridges and ravines, including a riparian floodplain along a trout stream. Ten Mile Creek, reflecting a self-sustaining wild brown trout population, bisects the southwest region of the tract. There are no building improvements. Access is provided by a paved, county road along a portion of the east boundary of the property.

Purpose: This acquisition will provide for public access to hunting and fishing, and other outdoor recreation opportunities, managed as a diverse grassland and woodland community. The federally endangered Rusty Patched Bumble Bee has been found near the property, and ruffed grouse, a Species of Greatest Conservation Need, are on the adjacent Falcon Springs unit.

DNR Property Manager: Wildlife Bureau

Funding Source(s): REAP Private/Public Grant

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

Motion – Commissioner Branstad
 Seconded – Commissioner Kircher
 Discussion – Kelly Smith, Wildlife Bureau, provided information on property boundaries and future plans for the area which has a cold water spring trout habitat.

Roll Call Vote:
 Commissioner Branstad - aye
 Commissioner Foell – nay

Commissioner Hansen – aye
 Commissioner Hommel – nay
 Commissioner Kircher – aye
 Commissioner Prickett – aye
 Commissioner Underwood – aye

Decision – Approved (2 nays – Commissioners Foell and Hommel)

CARRIED AS PRESENTED

15. 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
11/18/21	22-02-95-01 Wildlife	Harmon Lake WMA	Winnebago	Replace a washed out and corroded water control structure with a new concrete box water control structure with aluminum stop logs.	\$18,000	\$16,400.00 \$23,551.84
11/18/21	20-02-95-01 Wildlife	Clear Lake Wildlife Unit	Winnebago	Restore a shallow wetland, 1,400 linear feet of tile search, tile break, and install 910 linear ft of new tile.	\$27,000	\$26,480.00 \$27,208.00 \$31,000.00
12/2/21	20-01-30-08 Wildlife	Christopherson Slough	Dickinson	Install a water level management structure at an existing rock fish barrier. Work includes channel excavation, installation of three 24” CMP pipe and a CMP riser structure, and placement of erosion stone.	\$45,000	\$17,909.00 \$20,460.00 \$31,445.00 \$48,994.91

INFORMATIONAL

16. Construction Projects

16.1 Sweet Marsh Wildlife Management Area, Boat Channel Dredging – Bremer County

The Department requests Commission approval of the following construction project:

Project Summary: Sweet Marsh Wildlife Area was developed in the 1950s as a stopover for ducks and its size, habitat diversity, and location make Sweet Marsh a top birding and duck hunting spot in Iowa. It covers more than 3,100 acres, with eight miles of dikes, six parking lots and three boat ramps. It has five pools connected through a series of canals totaling about 800 acres of water that includes Martens Lake, the second largest impoundment in northeast Iowa. The largest boat ramp is on Martens Lake and it will fill with boat trailers on opening morning of duck season. The lake is also good for fishing black bullhead, black and white crappies, bluegill, largemouth bass, and northern pike. In addition, Massasauga Rattle Snakes hibernate in crayfish burrows along the dike.

The dike complex was originally constructed in the 1950’s. Over the years, wave-action erosion has deteriorated the upstream side of the dikes. This, in addition to the upstream sediment load, has caused sediment to build up throughout the pool. Additionally, recent flood events have deposited sediment and scoured the top of the dikes. Standard heavy earth moving equipment will be used to repair erosion damage on the dikes and dig approximately 18,000 feet of channels, 20 feet wide, to allow for boat access in the pool.

Engineering Project #: 19-03-09-01

Cost Estimate: \$322,000

Operating Bureau: Fisheries and Wildlife

Funding Source: Marine Fuel Tax

Bid Letting Date: 12/09/2021

Construction Completion Date: 02/28/2023

Number of Bids Received: 6

Bidders

JB Holland Construction, Inc.	Decorah, IA	\$251,936.10
CJ Moyna & Sons, LLC	Elkader, IA	\$416,342.45
TWR Fun LLC dba TWR Dock and Marine	Lamont, IA	\$474,948.596
Veit & Company, Inc.	Rogers, MN	\$488,086.20
Michels Corporation	Brownsville, WI	\$746,850.522
Fenton Construction, Inc.	Sioux City, IA	\$1,000,000.004

Upon Engineering’s review of bids, DNR recommends awarding the contract to JB Holland Construction, Inc.

Motion – Commissioner Foell
 Seconded – Commissioner Hansen
 Discussion – Tamara McIntosh, DNR General Counsel, provided information regarding Marine Fuel Tax noting its use is under Iowa Code section 452A.79(a).
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

16.2 Frank Starr Park at Storm Lake, Shoreline Armoring – Buena Vista County

The Department requests Commission approval of the following construction project:

Project Summary: Frank Starr Park is located on the west shore of Storm Lake along Highway 110 in Storm Lake, Iowa. The park is sovereign land managed by the City of Storm Lake. This location has open shelter, restrooms, playground, sand volleyball court, trail and a public ADA dock.

The last shoreline armoring work was completed more than 45 years ago when the area was created as a spoil site for a dredging project. The damage to the existing armoring is a result of freeze/thaw and ice heave over time. The Department partnered with the Lake Preservation Association for this this project, which consists of adding fieldstone to 2000' of shoreline.

Engineering Project #: 22-01-11-01

Cost Estimate: \$220,000

Operating Bureau: Fisheries

Funding Source: 50% Marine Fuel Tax, 50% Donation (Lake Preservation Association)

Bid Letting Date: 12/09/2021

Construction Completion Date: 05/20/2022

Number of Bids Received: 4

Bidders

BD Construction Services, LLC	Spencer, IA	\$209,000.00
Fenton Construction, Inc.	Sioux City, IA	\$270,000.00
MLS Landscape & Design, Inc.	Granville, IA	\$289,700.00
LA Carlson Contracting, Inc.	Hinton, IA	\$329,940.00

Upon Engineering’s review of bids, DNR recommends awarding the contract to BD Construction Services, LLC.

Motion – Commissioner Foell
 Seconded – Commissioner Kircher

Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

16.3 Green Valley State Park Shoreline Armoring – Union County

The Department requests Commission approval of the following construction project:

Project Summary: Green Valley State Park in southwest Iowa is a popular destination for fishing and boating. The park is a family-friendly hub for camping, picnicking or any outdoor pursuit. Green Valley’s 390-acre lake is stocked with walleye, bluegill, channel catfish and more. It has six fishing jetties, two ADA accessible fishing piers are available on the north and south shorelines and a section of shoreline is designated as 24-hour fishing access.

This project consists of refreshing 1,787 feet of shoreline armoring along the campground, 1,027 feet armoring along six jetties, and 165 feet armoring at the boat ramp. The last shoreline/jetty repair work was completed 12 years ago. The damage to the existing armoring is a result of freeze/thaw breaking the riprap down into rubble over time.

Engineering Project #: 22-04-88-03

Cost Estimate: \$213,000

Operating Bureau: Parks

Funding Source: 55% Marine Fuel Tax, 44% Federal Land and Water Conservation Fund, 1% REAP Open Spaces

Bid Letting Date: 12/09/2021

Construction Completion Date: 05/20/2022

Number of Bids Received: 4

Bidders

JNC Construction, LLC	Clearfield, IA	\$165,452.00
Lamb Tiling, LLC	Greenfield, IA	\$200,246.80
Wenthold Excavating, LLC	Elkhart, IA	\$238,702.00
Fenton Construction, Inc.	Sioux City, IA	\$370,000.00

Upon Engineering’s review of bids, DNR recommends awarding the contract to JNC Construction, LLC.

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

CARRIED AS PRESENTED

16.4 Big Spring Fish Hatchery, Road Reconstruction – Clayton County

The Department requests Commission approval of the following construction project:

Project Summary: The Big Spring Hatchery is located along the Turkey River 10 miles northwest of Elkader in Clayton County. Approximately 150,000 rainbow and brook trout are reared at Big Spring and stocked by hatchery personnel into 15 different cold water streams.

In 2017, one lane of the access road to the hatchery was removed to allow for the replacement of the main water line that goes from the spring to the trout raceways. This project will rebuild the road. The old roadway base and remaining pavement will be removed. The new road will consist of three lifts of Hot Mix Asphalt placed over six inches of compacted rock base. The old roadway will be crushed and reused as either rock base and/or aggregate in the Hot Mix Asphalt.

Engineering Project #: 20-03-22-01

Cost Estimate: \$110,000

Operating Bureau: Fisheries

Funding Source: IA DOT Parks and Institutional Roads

Bid Letting Date: 12/09/2021

Construction Completion Date: 05/31/2022

Number of Bids Received: 3

Bidders

Skyline Construction Inc.	Decorah, IA	\$103,424.25
Eastern Iowa Excavating & Concrete, LLC	Cascade, IA	\$110,301.25
Tschiggfrie Excavating	Dubuque, IA	\$115,945.00

Upon Engineering’s review of bids, DNR recommends awarding the contract to Skyline Construction Inc.

Motion – Commissioner Kircher
 Seconded – Commissioner Foell
 Discussion – Heath Delzell, Engineering, noted that the driveway is approximately 650’.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

16.5 Black Hawk Lake, Shoreline Stabilization – Sac County

The Department requests Commission approval of the following construction project:

Project Summary: Black Hawk Lake is the southernmost glacial lake in the United States. The lake has a surface area of approximately 922 acres, an average depth of 6 feet, and a maximum depth of 15 feet. The lake is adjacent to the city of Lake View, as well as Black Hawk State Park and the Black Hawk Wildlife Management Area. Three boat ramps are located around the lake for public use.

Approximately 1,000 feet of shoreline at Black Hawk Lake is eroding and needs to be stabilized to avoid further deterioration. Excessive tree canopy along the shoreline has promoted the growth of undesirable underbrush species (i.e. honeysuckle, Chinese elm, and autumn olive) which do not provide adequate erosion protection. For this contract, selective clearing will be used to clean up the understory vegetation. All cleared areas will be seeded with native grasses. Approximately 1,000 tons of fieldstone riprap will be placed along the shoreline to protect against wave-action erosion.

Engineering Project #: 20-01-81-02

Cost Estimate: \$160,000

Operating Bureau: Fisheries

Funding Source: Marine Fuel Tax -100 %

Bid Letting Date: 12/09/2021

Construction Completion Date: 05/20/2022

Number of Bids Received: 5

Bidders

Empire Excavation	Odebolt, IA	\$149,895.00
Richards Construction Co., Inc.	Sac City, IA	\$158,592.00
BD Construction Services LLC	Spencer, IA	\$163,890.00
LA Carlson Contracting, Inc.	Hinton, IA	\$184,606.00
King Contracting LLC dba King Construction	Wall Lake, IA	\$254,180.00

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

Motion – Commissioner Kircher
 Seconded – Commissioner Foell
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

16.6 Silver Lake, Shoreline Stabilization – Dickinson County

The Department requests Commission approval of the following construction project:

Project Summary: Silver Lake is a 1,032-acre natural lake located in Northwest Iowa and serves as an important regional asset. This shallow lake has at 17:1 watershed to lake area ratio and a mean depth of 7ft. According to the 2014 CARD survey, the lake receives over 40,000 visitors annually and is a popular destination for boating, fishing, and wildlife watching. The City of Lake Park and Trappers Bay State Park borders Silver Lake.

Water quality at the lake has declined in recent years, and the lake is currently listed as impaired for turbidity. A TMDL (Total Maximum Daily Load) was prepared and approved for Silver Lake in 2009. Shallow water conditions, coupled with rough fish, shoreline erosion, and pollutant loading have led to frequent algae blooms and high nutrient concentrations. The local community worked to develop and began implementing a watershed management plan in 2011. The lake is currently on the priority list of lakes for restoration within the Lake Restoration Program.

In 2018, the City of Lake Park, along with DNR, hired Wenck and Associates (now Stantec) to complete a Diagnostic and Feasibility Study for Silver Lake. The study showed that water quality in the lake was negatively impacted by both external (from the watershed) and internal (recycled within the lake) phosphorus loading and made several recommendations for

restoration. Over 1,600 lbs of phosphorus entering the lake annually were attributed to shoreline erosion, and the plan called for a 63% reduction in the load coming from shoreline erosion (along with implementing other restoration practices) was needed to help meet water quality goals. Stabilizing large sections of shoreline that are actively eroding is an important part of the overall restoration strategy for Silver Lake. Following the completion of the study, the City of Lake Park invested in engineering design on seven sections of critically eroding shoreline (in both private and public ownership). This project represents the first two segments of shoreline (both in public ownership) to be stabilized.

Approximately 4,000 feet of shoreline has deteriorated and needs protection. Excessive tree canopy along the shoreline has promoted the growth of undesirable underbrush species (i.e. honeysuckle, Chinese elm, and autumn olive) which do not provide adequate erosion protection. For this contract, selective clearing will be used to clean up the understory vegetation. All cleared areas will be seeded with native grasses and forbes. A natural erosion netting will cover disturbed areas to provide erosion protection until the native grasses are established. At the water’s edge, standard riprap will be used to flatten the near-vertical shoreline. Next, approximately 1,660 tons of fieldstone riprap will be placed on top of the flattened slope to protect against wave-action erosion.

Engineering Project #: 21-01-30-09

Cost Estimate: \$825,000.00

Operating Bureau: Lake Restoration

Funding Source: Lake Restoration and Marine Fuel Tax

Bid Letting Date: 12/09/2021

Construction Completion Date: 9/15/2022

Number of Bids Received: 6

Bidders

BD Construction Services, LLC	Spencer, IA	\$963,954.00
Fenton Construction, Inc.	Sioux City, IA	\$1,000,000.00
Peterson Contractors, Inc.	Reinbeck, IA	\$1,031,701.50
Cory Juergens Construction, LLC	Estherville, IA	\$1,045,963.00
JB Holland Construction, Inc.	Decorah, IA	\$1,172,687.75
Veit & Company, Inc.	Rogers, MN	\$1,464,594.00

Upon Engineering’s review of bids, DNR recommends awarding the contract to BD Construction Services, LLC.

Motion – Commissioner Foell
 Seconded – Commissioner Branstad
 Discussion – Travis Baker, Land and Waters Bureau Chief, provided information on the process when the bids are different than the estimate, which includes discussions with the contractors and internal staff discussions about options such as redesign, accepting a bid if still within budget, or rejecting bids and rebidding. George Antoniou, Lake Restoration Program, provided information on possible future work for the area such as wetland enhancements, public shoreline stabilization, streambank restoration, watershed work, and in lake restoration efforts.
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

16.7 Ahquabi State Park, Mechanical Dredging and Shoreline Armoring – Warren County

The Department requests Commission approval of the following construction project:

Project Summary: Lake Ahquabi State Park was dedicated in 1936 and is approximately 770 acres in size, including the 115 acre lake. Existing facilities include a lakeshore campground with modern facilities, a beach with a CCC beach shelter, a privately-run beach concessionaire, a CCC lodge, an enclosed fishing pier, hiking trails, and two boat ramps.

According to the 2019 CARD survey, Lake Ahquabi sees an estimated 126,000 visitors annually and is a popular destination for families due to its proximity to the Des Moines metro. A number of watershed ponds and water quality improvement practices were installed in and around the late in the late 1990s and early 2000s, but land use has changed considerably since then, and unfortunately, water quality has declined with increased sedimentation in the arms of the lake. The lake was drawn down in the summer of 2021 to begin a fishery renovation to eliminate yellow bass from Lake Ahquabi and the upstream Hooper Pond. Parks and Wildlife staff have been working to improve timber stands around the park, and this in-lake restoration effort is part of a larger joint planning effort to improve water quality and recreational opportunities at the park. With the lake down, the contractor will use typical heavy earthmoving machinery (i.e. bulldozers, scrapers, excavators, and dump trucks) remove approximately 180,000 cubic yards of deposited sediment and native soils from five areas and place it in a spoil site located in the southeast corner of the park property. 5,100 linear feet of shoreline will receive approximately

2,600 tons of rock armoring. Underwater fish habitat structures, such as rock mounds, spawning reefs, and “catfish condos” will be placed adjacent to shoreline-accessible fishing area. The drawdown valve for the lake is scheduled to be closed on February 15, 2023, in order to catch spring rain runoff.

Engineering Project #: 21-05-91-03

Cost Estimate: \$1,700,000.00

Operating Bureau: Lake Restoration

Funding Source: Lake Restoration 89%, REAP Land Management 11%

Bid Letting Date: 12/09/2021

Construction Completion Date: 05/01/2023

Number of Bids Received: 9

Bidders

RW Excavating Solutions, LC	Prairie City, IA	\$1,680,027.11
CJ Moyna & Sons, LLC	Elkader, IA	\$1,889,610.20
Langman Construction, Inc.	Rock Island, IL	\$1,999,978.10
Veit & Company, Inc.	Rogers, MN	\$2,148,668.35
Rachel Contracting, LLC	St. Michael, MN	\$2,188,075.15
JB Holland Construction, Inc.	Decorah, IA	\$2,335,103.75
Hendrickson Transportation	Hamburg, IA	\$3,143,812.00
Fenton Construction, Inc.	Sioux City, IA	\$3,270,000.00
Legacy Corporation of IL	East Moline, IL	\$3,928,887.998

Upon Engineering’s review of bids, DNR recommends awarding the contract to RW Excavating Solutions, LC.

Motion – Commissioner Kircher
 Seconded – Commissioner Foell
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

16.8 Riverton Wildlife Management Area, Pavement Preservation - Fremont County

The Department requests Commission approval of the following construction project:

Project Summary: The nearly 4,000-acre Riverton Wildlife Management Area is half marsh and half upland. It provides habitat for deer, turkey, pheasant, waterfowl, rabbit, and dove. The area has several miles of rock roads that provide access for hunters, bird watchers, and nature enthusiasts. It also provides a hard-surfaced road to an ADA compliant observation platform that overlooks the Missouri River valley.

Over the last few years, the large volume of visitors, including school groups in buses, have led to joint failures, oxidation, and localized subbase settlement. This project will repair joints and cracks, as well as fog sealing the entire surface of the ½ mile roadway and repairing an existing concrete culvert.

Engineering Project #: 20-04-36-03

Cost Estimate: \$77,000

Operating Bureau: Wildlife

Funding Source: IA DOT Parks and Institutional Road Fund

Bid Letting Date: 12/2/2021

Construction Completion Date: 10/29/2022

Number of Bids Received: 1

Bidders

Midwest Coatings Company, Inc.	Modale, IA	\$84,401.00
--------------------------------	------------	-------------

Upon Engineering’s review of bids, DNR recommends awarding the contract to Midwest Coatings Company, Inc.

Motion – Commissioner Kircher
 Seconded – Commissioner Foell
 Decision – Approved by Unanimous Vote

CARRIED AS PRESENTED

***16.9 Ambrose A. Call State Park, Pavement Preservation – Kossuth County**

The Department requests Commission approval of the following construction project:

Project Summary: Ambrose A. Call State Park is located in northern Iowa near the east fork of the Des Moines River in Kossuth County and comprises of 138 acres rugged hills and virgin timber. Existing facilities include a 1920’s era lodge, electric and non-electric campsites, a disc golf course, and hiking trails.

Age, along with increasing traffic loading and vehicle size/weight, has led to transverse thermal cracking, longitudinal cracking, oxidation, and a few localized pavement failures along the nearly 5,000 feet of asphalt paving. Work includes patching, transverse joint repair, and crack sealing. All asphalt roadways will be fog sealed and a new stop bar symbol will be painted on the road at the exit of the park. In addition to the asphalt roads, approximately 1,300 feet of gravel roads have lost their crown and the roadway rock has passed its useful life. The roadway crown will be reestablished before spreading new granular material on those roadways.

Engineering Project #: 20-02-55-02

Cost Estimate: \$58,000

Operating Bureau: Parks

Funding Source: IA DOT Parks and Institutional Road Fund

Plans Issue Date: 07/01/2021

Bid Letting Date: 11/18/2021

Construction Completion Date: 5/20/2022

Number of Bids Received: 1

Bidders

Heartland Asphalt Inc.

Mason City, IA

\$59,715.30

Upon Engineering’s review of bids, DNR recommends awarding the contract to Heartland Asphalt Inc.

CARRIED UNDER CONSENT

17. General Discussion

- **Discussion of Administrative Law Judge Case(s):** Commissioner Underwood opened discussion for Commissioner input to determine if there needs to be an NRC review of the ALJ cases. No Commissioner requests for review were made; no action will be taken on the cases.
- **NRC Annual Report:** Commissioner Underwood provided information regarding the preparation of the final report. She requested Commissioner input and discussion on increasing the recovery funds to \$2,000,000 vs the \$1,000,000 in the original draft. Commissioners Foell and Hommel requested their name not be on the report. Commission Kircher noted, since she did not serve most of 2021, that her name probably should not be on the report. Commissioner Underwood noted that Board Administrator, Kim Rasler, will assist with the goal of finalizing the report by next week.
- **Commissioner Comments:** Commissioners shared general comments and natural resource related experiences. The next NRC meeting is scheduled for Thursday, 02/10/22, 9:30a in Des Moines, IA.

Adjournment

Motion to adjourn the meeting – Commissioner Hommel
 Second – Commissioner Kircher
 Decision - Approved by Unanimous Vote
 With no further business to come before the Natural Resource Commission, Commissioner Underwood adjourned the meeting on 01/19/22 at 12:33pm

Post Meeting Topical Information Session: Tamara McIntosh, General Counsel, provided information on the process for reviewing Administrative Law Judge cases.

CARRIED – MEETING ADJOURNED

Upcoming NRC Meeting Dates

- Thu, 02/10/22, 9:30am, Business Meeting (Polk County)
- Thu, 03/10/22, 9:30am, Business Meeting (Polk County)
- Thu, 04/14/22, 9:30am, Business Meeting (Polk County)

VISITORS/ATTENDEES - SIGN IN SHEET

FOR NATURAL RESOURCE COMMISSION MEETING HELD ON 1/19/22

PLEASE PRINT

If you wish to speak before the NRC, also complete a Public Speaker Form.

NAME ADDRESS CITY, STATE, ZIP	GROUP REPRESENTING (if applicable)	TOPIC OF INTEREST
4970 34th St - Dr David Kerr 50322		
Senator Arnette Sweeney		
Legal Intern Kiera Leddy		

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

NRC Business Meeting – Wednesday, January 19, 2022

Meeting Convenes at 10:00am			
Meeting Location: Iowa DNR, 502 E 9 th St, 4 th Floor Conference Rm, Des Moines, IA			
Public Teleconference Options:			
Video Link: https://meet.google.com/sco-mbns-qva			
or			
Telephone: call 442-242-3609 PIN: 883 789 392#			
Public Participation begins at approximately 10:30 am			
1.	Approval of Agenda Consent Agenda (*within agenda indicates proposed consent agenda item) *6. Contract with Ducks Unlimited, Inc. (REAP License Plate) *8. Contract Amendment-2 with Audus Supply Company d/b/a Audus Sanitation and Recycling *12. Contract Amendment-5 with Des Moines Blue Print Company *16.8 Riverton Wildlife Management Area, Pavement Preservation - Fremont County *16.9 Ambrose A. Call State Park, Pavement Preservation – Kossuth County	Decision	Commission
2.	Approve Minutes of 12/09/21 NRC Public Meeting	Decision	Commission
3.	Director’s Remarks	Information	Kayla Lyon
4.	Division Administrator’s Remarks	Information	Pete Hildreth
5.	Donations	Decision	Pete Hildreth
*6.	Contract with Ducks Unlimited, Inc. (REAP License Plate)	Decision	Michelle Wilson
7.	Chapter 16, Docks and Other Structures on Public Waters – Final Rule	Decision	Trace Kendig
*8.	Contract Amendment-2 with Audus Supply Company d/b/a Audus Sanitation and Recycling	Decision	Sherry Arntzen
9.	Contract with The University of Tennessee, Human Dimensions Research Lab, Department of Forestry, Wildlife and Fisheries	Decision	Sherry Arntzen
10.	Contract with Bachman Aero, Inc.	Decision	Todd Bishop
11.	Chapter 52, “Wildlife Refuges”, Chapter 91, “Waterfowl and Coot Hunting Seasons”, and Chapter 92, “Migratory Game Birds” – Notice of Intended Action	Decision	Todd Bishop
*12.	Contract Amendment-5 with Des Moines Blue Print Company	Decision	Travis Baker
13.	Chapter 30 - Waters Cost-Share and Grants Program, Low-Head Dam Public Hazard Grant Recommendations	Decision	Travis Baker
14.	Public Land Acquisition Project: Falcon Springs Wildlife Management Area, Winneshiek County – Iowa Natural Heritage Foundation	Decision	Travis Baker
15.	Construction – Small Projects	Information	Travis Baker
16.	Construction – Large Projects		
16.1	Sweet Marsh Wildlife Management Area, Boat Channel Dredging – Bremer County	Decision	Travis Baker

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.

16.2	Frank Starr Park at Storm Lake, Shoreline Armoring – Buena Vista County	Decision	Travis Baker
16.3	Green Valley State Park Shoreline Armoring – Union County	Decision	Travis Baker
16.4	Big Spring Fish Hatchery, Road Reconstruction – Clayton County	Decision	Travis Baker
16.5	Black Hawk Lake, Shoreline Stabilization – Sac County	Decision	Travis Baker
16.6	Silver Lake, Shoreline Stabilization – Dickinson County	Decision	Travis Baker
16.7	Ahquabi State Park, Mechanical Dredging and Shoreline Armoring – Warren County	Decision	Travis Baker
*16.8	Riverton Wildlife Management Area, Pavement Preservation – Fremont County	Decision	Travis Baker
*16.9	Ambrose A. Call State Park, Pavement Preservation – Kossuth County	Decision	Travis Baker
17.	<p>General Discussion</p> <ul style="list-style-type: none"> • NRC Discussion of Administrative Law Judge Case(s) • NRC Annual Report 		
<p>Pre-Meeting Optional Session: 7:30a-9:30a, Legislative Meet and Greet, State Capitol Dining Area</p>			
<p>Post-Meeting Topical Information Session:</p> <ul style="list-style-type: none"> • Process Review for Contested Cases 			
<p>Upcoming NRC Meeting Dates</p> <ul style="list-style-type: none"> • Thu, 02/10/22, 9:30am, Business Meeting (Polk County) • Thu, 03/10/22, 9:30am, Business Meeting (Polk County) • Thu, 04/14/22, 9:30am, Business Meeting (Polk County) 			

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.

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

Decision Item

5. Donations

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

Donation to:	Amount	Description	Donation Provided by:
Fish and Wildlife Trust Fund	\$100.00	Funds to support the Fish and Wildlife Trust Fund.	Jane Williamson
Parks and Forestry	\$15.00	Funds to support Parks and Forestry.	Christi Lowry
Fish and Wildlife Trust Fund	\$250.00	Funds to support the Fish and Wildlife Trust Fund in memory of Marty Liepa.	Royce Burns
Fish and Wildlife Trust Fund	\$50.00	Funds to support the Fish and Wildlife Trust Fund.	Pete Lilja
General Fund	\$100.00	Donation to support the General Fund in memory of John Henry Milder.	Christopher Milder
Fish and Wildlife Trust Fund	\$100.00	Funds to support the Fish and Wildlife Trust Fund in memory of Martin Liepa.	John and Dianne Liepa
Fish and Wildlife Trust Fund	\$500.00	Funds to support the Fish and Wildlife Trust Fund.	Janice Kerkove and David Richardson
Parks and Forestry	\$500.00	Funds to support Parks and Forestry.	Janice Kerkove and David Richardson
Backbone State Park	\$150.00	A quality used stove for concessions.	Kelly Peterman
General Fund	\$500.00	Funds to support the General Fund in memory of Stan Fox.	Randall Fox
Parks and Forestry	\$150.00	Funds to support Parks and Forestry.	Scott Larson
Parks and Forestry	\$150.00	Funds to support Parks and Forestry.	Kari Rau
Parks and Forestry	\$50.00	Funds to support Parks and Forestry.	William Potter

Pete Hildreth, Division Administrator
Conservation and Recreation Division
NRC Meeting Date: 01/19/22

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

Decision Item (*indicates proposed consent)

***6. Contract with Ducks Unlimited, Inc. (REAP License Plate)**

Commission approval is requested for a Cooperative Agreement with Ducks Unlimited, Inc. (DU), of Memphis, TN.

Contract Terms:

Amount: \$34,230 for immediate transfer; future transfers based on license plate sales.

Dates: January 20, 2022 through December 31, 2026

Funding Source(s): Department of Transportation License Plate Revenue

Contract Purpose: The purpose of this agreement is to provide to the citizens of Iowa a DU logo license plate as part of the Resource Enhancement and Protection (REAP) license plate offerings. For sales and renewals of this plate and all other REAP specialty plates, the Department of Transportation collects funds and transfers that revenue to the DNR on a quarterly basis. Provisions for state agency sponsored plates are outlined in the Code of Iowa and DOT administrative rules.



The REAP program offers natural resource design license plates to the citizens of Iowa to help generate revenue to support Iowa's natural resources. In 2008, the DNR and Ducks Unlimited, Inc. (DU), entered into a partnership agreement to use the Ducks Unlimited logo for a license plate and the funds generated would support the REAP program and the natural resource and wetland related work of Ducks Unlimited.

To compensate for the likely small percentage of Iowans who may choose to purchase a DU plate instead of one of the other REAP related license plates, 20% of funds will be deposited into the REAP account with other REAP specialty plate revenue which helps support the DNR's Wildlife Diversity program. The REAP Alliance and the Wildlife Diversity Coordinator support this agreement. Ducks Unlimited, Inc., will receive 80% of the income DOT transfers to the DNR to establish and maintain wetland conservation work in the state of Iowa. As part of the agreement, DU will also market the DU plate beyond what the DOT and County Treasurers' may provide and provide an annual report describing how revenues were expended on projects.

With the wide variety of specialty plates DOT offers, there is a natural fluctuation of plate sales depending on popularity. Over the past four fiscal years, the allocated funds from DOT for DU plates have been approximately \$11,000 annually. In December 2018, the contract between DNR and DU to transfer revenue generated to DU expired and this agreement will reinstitute the transfer of funds related to their portion of the DU license plate sales.

Michelle Wilson, REAP Coordinator
Conservation and Recreation Division
NRC Meeting Date: January 19, 2022

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

Decision Item

7. Chapter 16, “Docks and Other Structures on Public Waters” – Final Rule

The Commission is requested to adopt a Final rule to amend Chapter 16, “Docks and Other Structures on Public Waters.”

Basic Intent of Current Rule: Chapter 16 contains rules governing docks and boat hoists, including rules for issuing Class I dock permits. Subrules 16.4(3) and 16.17(1) designate procedures for issuing Class I dock permits.

NOIA Process: The NRC approved the Notice of Intended Action (NOIA) on October 14, 2021. The NOIA for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021 as ARC 60028C. No public comments were received.

Changes from NOIA: None.

Effective Date of Final Rule: March 16, 2022

Trace Kendig, Law Enforcement Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: January 19, 2022

Attached: Chapter 16, “Docks and Other Structures on Public Waters” NOIA

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

The Natural Resource Commission hereby amends Chapter 16, “Docks and Other Structures on Public Waters,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 461A.4(1)(b), and 462A.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 461A.4 and 461A.18.

Purpose and Summary

Chapter 16 contains rules governing docks and boat hoists, including the issuance of Class I dock permits. This rule making amends subrules 16.4(3) and 16.17(1). These subrules designate procedures for issuing Class I dock permits. The amendment changes the existing term of the Class I permit from five years to a perpetual term. A permit will be valid until the property is sold or transferred or the dock no longer meets the criteria for a Class I permit.

Currently, the Department of Natural Resources (Department), on behalf of the Commission, manages 7,683 dock permits in its dock program. Of these, 4,854 are Class I permits. Eliminating routine Class I permit reapplications simplifies the process for Class I permittees and significantly reduces the amount of staff time spent assisting Class I dock permits. This frees staff up to work on other Departmental priorities.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021, as **ARC 6028C**.

A public hearing was held on November 30, 2021, at 10:00 a.m. via conference call. No one attended the hearing and no public comments were received during the comment period.

There have been no changes since the Notice.

Adoption of Rule Making

This rule making was adopted by the Natural Resource Commission on January 19, 2022.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

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 March 16, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 16.4(3) as follows:

16.4(3) Procedures for issuance of Class I dock permits. The owner of a standard dock eligible for a Class I permit under the criteria in 16.4(1) or a dock in an area specified in 16.4(2) shall apply for a Class I dock permit on an application form supplied by the department. The applicant shall certify that the dock meets the criteria for a Class I permit. The department shall approve the application based on the applicant's certification and shall assign a permit number, which may be a series of numbers or letters, or a combination of numbers and letters. The applicant shall be responsible for obtaining stickers with the permit numbers and letters, for attaching them to the end of the dock facing opposite from the shoreline, and for displaying the 911 address as provided in 16.3(5). Class I dock permits authorized by this rule ~~may be issued for terms up to five years and~~ shall be issued without administrative fee and remain valid until the property is sold or transferred. In the event the property is sold or transferred, the new owner may request to transfer the Class I dock permit as provided in 16.17(1). A Class I dock permit shall be valid only while dock and hoists comply with the criteria for a Class I permit.

ITEM 2. Amend subrule 16.17(1) as follows:

16.17(1) Duration and transferability of dock permits; administrative fee refunds. ~~Each~~ With the exception of Class I dock permits, each dock permit shall be issued for a term of five years unless a shorter term is needed due to specified circumstances. The administrative fee paid with an application is nonrefundable unless the application is withdrawn before the department incurs administrative expense in investigating the application. A dock permit is automatically transferable to a new owner of the shoreline property upon request of the new owner.

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

Decision Item (*indicates proposed consent)

***8. Contract Amendment 2 with Audus Supply Company d/b/a Audus Sanitation and Recycling**

Commission approval is requested for a service contract amendment with Audus Supply Company d/b/a/ Audus Sanitation and Recycling, of Montezuma, Iowa.

Amendment 2 Terms:

Amendment Amount: \$13,125

Amendment Dates: January 31, 2022 to January 30, 2023

Funding Source(s): General Fund

Amendment Purpose: To provide the garbage service for an additional year. This service is needed to maintain a clean and safe environment for visitors to Rock Creek State Park.

Original Contract Purpose: Trash service which includes collection, hauling, and disposal of garbage from Rock Creek State Park.

Original Selection Process: The DNR solicited quotes from targeted small businesses and also published a Request for Quotes (RFQ) on the Department of Administrative Services website.

Contract History:

Original Contract Terms: Amount \$20,022; Timeframe: February 1, 2020 to January 31, 2022; Purpose: trash removal

Amendment 1 Terms: Amount: \$4,965; Timeframe: July 1, 2020 to January 31, 2022; Purpose: provide expanded service due to increased use

Sherry Arntzen, Parks, Forests, and Preserves Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: January 19, 2022

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

Decision Item

9. Contract with the University of Tennessee, Human Dimensions Research Lab, Department of Forestry, Wildlife and Fisheries

Commission approval is requested for a contract with The University of Tennessee, Human Dimensions Research Lab, Department of Forestry, Wildlife and Fisheries, of Knoxville, Tennessee.

Contract Terms

Amount: Not to exceed \$40,000

Dates: January 19, 2022 to January 18, 2023

Funding Source(s): OHV Fund

Contract Purpose: Currently there are over 75,000 off-highway vehicles (ATV, ORM, ORV) registered through the DNR. With the increasing number of registrations, DNR is interested in better understanding the characteristics of the registered riders, how they use their OHVs, what they do when taking OHV recreational trips, and what OHV riders' preferences are for OHV activities.

In researching other States who have completed an OHV related survey, it was determined that Tennessee had completed a similar assessment. The University of Tennessee conducted a study for a Governor appointed committee of state, federal, and public representatives who were to develop recommendations for a statewide OHV recreation plan. The purpose of the survey was to articulate the nature and extent of OHV recreation in Tennessee and its associated economic impacts. Furthermore, the study was to characterize and describe OHV users in Tennessee, their perception of the current situation regarding OHV recreation in Tennessee, and their support for aspects of a potential future OHV program. This is the type of information the Department is looking to evaluate, also.

DNR staff will be engaged with the development and review of the tasks outlined in the contract. Tasks include:

- Develop a sampling strategy,
- Draft a survey questionnaire,
- Distribute the survey,
- Collect and analyze the data,
- Draft a report of survey findings,
- Consult with the DNR regarding findings relative to OHV Program policy and procedures,
- Draft a comprehensive report of survey findings and discuss implications for Iowa DNR management of Iowa OHV Program,
- And prepare a final comprehensive report.

The information provided in the survey results will be used by DNR to evaluate the Iowa OHV program and determine if changes or improvements could better align the program to the needs of registered OHV riders.

Selection Process Summary: Contracts with another governmental entity are authorized under 11 Iowa Administrative Code 118.4.

Sherry Arntzen, Parks, Forests, and Preserves Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: January 19, 2022

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

Decision Item

10. Contract with Bachman Aero, Inc.

Commission approval is requested for a contract with Bachman Aero, Inc., of Green Oaks, IL.

Contract Terms

Amount: Not to exceed \$400,000

Dates: 1/24/2022 to 1/24/2025

Funding Source(s): Fish and Wildlife Trust Fund

Contract Purpose: Aerial wildlife surveys have been conducted annually for over twenty years to assess population responses to habitat restoration and management initiatives. This survey data is used to develop biologically sound wildlife management and harvest programs.

Iowa's waterfowl populations are monitored yearly via a statewide aerial survey for Canada geese and breeding pair counts on selected wetlands for ducks. Population status is used to help determine hunting regulations each year. Also, Federal regulations require the Canada goose population be monitored annually to use lethal control methods in Iowa. Waterfowl surveys have been conducted annually since 1993 in northern Iowa to assess population responses to habitat restoration and management initiatives. This survey data is used to develop biologically sound wildlife management and harvest programs.

Deer density surveys are conducted annually by wildlife staff in deer management zones. These surveys provide staff, and the communities, with the information needed to establish hunt quotas and monitor success of the prior harvest. Deer surveys must be conducted when adequate snowfall and daily weather conditions are favorable and predetermined survey blocks must be flown on roughly ¼ mile transects or along the flow of the terrain. Each survey block must be flown at an altitude of 150-300 feet. The surveys require up to 5 days (up to 8 hours of flight time/day) to complete.

This three year contract with Bachman Aero will provide helicopter equipment and piloting services for DNR staff to conduct annual wildlife surveys. Bachman Aero was initially contracted with the Department in April 2014 for this service; their bid score continues to indicate their ability to safely conduct the specialty service of low level wildlife surveys at a competitive price.

Selection Process Summary: The Department solicited proposals from targeted small businesses and also published a Request For Proposals on the Department of Administrative Services website. Criteria reviewed for this work included professional experience, direct wildlife survey experience, aircraft offered, and cost. Based on conditions and scenarios presented in the RFP, bids reflect an estimated per survey cost.

Proposal Due Date: November 8, 2021

of Proposals Received: 3

Recommendation: Bachman Aero, Inc.

Vendor	Vendor Location (city, state)	Score (70 pts total)	Rank	Cost
Bachman Aero	Green Oaks, IL	67	1	\$38,250
Collective Aviation	Orient, IA	41	2	\$48,400
Fulks Helicopter Service	Norfolk, NE	38	3	\$57,200

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: January 19, 2022

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

11. Chapter 52, “Wildlife Refuges”, Chapter 91, “Waterfowl and Coot Hunting Seasons”, and Chapter 92, “Migratory Game Birds” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action – Chapter 52, “Wildlife Refuges”, Chapter 91, “Waterfowl and Coot Hunting Seasons”, and Chapter 92, “Migratory Game Birds.”

Chapter 52, Wildlife Refuges:

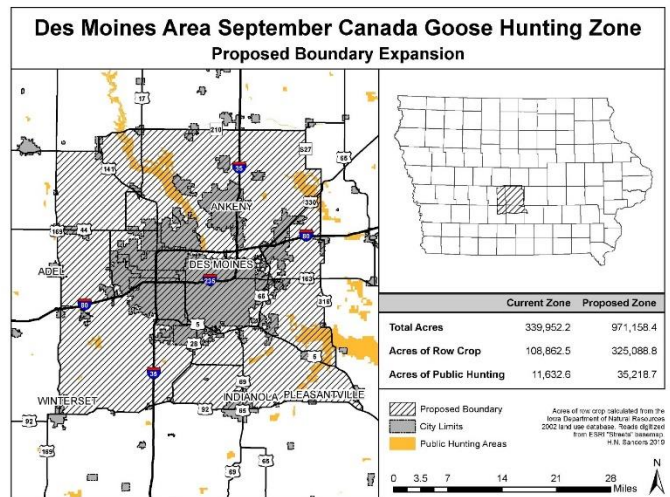
Basic Intent of Current Rule: Chapter 52 contains regulations for wildlife refuges.

Proposed Rule Change: The proposed amendment reclassifies the wildlife refuge on the Hawkeye Wildlife Area as a waterfowl refuge. Reclassifying the refuge as a waterfowl refuge will streamline public access. It will also reduce the staff time required to annually post the current wildlife refuge.

Chapter 91, Waterfowl and Coot Hunting Seasons:

Basic Intent of Current Rule: Chapter 91 contains regulations for waterfowl and coot hunting seasons.

Proposed Rule Change: The proposed amendments remove outdated language pertaining to waterfowl hunting zone boundaries and season dates. The proposed amendments also adjust the daily bag limit for Canada geese, re-organize and rename the Special September Canada Goose Season, and adjust the boundaries of the Des Moines Metropolitan Goose Hunting Area. Finally, the proposed amendments adjust areas closed to Canada goose hunting by rescinding regulations at four areas and reducing the boundary of six areas.



Chapter 92, Migratory Game Birds:

Basic Intent of Current Rule: Chapter 92 contains additional regulations for the taking of Migratory Game Birds.

Proposed Rule Change: The proposed amendment makes minor adjustments to the description of light goose hunting regulations to ensure they are consistent with the Light Goose Conservation Order authorized by the U.S. Fish and Wildlife Service.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: 1/19/2022

Attached: Chapter 52, “Wildlife Refuges”, Chapter 91, “Waterfowl and Coot Hunting Seasons”, and Chapter 92, “Migratory Game Birds” NOIA

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

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 52 “Wildlife Refuges”, Chapter 91 “Waterfowl and Coot Hunting Seasons” and Chapter 92 “Migratory Game Birds”, Iowa Administrative Code.
Legal Authority for Rule Making

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

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 481A.48.

Purpose and Summary

This rulemaking proposes amendments to three chapters governing waterfowl hunting.

Chapter 52 contains regulations designating wildlife refuges. The proposed amendment re-classifies the wildlife refuge on the Hawkeye Wildlife Area as a waterfowl refuge.

Chapter 91 contains the regulations for hunting waterfowl and coot, and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. The proposed amendments remove expired zone boundary descriptions, renames and streamlines special goose hunting regulations in metropolitan areas, expands the boundaries of the Des Moines Metropolitan Goose Hunting zone, and adjusts several areas closed to goose hunting.

Chapter 92 contains regulations for hunting migratory game birds. The proposed amendment makes minor adjustments to the description of light goose hunting regulations to ensure they are consistent with the Light Goose Conservation Order authorized by the U.S. Fish and Wildlife Service.

Fiscal Impact

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

Jobs Impact

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

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 Commission for a waiver of the discretionary provisions, if any, pursuant to 571-Chapter 11.

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 Commission no later than 4:30 p.m. on March 4, 2022. Comments should be directed to:

Orrin Jones
Department of Natural Resources
1203 North Shore Drive
Clear Lake IA, 50428
Email: orrin.jones@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held as follows. Persons who wish to attend the conference call should contact Orrin Jones at orrin.jones@dnr.iowa.gov. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Orrin Jones prior to the hearing to facilitate an orderly hearing.

March 4, 2022	Conference call
1:00 p.m.	Wallace State Office Building

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 impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

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

The following rule-making action proposed:

ITEM 1. Amend subrules 52.1(2) to 52.1(3) as follows:

52.1(2) *Wildlife refuges.* The following areas under the jurisdiction of the department of natural resources are established as wildlife refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
South Twin Lake	Calhoun
Ventura Marsh	Cerro Gordo
Allen Green Refuge	Des Moines
Henderson.....	Dickinson
Ingham Lake	Emmet
Crystal Hills.....	Hancock
Hawkeye Wildlife Area.....	Johnson
Colyn Area	Lucas
Gladys Black Eagle Refuge.....	Marion
Five Island Lake	Palo Alto
Polk City Refuge	Polk
Smith Area.....	Pottawattamie
Green Valley Lake.....	Union

52.1(3) *Waterfowl refuges.* The following areas under the jurisdiction of the department of natural resources are established as waterfowl refuges where posted. It shall be unlawful to hunt ducks and geese on the following areas, where posted, at any time during the year. It shall be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
Lake Icaria	Adams
Pool Slough Wildlife Area.....	Allamakee
Rathbun Area	Appanoose, Lucas, Wayne
Sedan Bottoms.....	Appanoose
Sweet Marsh	Bremer
Big Marsh	Butler
Union Hills	Cerro Gordo
Round Lake.....	Clay
Jemmerson Slough Complex.....	Dickinson
Forney Lake	Fremont
Riverton Area	Fremont
Dunbar Slough.....	Greene
Bays Branch.....	Guthrie
Eagle Flats	Hancock
Eagle Lake.....	Hancock
Green Island Area.....	Jackson
Hawkeye Wildlife Area.....	Johnson
Muskrat Slough	Jones
Red Rock Area	Marion, Polk, Warren
Badger Lake.....	Monona
Chichaqua Area	Polk
McCausland.....	Scott

Princeton Area	Scott
Otter Creek Marsh	Tama
Rice Lake Area	Winnebago
Snyder Bend Lake	Woodbury
Elk Creek Marsh	Worth

ITEM 2. Amend subrules 91.1(1) to 91.1(4) as follows:

91.1(1) Zone boundaries. The following zone boundaries apply in the time frames noted:

— *a.* For the 2020–2021 season, the north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River duck hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south duck hunting zone is the remainder of the state.

— *b.* For the fall 2021 through spring 2026 seasons, ~~the~~ The north duck hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south duck hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central duck hunting zone is the remainder of the state.

91.1(2) Season dates - north zone.

~~*a.* For the 2020–2021 season. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the last Saturday in September and run for 7 days. The second segment of the season will open on the second Saturday in October and continue for 53 consecutive days.~~

— *b.* For the fall 2021 through spring 2026 seasons. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest September 30 and run for 7 days. The second segment of the season will open on the Saturday nearest October 13 and continue for 53 consecutive days.

91.1(3) Season dates - south zone/central zone.

~~*a.* For the 2020–2021 season—south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the first Saturday in October and run for 7 days. The second segment of the season will open on the third Saturday in October and continue for 53 consecutive days.~~

— *b.* For the fall 2021 through spring 2026 seasons—central zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 6 and run for 7 days. The second segment of the season will open on the Saturday nearest October 20 and continue for 53 consecutive days.

91.1(4) Season dates - Missouri River zone/south zone.

~~*a.* For the 2020–2021 season—Missouri River zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the second Saturday in October and run for 7 days. The second segment of the season will open on the fourth Saturday in October and continue for 53 consecutive days.~~

— *b.* For the fall 2021 through spring 2026 seasons—south zone. Special September teal season: September 1 through September 16. For all ducks: The first segment of the season will begin on the Saturday nearest October 13 and run for 7 days. The second segment of the season will open on the Saturday nearest October 27 and continue for 53 consecutive days.

ITEM 3. Amend subrules 91.3(1) to 91.3(5) as follows:

91.3(1) Zone boundaries. The following zone boundaries apply in the time frames noted:

— *a.* For the 2020–2021 season, the north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east to State Highway 37, southeast to State Highway 183, northeast to State Highway 141, east to U.S. Highway 30, and along U.S. Highway 30 to the Iowa-Illinois border. The Missouri River goose hunting zone is that part of Iowa west of Interstate 29 and south to the Iowa-Missouri border. The south goose hunting zone is the remainder of the state.

— *b.* Effective fall 2021 through spring 2026, ~~the~~ The north goose hunting zone is that part of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 20 to the Iowa-Illinois border. The south ~~duck~~ goose hunting zone is that part of Iowa west of Interstate 29 and south of State Highway 92 east to the Iowa-Illinois border. The central ~~duck~~ goose hunting zone is the remainder of the state.

91.3(2) Season dates - north zone.

~~— a. For the 2020-2021 season. For all geese: The first segment of the regular goose season will begin on the second to last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the second Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~— b. For the fall 2021 through spring 2026 seasons. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 23 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 13 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 13 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

91.3(3) Season dates - south zone/central zone.

~~— a. For the 2020-2021 season—south zone. For all geese: The first segment of the regular goose season will begin on the last Saturday of September and run for a 16-day period. The second segment of the goose season will open on the third Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~— b. For the fall 2021 through spring 2026 seasons—central zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest September 30 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 20 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 20 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

91.3(4) Season dates - Missouri River zone/south zone.

~~— a. For the 2020-2021 season—Missouri River zone. For all geese: The first segment of the regular goose season will begin on the first Saturday of October and run for a 16-day period. The second segment of the goose season will open on the fourth Saturday in October and continue for 53 consecutive days. The goose season will then close for a 10-day period and shall then reopen on the following Saturday and remain continuously open until the total number of days used for goose hunting reaches 107.~~

~~— b. For the fall 2021 through spring 2026 seasons—south zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest October 6 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 27 and continue for 53 consecutive days. The goose season will reopen on the Saturday nearest December 27 and remain continuously open until the total number of days used for goose hunting reaches 107.~~

91.3(5) Bag limit. The daily bag limit for dark geese (Canada geese, white-fronted geese, brant and any other geese that are not light geese) is 5 and may include no more than 2 Canada geese, during the first segment of the statewide season and no more than 3 Canada geese during the remainder of the statewide season, from September 16 through October 31 and no more than 3 Canada geese from November 1 through the end of the season. The daily bag limit for light geese (white and blue-phase snow geese and Ross' geese) is 20.

ITEM 4. Amend subrule 91.3(9) as follows:

91.3(9) Cedar Rapids/Iowa City goose hunting zone Metropolitan Goose Hunting Seasons and specified areas.

a. *Season dates.* The ~~first~~ second Saturday in September for nine consecutive days.

b. *Bag limit.* Daily bag limit is 5 Canada geese.

c. *Possession limit.* Three times the daily bag limit.

d. *Zone boundary Specified areas.*

Cedar Rapids/Iowa City: The Cedar Rapids/Iowa City goose hunting ~~zone~~ area includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; thence south and east along County Road E2W to Highway 920; thence north along Highway 920 to County Road E16; thence east along County Road E16 to County Road W58; thence south along County Road W58 to County Road E34; thence east along County Road E34 to Highway 13; thence south along Highway 13 to Highway 30; thence east along Highway 30 to Highway 1; thence south along Highway 1 to Morse Road in Johnson County; thence east along Morse Road to Wapsi Avenue; thence south along Wapsi Avenue to Lower West Branch Road; thence west along Lower West Branch Road to Taft Avenue; thence south along Taft Avenue to County Road F62; thence west along County Road F62 to Kansas Avenue; thence north along Kansas Avenue to Black Diamond Road; thence west on Black Diamond Road

to Jasper Avenue; thence north along Jasper Avenue to Rohert Road; thence west along Rohert Road to Ivy Avenue; thence north along Ivy Avenue to 340th Street; thence west along 340th Street to Half Moon Avenue; thence north along Half Moon Avenue to Highway 6; thence west along Highway 6 to Echo Avenue; thence north along Echo Avenue to 250th Street; thence east on 250th Street to Green Castle Avenue; thence north along Green Castle Avenue to County Road F12; thence west along County Road F12 to County Road W30; thence north along County Road W30 to Highway 151; thence north along the Linn-Benton County line to the point of beginning.

Des Moines: The Des Moines goose hunting area includes those portions of Boone, Story Polk, Warren, Madison, Dallas and Marion Counties bounded as follows: Beginning at the intersection of State Highway 210 and S27 in Story County; thence south along County Road S27 to Polk County; thence south to State Highway 316; thence south to State Highway 5 in Marion County; thence west on State Highway 92 to State Highway 169 in Madison County; thence north on State Highway 169 to State Highway 141 in Dallas County, thence east to State Highway 210; thence north on State Highway 210 to Boone County; thence east on State Highway 210 to point of the beginning.

Cedar Falls/Waterloo: The Cedar Falls/Waterloo goose hunting area includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, thence south along County Road V49 to County Road D38, thence west along County Road D38 to State Highway 21, thence south along State Highway 21 to County Road D35, thence west along County Road D35 to Grundy Road, thence north along Grundy Road to County Road D19, thence west along County Road D19 to Butler Road, thence north along Butler Road to County Road C57, thence north and east along County Road C57 to U.S. Highway 63, thence south along U.S. Highway 63 to County Road C66, thence east along County Road C66 to the point of beginning.

ITEM 5. Rescind subrules 91.3(10) and (11).

ITEM 6. Rescind and reserve paragraph 91.4(2)"c."

ITEM 7. Amend paragraph **91.4(2)"d"** as follows:

d. Area four. Portions of Winnebago and Worth Counties bounded as follows: Beginning at the junction of U.S. Highway 69 and County Road 105 in the city of Lake Mills; thence east along County Road 105 (including the right-of-way and all other road right-of-ways identified in this description) approximately 2 miles to Apple Ave.; thence south along Apple Ave. to 448th St.; thence east two and one-fourth miles on 448th St. to Cardinal Ave.; thence south one-fourth mile to 445th St.; thence east one-fourth mile to Cedar Ave.; thence south one-half mile on Cedar Ave. to the intersection of Cedar Ave. and 440th St.; thence south one-half mile across the north half of section 16, township 99 north, range 22 west, to the intersection of Cedar Ave. and 435th St.; thence south 2 miles along Cedar Ave. to Lake St.; thence west one-fourth mile along Lake St. to Front St.; thence southeast one-half mile along Front St. to County Road A38 (also named 410th St.); thence west along County Road A38 to County Road R74 (also named 225th Ave.); thence north along County Road R74 to 420th St.; thence west along 420th St. to 220th Ave.; thence north along 220th Ave. to 430th St.; thence west along 430th St. one-half mile; thence north one mile across section 15, township 99 north, range 23 west, to the intersection of 440th St. and 215th Ave.; thence north one-fourth mile on 215th Ave. to 445th St.; thence east and northeast on 445th St. to South 12th Ave. West in Lake Mills; thence east on South 12th Ave. West to South Lake St.; thence north on South Lake St. to point of beginning. of 225th Ave (also known as County Road R74) and S. 10th Ave E in the city of Lake Mills; thence east along S. 10th Ave to 445th St (including the right-of-way and all other road right-of-ways identified in this description), thence east to Apple Ave; thence north to 448th St to Bluebill Ave (also known as County Road S10); thence south to the intersection of N. Western St. (also known as Cardinal Ave) and Lake St. in the city of Joice; thence west on Lake St. (also known as 415th St) to 418th St; thence west to Balsam Ave; thence north to 420th St.; thence west to Aspen Ave; thence north to 425th St (also known as County Road A34); thence west to 225th Ave (also known as County Road R74); thence north on 225th Ave to the point of the beginning.

ITEM 8. Rescind and reserve paragraph **91.4(2)"e."**

ITEM 9. Amend paragraphs **91.4(2)"g"** and **"h"** as follows:

g. Area seven. Portions of Guthrie and Dallas Counties bounded as follows: Beginning at the junction of State Highways 4 and 44 in Panora; thence north along State Highway 4 (including the right-of-way) to County Road F25; thence east along County Road F25 (including the right-of-way) to York Avenue County Road P30 (also known as Wink Ave); thence south along P30 1 mile (including the right-of-way) to 170th Street; thence east one-half mile (including the right-of-way) to A Yellow Avenue in Dallas County; thence south on A Yellow Avenue 5 miles (including the right-of-way) to State Highway 44; thence west along State Highway 44 (including the right-of-way) to the point of beginning.

h. Area eight. A portion of Adams County bounded as follows: Beginning at the intersection of State Highway 148 and Adams County Road N28; thence east along Adams County Road N28 (including the right-of-way) to Adams County

Road N53; thence east and north along Adams County Road N53 (including the right-of-way) approximately 4.5 miles to Adams County Road H24; thence west along Adams County Road H24 (including the right-of-way) about 8 miles to Hickory Avenue; thence south along Hickory Avenue (including the right-of-way) about 2.5 miles to Adams County Road N28; thence east along Adams County Road N28 (including the right-of-way) to the point of beginning. On any federal, state, or county owned lands or waters within the area bounded by the following roads: Beginning at the junction of Ironwood Avenue (State HWY 148) and County Road N28; thence north to its intersection with 150th Street; thence east to its intersection with Corning Carl Road (also known as County Road N53); thence south to its intersection with County Road N28 (also known as 183rd St.); thence west along N28 to the point of beginning.

ITEM 10. Amend paragraph **91.4(2)“k”** as follows:

k. *Area eleven.* Starting at the junction of the navigation channel of the Mississippi River and the mouth of the Maquoketa River in Jackson County, proceeding southwesterly along the high-water line on the west side of the Maquoketa River to U.S. Highway 52; thence southeast along U.S. Highway 52 (including the right-of-way) to the first intersection of Green Island Road; thence northeast along Green Island Road (including right-of-way) to the southeast corner of the Green Island Wildlife Management Area waterfowl refuge; thence north along the waterfowl refuge line and following said refuge line exactly to its northwest corner at the intersection with 501st Avenue; thence north along 501st Avenue (including the right-of-way) to the point where it intersects the east bank of the Maquoketa River; thence proceeding northeasterly along the high-water line on the east side of the Maquoketa River to the junction of the navigation channel of the Mississippi River; thence northwest along the center of the navigational channel to the point of beginning. thence southeast along U.S. Highway 52 (including the right-of-way) to 607th Avenue; thence east along 607th Avenue (including the right-of-way) to the Sioux Line Railroad; thence north and west along the Sioux Line Railroad to the Green Island levee; thence northeast along a line following the Green Island levee to the center of the navigational channel of the Mississippi River; thence northwest along the center of the navigational channel to the point of beginning.

ITEM 11. Rescind and reserve paragraph **91.4(2)“m.”**

ITEM 12. Amend paragraph **91.4(2)“n”** as follows:

n. *Area fourteen.* Portions of Bremer County bounded as follows: Beginning at the intersection of Tahoe Avenue and State Highway 93 (also named 140th Street); thence south along Tahoe Avenue (including the right-of-way and all other road right-of-ways identified in this description) to County Road C28 (also known as 165th St.); thence west along County Road C28 to State Highway 93; thence north to County Road V5C (also known as Possum Ave) to 140th St; thence east along 140th St. to State Highway 93 to the point of the beginning. C33; thence west along County Road C33 to Navaho Avenue; thence north along Navaho Avenue to State Highway 93; thence west along State Highway 93 to U.S. Highway 63; thence north 3 miles along U.S. Highway 63 to 140th Street; thence east along 140th Street for 2 miles and continuing on a similar east line for 2 more miles along the north borders of sections 28 and 29, township 93 north, range 12 west, to County Road V5C (also named 140th Street); thence east about one-half mile on County Road V5C to State Highway 93; thence east on State Highway 93 to the point of beginning.

ITEM 13. Rescind and reserve paragraph **91.4(2)“o.”**

ITEM 14. Amend paragraph **91.4(2)“p”** as follows:

p. *Area sixteen.* A portion of Union County bounded as follows; on any federal, state, or county owned lands or waters within the area bounded by the following roads: Beginning at the intersection of U.S. Highway 34 and County Road P53 near Afton; thence west along U.S. Highway 34 (including the right-of-way and all other road right-of-ways identified in this description) approximately 2.5 miles to Twelve Mile Lake Road; thence north along Twelve Mile Lake Road approximately 5 miles to Union County Road H17; thence north and east along Union County Road H17 to County Road P53; thence south along County Road P53 to the point of beginning.

ITEM 15. Rescind subrule **91.4(3).**

ITEM 16. Amend subparagraph **91.5(1)“b”(1)** as follows:

(1) Landowners and tenants who own or farm land in the closed areas will be permitted to hunt Canada geese in the closed areas, for three years. This experimental hunting opportunity will be evaluated by the landowners and the DNR following each season, at which time changes may be made.

ITEM 17. Amend subrule 92.3(11) as follows:

92.3(11) By any of the methods or means prohibited in this rule unless such methods or means have been approved by the U.S. Fish and Wildlife Service for the taking of ~~snow~~ light geese during special ~~snow~~ light-goose-only seasons or ~~snow~~light-goose-only hunts.

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

Decision Item (*indicates proposed consent)

***12. Contract Amendment-5 with Des Moines Blue Print Company**

Commission approval is requested for a service contract amendment with Des Moines Blue Print Company, of Des Moines, Iowa.

Amendment-5 Terms:

Amendment Amount: Not to Exceed \$50,126.99

Amendment Dates: 01/19/22-03/19/22

Funding Source(s): Federal Voluntary Public Access Grant

Amendment Purpose: The purpose of the contract amendment is to increase the amount of the contract for the procurement of signs associated with the Iowa Habitat and Access Program (IHAP); no extension of time is needed. Signs include boundary limits, no shooting within 200 yards of occupied buildings, and no unauthorized vehicles signs.

Original Contract Purpose: In March 2017, the Department entered into an agreement with Des Moines Blue Print Company/Beeline and Blue for printing and distribution services for projects advertised by the DNR Engineering Bureau. These services include: printing, distribution, and mailing of requested project manuals and project plans; maintain an electronic plan holders list by project; provide email notifications of addenda issued by the DNR about a specific project to all requestors identified in the plan holders electronic list; and provide the DNR with the requested copies of project manuals and project plans for each individual project advertised.

Original Selection Process: In 2017, the DNR published a Request for Proposal (RFP) and reviewed bids for services requested. Des Moines Blue Print Company/Beeline and Blue was awarded the bid due to their experience, performance, references, capacity, and cost. In 2021, after review of the bid and product requested, DNR's procurement officer recommended this vendor for the signs.

Contract History:

Original Contract Terms: Amount \$ 9,377.79; Timeframe: 3/20/2017 to 3/19/2018

Amendment- 1; Terms: Amount: Not to Exceed \$24,999, annually; Timeframe: 3/20/2018 to 3/19/2019;
Purpose: Extend this Contract for an additional year under the original terms and conditions

Amendment- 2; Terms: Amount: Not to Exceed \$24,999, annually; Timeframe: 3/20/2019 to 3/19/2020;
Purpose: Extend this Contract for an additional year under the original terms and conditions

Amendment- 3; Terms: Amount: Not to Exceed \$24,999, annually; Timeframe: 3/20/2020 to 3/19/2021;
Purpose: Extend this Contract for an additional year under the original terms and conditions

Amendment- 4; Terms: Amount: Not to Exceed \$24,999, annually; Timeframe: 3/20/2021 to 3/19/2022;
Purpose: Extend this Contract for an additional year under the original terms and conditions

Travis Baker, Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: January 19,2022

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

Decision Item

13. Chapter 30 - Waters Cost-Share and Grants Program, Low-Head Dam Public Hazard Grant Recommendations

The Commission is requested to approve the following grant recommendations pursuant to Chapter 30, Waters Cost-share and Grants Programs.

Grant Purpose: The purpose of the Low-Head Dam Public Hazard Program is to reduce drowning hazards and promote fish passage on Iowa’s navigable rivers. Eligible applicants include any owner of a low-head dam or a partner organization. A minimum 50 percent cost-share is required from the applicant. As outlined in rule, grants are issued at least annually if funding is available. The last grants were issued in November 2019.

Funding Source(s): Rebuild Iowa Infrastructure Fund

Grant Funding Available: Funding available for this grant cycle is \$400,000.

Summary of Selection Process: As directed by criteria under Chapter 30, the grant review and selection committee met on December 22, 2022, 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:

- Citizen stakeholders (2)
- DNR Staff (3)

Recommendations: The committee recommends funding the three top ranked projects. If ranked projects decline their award, dollars will be offered to the next qualified applicant. Any unused funds will revert back to the project development fund for use in future projects.

DEVELOPMENT GRANT				
Ranked by Score	Grant Applicant	Project Description	Grant Amount Requested	Recommended Award
93.6	Mitchell County Conservation Board	Otranto Dam Mitigation: Construction funds to remove the dam on the Cedar River and replace with boulder weirs in this \$445,100 project.	\$200,000	\$200,000
89.4	Buena Vista County Conservation Board	Linn Grove Dam Modification: Construction funds support FEMA match to replace failed dam with fish passage and recreational channels in a \$7.4 million project.	\$125,000	\$125,000
87	City of Mason City	Mason City Dam #1 Mitigation: Construction funds to convert 12 th Street dam on Winnebago River to large boulder rapids for navigation and fish passage in this \$987,000 project.	\$100,730	\$75,000

86.4	Linn County Conservation	Pinicon Ridge Park Dam Mitigation: Construction funds to build rapids below dam with one recreation channel and a fish passage channel in this \$3 million project.	\$100,000	-0-
72.6	City of Estherville	Estherville Low Head Dam Mitigation: Engineering funds to design fishing and recreation features to replace dam for \$85,765 project.	\$42,882	-0-
DEVELOPMENT GRANT TOTALS			\$568,612	\$400,000

Travis Baker, Land and Waters Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: January 19, 2022

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

Decision Item

14. Public Land Acquisition Project: Falcon Springs Wildlife Management Area, Winneshiek County – Iowa Natural Heritage Foundation

The Natural Resource Commission's approval is requested to purchase a tract of land located in Winneshiek County adjacent Falcon Springs Wildlife Management Area (WMA).

Seller: Iowa Natural Heritage Foundation

Acreage: 41 acres

DNR Purchase Price: \$147,000

Appraised Price: \$239,800

Property Description: This property is located 4 miles northwest of Decorah in central Winneshiek County. Half of the moderately rolling to steep tract is characterized by upland grassland, and the other half is hardwood forested ridges and ravines, including a riparian floodplain along a trout stream. Ten Mile Creek, reflecting a self-sustaining wild brown trout population, bisects the southwest region of the tract. There are no building improvements. Access is provided by a paved, county road along a portion of the east boundary of the property.

Purpose: This acquisition will provide for public access to hunting and fishing, and other outdoor recreation opportunities, managed as a diverse grassland and woodland community. The federally endangered Rusty Patched Bumble Bee has been found near the property, and ruffed grouse, a Species of Greatest Conservation Need, are on the adjacent Falcon Springs unit.

DNR Property Manager: Wildlife Bureau

Funding Source(s): REAP Private/Public Grant

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

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: January 19, 2022

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

Information Item

15. 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
11/18/21	22-02-95-01 Wildlife	Harmon Lake WMA	Winnebago	Replace a washed out and corroded water control structure with a new concrete box water control structure with aluminum stop logs.	\$18,000	\$16,400.00 \$23,551.84
11/18/21	20-02-95-01 Wildlife	Clear Lake Wildlife Unit	Winnebago	Restore a shallow wetland, 1,400 linear feet of tile search, tile break, and install 910 linear ft of new tile.	\$27,000	\$26,480.00 \$27,208.00 \$31,000.00
12/2/21	20-01-30-08 Wildlife	Christopherson Slough	Dickinson	Install a water level management structure at an existing rock fish barrier. Work includes channel excavation, installation of three 24" CMP pipe and a CMP riser structure, and placement of erosion stone.	\$45,000	\$17,909.00 \$20,460.00 \$31,445.00 \$48,994.91

Travis Baker, Land and Waters Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: January 19, 2022

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item (*indicates proposed consent)

16. Construction Projects

16.1 Sweet Marsh Wildlife Management Area, Boat Channel Dredging – Bremer County

The Department requests Commission approval of the following construction project:

Project Summary: Sweet Marsh Wildlife Area was developed in the 1950s as a stopover for ducks and its size, habitat diversity, and location make Sweet Marsh a top birding and duck hunting spot in Iowa. It covers more than 3,100 acres, with eight miles of dikes, six parking lots and three boat ramps. It has five pools connected through a series of canals totaling about 800 acres of water that includes Martens Lake, the second largest impoundment in northeast Iowa. The largest boat ramp is on Martens Lake and it will fill with boat trailers on opening morning of duck season. The lake is also good for fishing black bullhead, black and white crappies, bluegill, largemouth bass, and northern pike. In addition, Massasauga Rattle Snakes hibernate in crayfish burrows along the dike.

The dike complex was originally constructed in the 1950's. Over the years, wave-action erosion has deteriorated the upstream side of the dikes. This, in addition to the upstream sediment load, has caused sediment to build up throughout the pool. Additionally, recent flood events have deposited sediment and scoured the top of the dikes. Standard heavy earth moving equipment will be used to repair erosion damage on the dikes and dig approximately 18,000 feet of channels, 20 feet wide, to allow for boat access in the pool.



Engineering Project #: 19-03-09-01

Cost Estimate: \$322,000

Operating Bureau: Fisheries and Wildlife

Funding Source: Marine Fuel Tax

Bid Letting Date: 12/09/2021

Construction Completion Date: 02/28/2023

Number of Bids Received: 6

Bidders

JB Holland Construction, Inc.	Decorah, IA	\$251,936.10
CJ Moyna & Sons, LLC	Elkader, IA	\$416,342.45
TWR Fun LLC dba TWR Dock and Marine	Lamont, IA	\$474,948.596
Veit & Company, Inc.	Rogers, MN	\$488,086.20
Michels Corporation	Brownsville, WI	\$746,850.522
Fenton Construction, Inc.	Sioux City, IA	\$1,000,000.004

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

16.2 Frank Starr Park at Storm Lake, Shoreline Armoring – Buena Vista County

The Department requests Commission approval of the following construction project:

Project Summary: Frank Starr Park is located on the west shore of Storm Lake along Highway 110 in Storm Lake, Iowa. The park is sovereign land managed by the City of Storm Lake. This location has open shelter, restrooms, playground, sand volleyball court, trail and a public ADA dock.

The last shoreline armoring work was completed more than 45 years ago when the area was created as a spoil site for a dredging project. The damage to the existing armoring is a result of freeze/thaw and ice heave over time. The Department partnered with the Lake Preservation Association for this this project, which consists of adding fieldstone to 2000' of shoreline.

Engineering Project #: 22-01-11-01

Cost Estimate: \$220,000

Operating Bureau: Fisheries

Funding Source: 50% Marine Fuel Tax, 50% Donation (Lake Preservation Association)

Bid Letting Date: 12/09/2021

Construction Completion Date: 05/20/2022

Number of Bids Received: 4



Bidders

BD Construction Services, LLC	Spencer, IA	\$209,000.00
Fenton Construction, Inc.	Sioux City, IA	\$270,000.00
MLS Landscape & Design, Inc.	Granville, IA	\$289,700.00
LA Carlson Contracting, Inc.	Hinton, IA	\$329,940.00

Upon Engineering’s review of bids, DNR recommends awarding the contract to BD Construction Services, LLC.

16.3 Green Valley State Park Shoreline Armoring – Union County

The Department requests Commission approval of the following construction project:

Project Summary: Green Valley State Park in southwest Iowa is a popular destination for fishing and boating. The park is a family-friendly hub for camping, picnicking or any outdoor pursuit. Green Valley’s 390-acre lake is stocked with walleye, bluegill, channel catfish and more. It has six fishing jetties, two ADA accessible fishing piers are available on the north and south shorelines and a section of shoreline is designated as 24-hour fishing access.

This project consists of refreshing 1,787 feet of shoreline armoring along the campground, 1,027 feet armoring along six jetties, and 165 feet armoring at the boat ramp. The last shoreline/jetty repair work was completed 12 years ago. The damage to the existing armoring is a result of freeze/thaw breaking the riprap down into rubble over time.



Engineering Project #: 22-04-88-03

Cost Estimate: \$213,000

Operating Bureau: Parks

Funding Source: 55% Marine Fuel Tax, 44% Federal Land and Water Conservation Fund, 1% REAP Open Spaces

Bid Letting Date: 12/09/2021

Construction Completion Date: 05/20/2022

Number of Bids Received: 4

Bidders

JNC Construction, LLC	Clearfield, IA	\$165,452.00
Lamb Tiling, LLC	Greenfield, IA	\$200,246.80
Wenthold Excavating, LLC	Elkhart, IA	\$238,702.00
Fenton Construction, Inc.	Sioux City, IA	\$370,000.00

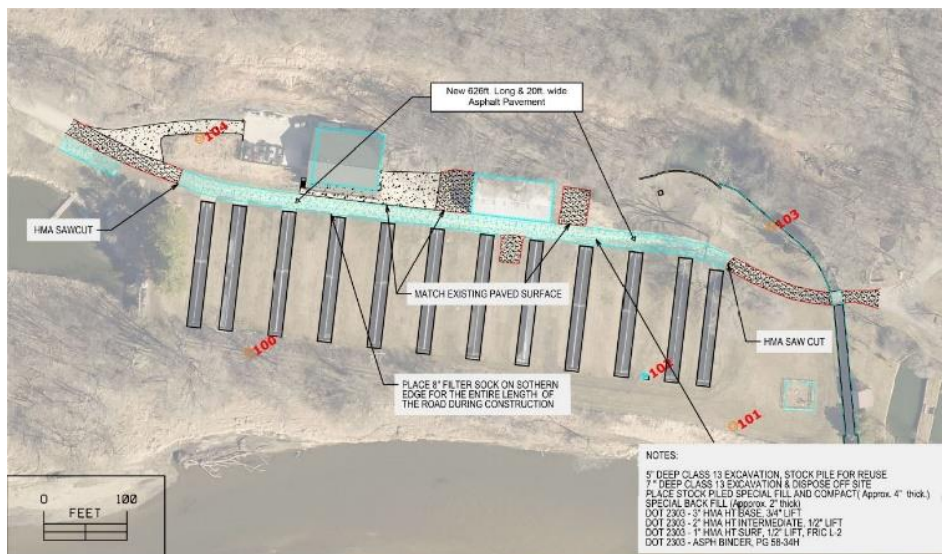
Upon Engineering’s review of bids, DNR recommends awarding the contract to JNC Construction, LLC.

16.4 Big Spring Fish Hatchery, Road Reconstruction – Clayton County

The Department requests Commission approval of the following construction project:

Project Summary: The Big Spring Hatchery is located along the Turkey River 10 miles northwest of Elkader in Clayton County. Approximately 150,000 rainbow and brook trout are reared at Big Spring and stocked by hatchery personnel into 15 different cold water streams.

In 2017, one lane of the access road to the hatchery was removed to allow for the replacement of the main water line that goes from the spring to the trout raceways. This project will rebuild the road. The old roadway base and remaining pavement will be removed. The new road will consist of three lifts of Hot Mix Asphalt placed over six inches of compacted rock base. The old roadway will be crushed and reused as either rock base and/or aggregate in the Hot Mix Asphalt.



Engineering Project #: 20-03-22-01

Cost Estimate: \$110,000

Operating Bureau: Fisheries

Funding Source: IA DOT Parks and Institutional Roads

Bid Letting Date: 12/09/2021

Construction Completion Date: 05/31/2022

Number of Bids Received: 3

Bidders

Skyline Construction Inc.	Decorah, IA	\$103,424.25
Eastern Iowa Excavating & Concrete, LLC	Cascade, IA	\$110,301.25
Tschiggfrie Excavating	Dubuque, IA	\$115,945.00

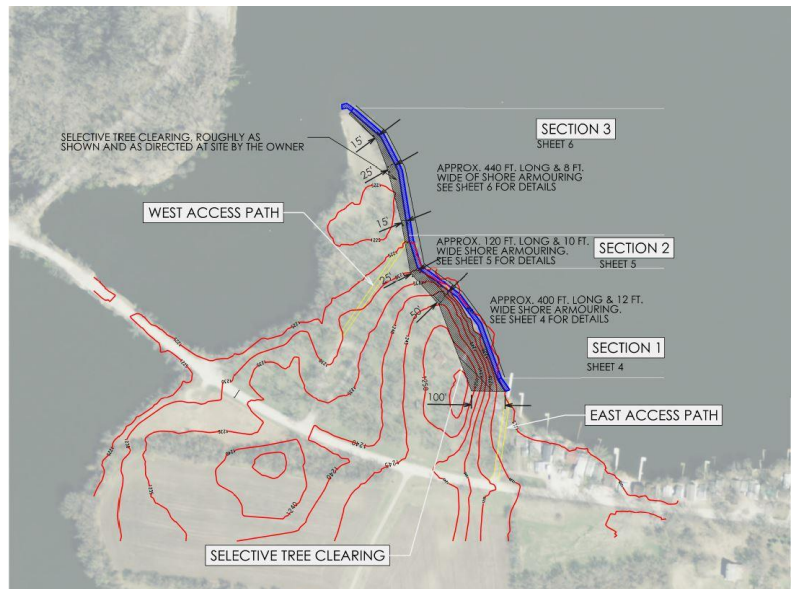
Upon Engineering’s review of bids, DNR recommends awarding the contract to Skyline Construction Inc.

16.5 Black Hawk Lake, Shoreline Stabilization – Sac County

The Department requests Commission approval of the following construction project:

Project Summary: Black Hawk Lake is the southernmost glacial lake in the United States. The lake has a surface area of approximately 922 acres, an average depth of 6 feet, and a maximum depth of 15 feet. The lake is adjacent to the city of Lake View, as well as Black Hawk State Park and the Black Hawk Wildlife Management Area. Three boat ramps are located around the lake for public use.

Approximately 1,000 feet of shoreline at Black Hawk Lake is eroding and needs to be stabilized to avoid further deterioration. Excessive tree canopy along the shoreline has promoted the growth of undesirable underbrush species (i.e. honeysuckle, Chinese elm, and autumn olive) which do not provide adequate erosion protection. For this contract, selective clearing will be used to clean up the understory vegetation. All cleared areas will be seeded with native grasses. Approximately 1,000 tons of fieldstone riprap will be placed along the shoreline to protect against wave-action erosion.



Engineering Project #: 20-01-81-02

Cost Estimate: \$160,000

Operating Bureau: Fisheries

Funding Source: Marine Fuel Tax -100 %

Bid Letting Date: 12/09/2021

Construction Completion Date: 05/20/2022

Number of Bids Received: 5

Bidders

Empire Excavation	Odebolt, IA	\$149,895.00
Richards Construction Co., Inc.	Sac City, IA	\$158,592.00
BD Construction Services LLC	Spencer, IA	\$163,890.00
LA Carlson Contracting, Inc.	Hinton, IA	\$184,606.00
King Contracting LLC dba King Construction	Wall Lake, IA	\$254,180.00

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

16.6 Silver Lake, Shoreline Stabilization – Dickinson County

The Department requests Commission approval of the following construction project:

Project Summary: Silver Lake is a 1,032-acre natural lake located in Northwest Iowa and serves as an important regional asset. This shallow lake has at 17:1 watershed to lake area ratio and a mean depth of 7ft. According to the 2014 CARD survey, the lake receives over 40,000 visitors annually and is a popular destination for boating, fishing, and wildlife watching. The City of Lake Park and Trappers Bay State Park borders Silver Lake.

Water quality at the lake has declined in recent years, and the lake is currently listed as impaired for turbidity. A TMDL (Total Maximum Daily Load) was prepared and approved for Silver Lake in 2009. Shallow water conditions, coupled with rough fish, shoreline erosion, and pollutant loading have led to frequent algae blooms and high nutrient concentrations. The local community worked to develop and began implementing a watershed

management plan in 2011. The lake is currently on the priority list of lakes for restoration within the Lake Restoration Program.

In 2018, the City of Lake Park, along with DNR, hired Wenck and Associates (now Stantec) to complete a Diagnostic and Feasibility Study for Silver Lake. The study showed that water quality in the lake was negatively impacted by both external (from the watershed) and internal (recycled within the lake) phosphorus loading and made several recommendations for restoration. Over 1,600 lbs of phosphorus entering the lake annually were attributed to shoreline erosion, and the plan called for a 63% reduction in the load coming from shoreline erosion (along with implementing other restoration practices) was needed to help meet water quality goals. Stabilizing large sections of shoreline that are actively eroding is an important part of the overall restoration strategy for Silver Lake. Following the completion of the study, the City of Lake Park invested in engineering design on seven sections of critically eroding shoreline (in both private and public ownership). This project represents the first two segments of shoreline (both in public ownership) to be stabilized.

Approximately 4,000 feet of shoreline has deteriorated and needs protection. Excessive tree canopy along the shoreline has promoted the growth of undesirable underbrush species (i.e. honeysuckle, Chinese elm, and autumn olive) which do not provide adequate erosion protection. For this contract, selective clearing will be used to clean up the understory vegetation. All cleared areas will be seeded with native grasses and forbes. A natural erosion netting will cover disturbed areas to provide erosion protection until the native grasses are established. At the water's edge, standard riprap will be used to flatten the near-vertical shoreline. Next, approximately 1,660 tons of fieldstone riprap will be placed on top of the flattened slope to protect against wave-action erosion.



Engineering Project #: 21-01-30-09
Cost Estimate: \$825,000.00
Operating Bureau: Lake Restoration
Funding Source: Lake Restoration and Marine Fuel Tax
Bid Letting Date: 12/09/2021
Construction Completion Date: 9/15/2022
Number of Bids Received: 6

Bidders

BD Construction Services, LLC	Spencer, IA	\$963,954.00
Fenton Construction, Inc.	Sioux City, IA	\$1,000,000.00
Peterson Contractors, Inc.	Reinbeck, IA	\$1,031,701.50
Cory Juergens Construction, LLC	Estherville, IA	\$1,045,963.00
JB Holland Construction, Inc.	Decorah, IA	\$1,172,687.75
Veit & Company, Inc.	Rogers, MN	\$1,464,594.00

Upon Engineering's review of bids, DNR recommends awarding the contract to BD Construction Services, LLC.

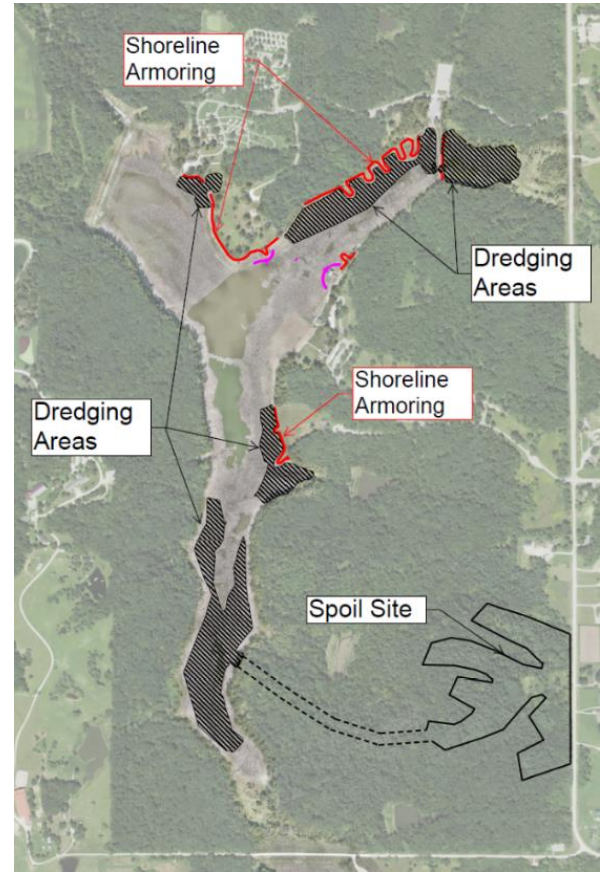
16.7 Ahquabi State Park, Mechanical Dredging and Shoreline Armoring – Warren County

The Department requests Commission approval of the following construction project:

Project Summary: Lake Ahquabi State Park was dedicated in 1936 and is approximately 770 acres in size, including the 115 acre lake. Existing facilities include a lakeshore campground with modern facilities, a beach with a CCC beach shelter, a privately-run beach concessionaire, a CCC lodge, an enclosed fishing pier, hiking trails, and two boat ramps.

According to the 2019 CARD survey, Lake Ahquabi sees an estimated 126,000 visitors annually and is a popular destination for families due to its proximity to the Des Moines metro. A number of watershed ponds and water quality improvement practices were installed in and around the lake in the late 1990s and early 2000s, but land use has changed considerably since then, and unfortunately, water quality has declined with increased sedimentation in the arms of the lake. The lake was drawn down in the summer of 2021 to begin a fishery renovation to eliminate yellow bass from Lake Ahquabi and the upstream Hooper Pond. Parks and Wildlife staff have been working to improve timber stands around the park, and this in-lake restoration effort is part of a larger joint planning effort to improve water quality and recreational opportunities at the park.

With the lake down, the contractor will use typical heavy earthmoving machinery (i.e. bulldozers, scrapers, excavators, and dump trucks) remove approximately 180,000 cubic yards of deposited sediment and native soils from five areas and place it in a spoil site located in the southeast corner of the park property. 5,100 linear feet of shoreline will receive approximately 2,600 tons of rock armoring. Underwater fish habitat structures, such as rock mounds, spawning reefs, and “catfish condos” will be placed adjacent to shoreline-accessible fishing area. The drawdown valve for the lake is scheduled to be closed on February 15, 2023, in order to catch spring rain runoff.



Engineering Project #: 21-05-91-03

Cost Estimate: \$1,700,000.00

Operating Bureau: Lake Restoration

Funding Source: Lake Restoration 89%, REAP Land Management 11%

Bid Letting Date: 12/09/2021

Construction Completion Date: 05/01/2023

Number of Bids Received: 9

Bidders

RW Excavating Solutions, LC	Prairie City, IA	\$1,680,027.11
CJ Moyna & Sons, LLC	Elkader, IA	\$1,889,610.20
Langman Construction, Inc.	Rock Island, IL	\$1,999,978.10
Veit & Company, Inc.	Rogers, MN	\$2,148,668.35
Rachel Contracting, LLC	St. Michael, MN	\$2,188,075.15
JB Holland Construction, Inc.	Decorah, IA	\$2,335,103.75
Hendrickson Transportation	Hamburg, IA	\$3,143,812.00
Fenton Construction, Inc.	Sioux City, IA	\$3,270,000.00
Legacy Corporation of IL	East Moline, IL	\$3,928,887.998

Upon Engineering’s review of bids, DNR recommends awarding the contract to RW Excavating Solutions, LC.

***16.8 Riverton Wildlife Management Area, Pavement Preservation - Fremont County**

The Department requests Commission approval of the following construction project:

Project Summary: The nearly 4,000-acre Riverton Wildlife Management Area is half marsh and half upland. It provides habitat for deer, turkey, pheasant, waterfowl, rabbit, and dove. The area has several miles of rock roads that provide access for hunters, bird watchers, and nature enthusiasts. It also provides a hard-surfaced road to an ADA compliant observation platform that overlooks the Missouri River valley.

Over the last few years, the large volume of visitors, including school groups in buses, have led to joint failures, oxidation, and localized subbase settlement. This project will repair joints and cracks, as well as fog sealing the entire surface of the ½ mile roadway and repairing an existing concrete culvert.

Engineering Project #: 20-04-36-03

Cost Estimate: \$77,000

Operating Bureau: Wildlife

Funding Source: IA DOT Parks and Institutional Road Fund

Bid Letting Date: 12/2/2021

Construction Completion Date: 10/29/2022

Number of Bids Received: 1



Bidders

Midwest Coatings Company, Inc.

Modale, IA

\$84,401.00

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

***16.9 Ambrose A. Call State Park, Pavement Preservation – Kossuth County**

The Department requests Commission approval of the following construction project:

Project Summary: Ambrose A. Call State Park is located in northern Iowa near the east fork of the Des Moines River in Kossuth County and comprises of 138 acres rugged hills and virgin timber. Existing facilities include a 1920's era lodge, electric and non-electric campsites, a disc golf course, and hiking trails.

Age, along with increasing traffic loading and vehicle size/weight, has led to transverse thermal cracking, longitudinal cracking, oxidation, and a few localized pavement failures along the nearly 5,000 feet of asphalt paving. Work includes patching, transverse joint repair, and crack sealing. All asphalt roadways will be fog sealed and a new stop bar symbol will be painted on the road at the exit of the park. In addition to the asphalt roads, approximately 1,300 feet of gravel roads have lost their crown and the roadway rock has passed its useful life. The roadway crown will be reestablished before spreading new granular material on those roadways.



Engineering Project #: 20-02-55-02

Cost Estimate: \$58,000

Operating Bureau: Parks

Funding Source: IA DOT Parks and Institutional Road Fund

Plans Issue Date: 07/01/2021

Bid Letting Date: 11/18/2021

Construction Completion Date: 5/20/2022

Number of Bids Received: 1

Bidders

Heartland Asphalt Inc.

Mason City, IA

\$59,715.30

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

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: 01/19/22