

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 571—Chapters 96, 100 and 107
“Small Game Hunting”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 481A.38, 481A.39 and 481A.48

State or federal law(s) implemented by the rulemaking: Iowa Code sections 481A.38, 481A.39, and 481A.48

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 comments concerning this Regulatory Analysis. Written 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:

Chris Ensminger
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: chris.ensminger@dnr.iowa.gov

Purpose and Summary

Proposed Chapter 96 governs small game hunting by residents and nonresidents in the state of Iowa. This chapter regulates small game hunting and sets forth season dates, bag limits, possession limits, shooting hours, areas open to hunting, and transportation requirements.

This chapter is a result of the consolidation of existing Chapters 96, 100, and 107.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Iowa small game hunters will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
Iowa small game hunters 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:
There is no economic impact or cost associated with this rulemaking.
 - Qualitative description of impact:
This rulemaking does not impose burdens on the public. In fact, this chapter authorizes small game hunting by setting forth the specific regulations on certain small game species, which provides recreational opportunities to hunters and associated economic benefits to this state.
3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The Department's primary cost is from staff time to implement and enforce the rules. This includes Wildlife Bureau staff to administer, coordinate, and monitor the hunting seasons and also effort from conservation officers to ensure safe and compliant hunting takes place. However, no staff work exclusively on small game hunting-related matters.

- Anticipated effect on state revenues:

A detailed 2022 survey of nearly 1,100 Iowans conducted by Responsive Management Inc. estimated that 433,000 people participate in hunting activities in Iowa annually. As mentioned previously, at least 70,000 of them pursue small game. According to the U.S. Bureau of Economic Analysis with the U.S. Department of Commerce, hunting is linked to nearly 7,000 jobs in Iowa and generated \$47.8 million in taxes based on \$227 million in salaries and wages.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The loss of small game hunting in Iowa would eliminate the economic benefits (jobs, wages, and taxes) described previously. Additionally, unregulated small game populations could cause an increasing amount of damage to Iowa landowners.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department could not identify less costly or less intrusive methods for achieving the purpose of this rulemaking. Other states have similar regulations and strive to manage their small game populations at a balance between recreational opportunities and negative interactions.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

No alternative methods were identified to effectively manage Iowa's small game populations.

- 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?

The following types of jobs are positively impacted by small game hunting in Iowa generally and should see no noticeable change due to this rulemaking: hunting equipment retailers (firearms, ammunition, clothing, chairs, stands, binoculars, and other supporting equipment); field guides and outfitters; taxidermists; and restaurants, hotels, and gas stations for hunters traveling around the state.

Text of Proposed Rulemaking

ITEM 1. Rescind 571—Chapter 96 and adopt the following **new** chapter in lieu thereof:

CHAPTER 96
SMALL GAME HUNTING

571—96.1(481A) Pheasant season.

96.1(1) *Open season.* Open season for hunting cock pheasants is the last Saturday in October through January 10 of the succeeding year. Daily bag limit 3 cocks; possession limit 12. Shooting hours are 8 a.m. to 4:30 p.m. Entire state open.

96.1(2) *Transportation.* No person shall transport a pheasant within the state without a leg and foot, or fully feathered wing, or fully feathered head attached to the intact carcass.

96.1(3) *Youth pheasant hunt.* A special two-day youth pheasant hunt for residents only will be held on the weekend preceding the last Saturday in October. Youth hunters must be 15 years old or younger. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt. Only the youth hunter may shoot pheasants. The daily bag limit is 1 cock bird and possession limit is 2 after the first day. All other hunting regulations in effect for the regular pheasant season apply to the youth hunt. Entire state open.

571—96.2(481A) Gray (Hungarian) partridge season. Open season for hunting gray partridge is the second Saturday in October through January 31 of the succeeding year. Daily bag limit 8; possession limit 16. Shooting hours are 8 a.m. to 4:30 p.m. Entire state open.

571—96.3(481A) Bobwhite quail season. Open season for hunting quail is the last Saturday in October through January 31 of the succeeding year. Daily bag limit 8; possession limit 16. Shooting hours are 8 a.m. to 4:30 p.m. Entire state open.

571—96.4(481A) Ruffed grouse season. Open season for hunting ruffed grouse is the first Saturday in October through January 31 of the succeeding year. Daily bag limit 3; possession limit 6. Shooting hours are sunrise to sunset.

96.4(1) *Portion of the state open to hunting.* The area open to hunting shall be that portion of the state lying north and east of a line described as follows: beginning at Sabula, Iowa; thence west along State Highway 64 to U.S. Highway 151; thence west along U.S. Highway 151 to State Highway 13; thence north along State Highway 13 to U.S. Highway 20; thence west along U.S. Highway 20 to U.S. Highway 63; thence north along U.S. Highway 63 to the state line.

96.4(2) Reserved.

571—96.5(481A) Pigeon season. There is a continuous open season for hunting pigeons. No bag or possession limit. There are no restrictions on shooting hours. Entire state open.

571—96.6(481A) Cottontail rabbit season. Open season for hunting cottontail rabbits is the Saturday before Labor Day through February 28 of the succeeding year. Daily bag limit 10; possession limit 20. Shooting hours are sunrise to sunset. Entire state open.

571—96.7(481A) Jackrabbit season. Continuous closed season.

571—96.8(481A) Squirrel season. Open season for hunting squirrels (fox and gray) is the Saturday before Labor Day through January 31 of the succeeding year. Daily bag limit 6; possession limit 12. There are no restrictions on shooting hours. Entire state open.

571—96.9(481A) Small game hunting by falconry.

96.9(1) In addition to the falconry permit, a falconer must have all other licenses, stamps, and permits required by law. A falconry observer is not required to be licensed for hunting, but an observer shall not assist in the hunt.

96.9(2) No falconer or observer may possess a long gun, bow, or crossbow while in the field with a raptor or in the act of falconry.

96.9(3) Seasons.

a. Pheasant (both sexes), quail, gray partridge, ruffed grouse, and jackrabbit. The season for the taking of pheasant, quail, gray partridge, ruffed grouse, and jackrabbit is October 1 of each year through March 31 of the following year.

b. Cottontail rabbit and squirrel. The season for the taking of cottontail rabbits and squirrels is September 1 of each year through March 31 of the following year.

96.9(4) Limits.

a. Pheasants (both sexes) and jackrabbit. The daily limit is two pheasants, no more than one of which may be a hen, and one jackrabbit; the possession limit is four pheasants and two jackrabbits.

b. Quail, gray partridge, ruffed grouse, squirrels and cottontail rabbit. The daily limit is two quail, two gray partridge, two ruffed grouse, four cottontail rabbits and four squirrels; the possession limit is four quail, four gray partridge, four ruffed grouse, eight cottontail rabbits, and eight squirrels.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48.

ITEM 2. Rescind and reserve **571—Chapter 100**.

ITEM 3. Rescind and reserve **571—Chapter 107**.