

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 571—Chapter 52
“Wildlife Refuges”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481A.5, 481A.6, 481A.9 and 481A.39
State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.5, 481A.6,
481A.9 and 481A.39

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 24, 2024
1 to 2 p.m.

6200 Park Avenue, 2nd Floor
Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Monica Thelen
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.868.2209
Email: monica.thelen@dnr.iowa.gov

Purpose and Summary

Proposed Chapter 52 establishes wildlife refuges on state-owned lands and water under the jurisdiction of the Department. Wildlife refuges are sanctuaries for wildlife and help preserve a species’ biological balance pursuant to the provisions of Iowa Code sections 481A.35, 481A.6, and 481A.39; provide for the protection of public parks and public health, safety, and welfare; and effect sound wildlife management. This chapter has been edited consistent with Executive Order 10 (2023). Several long provisions identifying wildlife refuges have been removed and replaced with a more user-friendly list and visual map (with a fixed date) on the Department’s website.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Not applicable. No class of persons will bear the costs of the proposed rulemaking besides the Department itself.
 - Classes of persons that will benefit from the proposed rulemaking:
Citizens of Iowa will benefit.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:
This rulemaking is not associated with an economic impact or cost.

- Qualitative description of impact:
This rulemaking does not impose burdens on the public.
- 3. Costs to the State:
 - Implementation and enforcement costs borne by the agency or any other agency:
The agency's primary cost is for staff involved in ensuring refuges and restricted areas are posted, and law enforcement officers' enforcement of the rules.
 - Anticipated effect on state revenues:
The proposed rulemaking does not have any effect on state revenues.
- 4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:
The public does not have any costs to comply with the process and requirements set forth in these rules.
- 5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:
There are no costs associated with this proposed rulemaking.
- 6. Alternative methods considered by the agency:
 - Description of any alternative methods that were seriously considered by the agency:
None.
 - Reasons why alternative methods were rejected in favor of the proposed rulemaking:
Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking does not have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 52 and adopt the following **new** chapter in lieu thereof:

CHAPTER 52
WILDLIFE REFUGES

571—52.1(481A) Established. State-owned lands and water under the jurisdiction of the department of natural resources may be established as wildlife refuges or sanctuaries for the purpose of preserving the biological balance pursuant to the provisions of Iowa Code section 481A.39; for the protection of public parks and public health, safety and welfare; and to effect sound wildlife management.

52.1(1) *State parks, recreation areas and preserves.* State parks, recreation areas, and preserves listed on the department's website at www.iowadnr.gov/hunting/hunting-licenses-laws are established as wildlife refuges, except where posted as open to public hunting.

52.1(2) *Wildlife refuges.* Areas listed on the department's website at www.iowadnr.gov/hunting/hunting-licenses-laws are established as wildlife refuges where posted. It is 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. It is unlawful to trespass in any manner on these 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 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.

52.1(3) *Waterfowl refuges.* Areas listed on the department's website at www.iowadnr.gov/hunting/hunting-licenses-laws are established as waterfowl refuges where posted. It is unlawful to hunt ducks and geese on these areas, where posted, at any time during the year. It is unlawful to trespass in any manner on these 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 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.

52.1(4) *Restricted areas.* It is unlawful to trespass in any manner on areas posted as restricted areas, except that department personnel, law enforcement officials, and other persons specifically authorized by the department may enter the area at any time in performance of their duties.

This rule is intended to implement Iowa Code sections 481A.5, 481A.6, 481A.9 and 481A.39.