

Agenda

Natural Resource Commission

Thursday, November 14, 2024

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

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

6200 Park Avenue Ste 200, Des Moines, IA, 50321

Lake Darling Conf Room

Thursday, November 14, 2024

9:30 AM – NRC Business Meeting

Public participation begins at approximately 10:00am. If you are unable to attend the business meeting, comments regarding agenda items may be submitted for public record to Alicia Plathe at Alicia.Plathe@dnr.iowa.gov or 6200 Park Ave Ste 200, Des Moines IA 50321 up to 24 hours prior to the business meeting.

1.	Approval of Agenda Consent Agenda (*within agenda indicates proposed consent agenda item) *5. Donations *6. Chapter 30 - Waters Cost-Share and Grant Programs, Water Recreation Access Cost-Share (WRAC) Grants (FY 2025) *7. Resource enhancement and Protection Program: County, City, Private Open Spaces Grants (FY25) *8. Contract with the City of Marshalltown and Iowa River OHV Club *10. Cooperative Agreement with Beeds Lake Homeowners Association-Wastewater Treatment *13. Public Land Management Projects (13.1-13.5) *18. Contract with Iowa State University (Bat Conservation in Iowa) *19. Contract with Iowa State University (Wood Thrush Migration and Breeding Ecology)	Decision	Commission
2.	Approval of the Minutes	Decision	Commission
3.	Director's Remarks	Information	Kayla Lyon
4.	Division Administrator's Remarks	Information	Pete Hildreth
*5.	Donations	Decision	Pete Hildreth
*6.	Chapter 30 - Waters Cost-Share and Grant Programs, Water Recreation Access Cost-Share (WRAC) Grants (FY 2025)	Decision	Tyler Stubbs
*7.	Resource enhancement and Protection Program: County, City, Private Open Spaces Grants (FY25)	Decision	Michelle Wilson
*8.	Contract with the City of Marshalltown and Iowa River OHV Club	Decision	Jessica Flatt
9.	Contract Amendment with Iowa Off Highway Vehicle Association- Executive Director	Decision	Jessica Flatt
*10.	Cooperative Agreement with Beeds Lake Homeowners Association-Wastewater Treatment	Decision	Sherry Arntzen
11.	Small Construction projects	Information	Travis Baker
11.1	Stephens State Forest-Roof Repair		
11.2	Red Rock Wildlife Unity-Dike Repair		
12.	Large Construction projects	Decision	Travis Baker
12.1	Beeds Lake State Park, Wastewater Connection – Franklin County	Decision	
12.2	Clear Lake State Park, Campground Improvements – Cerro Gordo	Decision	
12.3	Diamond Lake Park, Watershed Improvements – Poweshiek County	Decision	
*13.	Public Land Management Projects	Decision	Travis Baker
13.1	Chapter 17 Lease Renewal, SCF Fleeting LLC – Scott County	Decision	
13.2	Chapter 17 Lease Renewal, Philip and Brenda Timmons – Dickinson County	Decision	
13.3	Chapter 17 Lease Renewal, City of Marquette – Clayton County	Decision	

13.4	Management Agreement, Spring Branch Recreation Area – Delaware County Conservation Board	Decision	
13.5	Management Agreement, Fountain Springs Creek – Delaware County Conservation Board	Decision	
14.	Public Land Acquisition Project- McCoy WMA, Boone County – Carl F. Schnoor and Harriet L. Schnoor Revocable Trusts	Decision	Travis Baker
15.	Contract with Shive Hattery Architecture and Engineering (Silver Lake)	Decision	Travis Baker
16.	Contract with the Poweshiek County Conservation Board (Diamond Lake Park)	Decision	Travis Baker
17.	Contract with the City of Creston, Iowa (McKinley Lake)	Decision	Travis Baker
*18.	Contract with Iowa State University (Bat Conservation in Iowa)	Decision	Karen Kinkead
*19.	Contract with Iowa State University (Wood Thrush Migration and Breeding Ecology)	Decision	Karen Kinkead
20.	Contract with Iowa State University (MSIM Multiple Species Inventory and Monitoring Program)	Decision	Chris Ensminger
21.	Chapter 36, “Green Valley Lake Special Water Activity Rules”; Chapter 37, “Boating Safety Equipment,”; Chapter 38, “Boat Registration and Numbering”; Chapter 39, “Boating Passenger Capacity”; Chapter 40, “Boating Speed and Distance Zoning”; Chapter 41, “Boating Navigation Aids”; Chapter 42, “Boating Accident Reports”; Chapter 43, “Motorboat Noise”; and Chapter 45, “Boat Motor Regulations,” – Notice of Intended Action	Decision	Tammie Krausman
22.	Chapter 56, “Shooting Sports Program Grants” – Notice of Intended Action	Decision	Tammie Krausman
23.	Chapter 44, “Special Events and Fireworks Displays” – Notice of Intended Action	Decision	Susan Stocker
24.	Chapter 48, “Inspection of Permanently Moored Vessels,” – Notice of Intended Action	Decision	Craig Cutts
25.	Chapter 49, “Operation of Motor Vehicles in Meandered Streams, Navigable Streams and Trout Streams” – Notice of Intended Action	Decision	Craig Cutts
26.	Chapter 55, “Nonpermanent Structures”– Notice of Intended Action	Decision	Matt Bruner
27.	Chapter 46, “All-Terrain Vehicles, Off-Road Motorcycles, and Off-Road Utility Vehicles”– Notice of Intended Action	Decision	Sherry Arntzen
28.	Chapter 47, “Snowmobiles”– Notice of Intended Action	Decision	Sherry Arntzen
29.	Chapter 61, “State Parks, Recreation Areas, and State Forest Camping” and Chapter 63, “Keg Beer Rules” – Notice of Intended Action	Decision	Sherry Arntzen
30.	Chapter 64, “Metal Detector Use in State Areas”– Notice of Intended Action	Decision	Sherry Arntzen
31.	Chapter 66, “Saylorville Multiuse Trail” – Notice of Intended Action	Decision	Sherry Arntzen
32.	Chapter 67, “Development and Management of Recreational Trails on State Forests, Parks, Preserves and Recreation Areas” – Notice of Intended Action	Decision	Sherry Arntzen
33.	Chapter 50, “Regulated Vehicle, Snowmobile and Vessel Bonding” – Notice of Intended Action	Decision	Karmin Klingenberg
34.	Chapter 51, “Game Management Areas” – Notice of Intended Action	Decision	Todd Bishop
35.	Chapter 52, “Wildlife Refuges” – Notice of Intended Action	Decision	Todd Bishop
36.	Chapters 91, 92, 97, 102, “Migratory Game Bird Hunting” – Notice of Intended Action	Decision	Todd Bishop

37.	Chapters 96, 100, 107, "Small Game Hunting" – Notice of Intended Action	Decision	Todd Bishop
38.	Chapters 98, 99, "Wild Turkey Hunting – Notice of Intended Action	Decision	Todd Bishop
39.	Chapter 101, "Falconry Regulations" – Notice of Intended Action	Decision	Todd Bishop
40.	Chapter 105, "Deer Population Management Zones – Notice of Intended Action	Decision	Todd Bishop
41.	Chapters 108, 109, 110, "Wild Furbearer Trapping and Hunting" – Notice of Intended Action	Decision	Todd Bishop
42.	Chapter 114, "Nuisance Wildlife Control" – Notice of Intended Action	Decision	Todd Bishop
43.	Chapter 54, "Restrictions on Introduction and Removal of Plant life"– Notice of Intended Action	Decision	Joe Larscheid
44.	Chapter 72, "Timber Buyers"– Notice of Intended Action	Decision	Jeff Goerndt
45.	Chapter 73, "Forest and Fruit Tree Reservations"– Notice of Intended Action		Jeff Goerndt
46.	Chapter 74, "Forest Land Enhancement Program (FLEP)"– Notice of Intended Action	Decision	Jeff Goerndt
47.	General Discussion		
Upcoming NRC Meeting Dates			
<ul style="list-style-type: none"> ● Thursday, December 12, Des Moines ● Thursday, January 9, Des Moines 			

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.

The Iowa Department of Natural Resources (DNR) does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, English-language proficiency, disability, or age in the administration of its programs or activities in accordance with applicable laws and regulations. DNR will not tolerate discrimination, intimidation, threats, coercion, or retaliation against any individual or group because they have exercised their rights protected by federal or state law.

**MINUTES OF THE
NATURAL RESOURCE COMMISSION
MEETING**

October 2024

**Video Teleconference
and
Wallace State Office Building**

Approved by the Commission **TBD**

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Meeting Minutes

CALL TO ORDER

The meeting of the Natural Resource Commission (Commission or NRC) was called to order by Acting Chairperson Tom Prickett at 9:30am on October 10, 2024, via a combination of in-person and video/teleconference attendees.

COMMISSIONERS PRESENT

- Laura Foell
- Tom Prickett
- KR Buck
- Laura Kudej
- Tammi Kircher
- Uriah Hansen

COMMISSIONERS ABSENT

- Marcus Branstad

PUBLIC PARTICIPATION

David Kerr-Nonresident licenses for Iowa pheasant season and Fall turkey season regulations

APPROVAL OF AGENDA AND CONSENT AGENDA

The consent agenda included the following agenda items:

- Donations
- Subrecipient Grant Agreement with Pier Pressure Marine IA, Inc
- Public Land Management Projects (11.1-11.4)

Motion was made by Tammi Kircher to approve the agenda as presented. Seconded by Laura Kudej.

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

AGENDA AND CONSENT AGENDA APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by KR Buck to approve the August 6, 2024, NRC minutes as presented. Seconded by Tammi Kircher.

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

APPROVED AS PRESENTED

DIRECTOR’S REMARKS

- Director Lyon gave a summary of the Statewide Volunteer Day at Iowa’s State Parks. Volunteers clocked in over 470 hours across the state.

DIVISION ADMINISTRATOR’S REMARKS

- Division Administrator Pete Hildreth thanked the Winnebago County Conservation Board for their hospitality in hosting the September NRC meeting.
- DA Hildreth gave an update about the Department’s All Supervisors meeting and service project at Palisades-Kepler State Park. He also provided an overview of the AFWA Fall Director’s meeting.
- DA Hildreth shared about his successful Fall elk hunt with Commissioners.

- DA Hildreth continued his remarks by inviting Jace Elliott to speak about the deer research report, which was completed in partnership with Iowa State University, Department of Transportation, and the Iowa Insurance Division. The report highlights deer population densities, the economic impact of deer in Iowa and deer diseases. Mr. Elliott responded to several questions about the report data he provided.
- To conclude his remarks, DA Hildreth gave an overview of the Oxbow Ridge petition denial and the upcoming EO10 rule Notices of Intended Action that will go before Commissioners in November.

BLOOD RUN NATIONAL HISTORIC LANDMARK UPDATE-COUNCIL OF THE ONEOTA ARCHIVAL AND RESEARCH CENTER (OARC)

Gerry Schnepf, from the Council of the OARC, gave a historical overview of the Blood Run National Historic Landmark. Mr. Schnepf highlighted the location’s significance and opportunities for preservation and use by the state of Iowa in the future. Mr. Schnepf responded to several questions from Commissioners regarding his presentation.

Public Comments – None

Written Comments – None

INFORMATION

2025 NRC MEETING DATES AND TOURS

Division Administrator Pete Hildreth requested Commission approval for the proposed 2025 NRC meeting dates and tours.

Public Comments – None

Written Comments – None

Motion was made by Laura Foell to approve the item as presented. Seconded by Uriah Hansen.

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

APPROVED AS PRESENTED

SMALL CONSTRUCTION PROJECT-JETTY REPAIR AT LAKE DARLING STATE PARK

Travis Baker presented a small construction project for jetty repair at Lake Darling State Park as an information item.

Public Comments – None

Written Comments – None

INFORMATION

LARGE CONSTRUCTION-VOLGA RIVER STATE RECREATION AREA

Travis Baker requested Commission approval for a construction project to update paved roadways at Volga River State Recreation Area.

Public Comments – None

Written Comments – None

Motion was made by Laura Kudej to approve the item as presented. Seconded by Tammi Kircher.

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

APPROVED AS PRESENTED

LARGE CONSTRUCTION-LAKE KEOMAH STATE PARK LAKE RESTORATION PROJECT

Travis Baker requested Commission approval for a construction project for lake restoration at Lake Keomah State Park.

Public Comments--None

Written Comments – None

Motion was made by KR Buck to approve the item as presented. Seconded by Laura Foell.

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

APPROVED AS PRESENTED

LARGE CONSTRUCTION PROJECT-LITTLE STORM LAKE PUMP IMPROVEMENTS

Travis Baker requested Commission approval for a construction project to make pump improvements at Little Storm Lake.

Public Comments--None

Written Comments – None

Motion was made by Laura Foell to approve the item as presented. Seconded by Tammi Kircher.

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

APPROVED AS PRESENTED

LARGE CONSTRUCTION PROJECT-PLEASANT CREEK STATE RECREATION AREA PAVEMENT PRESERVATION

Travis Baker requested Commission approval for a construction project for pavement preservation at Pleasant Creek State Recreation Area.

Public Comments--None

Written Comments – None

Motion was made by Tammi Kircher to approve the item as presented. Seconded by KR Buck.

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

APPROVED AS PRESENTED

LARGE CONSTRUCTION PROJECT-HAWTHORN WILDLIFE MANAGEMENT AREA PAVEMENT PRESERVATION

Travis Baker requested Commission approval for a construction project for pavement preservation at Hawthorn Wildlife Management Area.

Public Comments--None

Written Comments – None

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

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

APPROVED AS PRESENTED

PUBLIC LAND ACQUISITION PROJECT-OTTER CREEK WMA, TAMA COUNTY-FRANCES FORD MEADOW LLC

Travis Baker requested Commission approval to purchase a tract of land located in Tama County adjacent to Otter Creek WMA.

Public Comments--None

Written Comments – None

<i>Motion was made by KR Buck to approve the item as presented. Seconded by Laura Kudej.</i>
<i>The Acting Chairperson asked for a roll call vote. KR Buck-aye, Laura Kudej-aye, Tammi Kircher-aye, Laura Foell-nay, Uriah Hansen-aye, Marcus Branstad-absent, Tom Prickett-aye. Motion passes.</i>

APPROVED AS PRESENTED

PUBLIC LAND ACQUISITION PROJECT-SWEET MARSH WMA, BREMER COUNTY-GENE PETERS

Travis Baker requested Commission approval to purchase a tract of land located in Bremer County adjacent to Sweet Marsh WMA.

Public Comments--None

Written Comments – None

<i>Motion was made by KR Buck to approve the item as presented. Seconded by Tammi Kircher.</i>
<i>The Acting Chairperson asked for a roll call vote. KR Buck-aye, Laura Kudej-aye, Tammi Kircher-aye, Laura Foell-nay, Uriah Hansen-aye, Marcus Branstad-absent, Tom Prickett-aye. Motion passes.</i>

APPROVED AS PRESENTED

CONTRACT WITH BOLTON AND MENK-SHORELINE STABILIZATION, DICKINSON COUNTY

George Antinou requested Commission approval for engineering services for the design of shoreline stabilization practices located at public lakes in Dickinson County.

Public Comments--None

Written Comments – None

<i>Motion was made by Tammi Kircher to approve the item as presented. Seconded by Laura Foell.</i>
<i>The Acting Chairperson asked for the Commissioners to approve the item by saying aye. There were no nay votes. Motion passes.</i>

APPROVED AS PRESENTED

CONTRACT WITH HDR, INC.-RATHBUN HATCHERY POND LINER CONSULTANT

George Antinou requested Commission approval for the design, plans, specifications, and a construction bid package to replace the existing mechanical equipment within the Rathbun Hatchery rearing ponds.

Public Comments--None

Written Comments – None

<i>Motion was made by Tammi Kircher to approve the item as presented. Seconded by KR Buck.</i>
<i>The Acting Chairperson asked for the Commissioners to approve the item by saying aye. There were no nay votes. Motion passes.</i>

APPROVED AS PRESENTED

GENERAL DISCUSSION

- Commissioners shared a variety of outdoor and family experiences.
- Commissioners thanked Laura Kudej for helping host the September NRC tour.

ADJOURN

<i>The Acting Chairperson adjourned the Natural Resource Commission meeting at 11:18 am on October 10, 2024.</i>
--

ADJOURNED

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

Decision Item

***Item #5** (**indicates proposed consent item*)

Donations

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

Donation to:	Amount	Description	Donation Provided by:
Dolliver State Park	\$1,254	Memorial bench donation to Dolliver State Park in honor of Donald and Georgia Herrington.	Denise Herrington, Steven Herrington, and Michael Herrington
Furbearer Program-Beginning Trappers	\$2,797	340 Traps, 569 Fur Stretchers, 80 Rebar Stakes, 2 Holding Cages and a Jet Sled.	Jane Metcalf
Mines of Spain State Recreation Area	\$35,000	2013 Bobcat Toolcat	Friends of Mines of Spain
Backbone State Park	\$1,543	5 Stand up Grills	Friends of Backbone State Park
DNR Fisheries	\$5,474	1,000 catchable-sized Rainbow Trout utilized for Fall fishing opportunities, stocked into RAPP Park in Page county by DNR Fisheries staff.	Adam Bean
DNR Wildlife	\$5,000	Funds to support the 2024 Swan Refuge dike repair/armoring project.	Anonymous

Pete Hildreth, Division Administrator
Conservation and Recreation Division
NRC Meeting Date: November 14, 2024

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

Decision Item (*indicates proposed consent agenda)

***6 Chapter 30 - Waters Cost-Share and Grant Programs, Water Recreation Access Cost-Share (WRAC) Grants (FY 2025)**

The Commission is requested to approve funding for the recommended Water Recreation Access Cost-Share (WRAC) Grant applications pursuant to Iowa Administrative Code Chapters 571-30.

Grant Purpose: The Water Recreation Access Grants are awarded annually to assist governmental entities in providing or improving water access for recreation purposes. State cost-share funding is provided at 75% with the local 25% contribution coming from in-kind or monetary match if the project is not under a management agreement with the State of Iowa. Grantees can receive cost-share funding at 100% if they are managing the property under an agreement on behalf of the State of Iowa.

Funding Source: Marine Fuel Tax

Grant Funding Available: \$400,000

Summary of Selection Process: Grant applications are scored through a two-part process. Initially, grants are reviewed by district staff and are given a general overall rank. The grants are then submitted to the central scoring committee who review each grant and make final selections based on eligibility, justification, work plan and district ranking. Grant applications were reviewed and scored by a committee who met on October 25, 2024, according to rules provided for in Iowa Administrative Code chapter 571-30.

Selection Committee Members: The review committee consists of 7 members:

Fisheries Bureau (6)

Land & Waters Bureau (1)

Number of Applications Received: 17

Recommendations: The committee recommends funding to the top ranked projects in the table. If an awardee declines their award the Department returns those funds to the Marine Fuel Tax Fund.

Project Rank	Applicant	Title	Project Summary	Total Cost	MFT Request	Recommended Grant Award
1	City of Storm Lake	Sunrise Park Boat Ramp Improvement	The project proposes to install a restroom facility, boat dock, boating/fishing information display, and bottle-filling water station to serve the boating public using the popular Sunrise Park boat ramp facility located on Storm Lake.	\$427,700	\$160,800	\$160,800
2	Calhoun County Conservation	North Twin Lakes Boat Ramp Vault Toilet	To enhance amenities and accessibility, as well as address a year-round need for restroom facilities, this project will install a handicap-accessible vault toilet at the newest boat ramp of North Twin Lakes. The availability of public restroom facilities at the lake will not only improve guest comfort, but also enhance the overall sanitation of the area.	\$42,000	\$31,500	\$31,500
3	Black Hawk County Conservation	Casey Lake Boating Improvements	This project would allow for the acquisition and installation of 2 new docks at Casey Lake in Hickory Hills Park. The Lake is currently undergoing a complete Lake Restoration	\$38,225	\$28,670	\$28,670

4	Bremer County Conservation	North Cedar Park Boat Ramp Improvement	This project would be to construct a new concrete boat ramp providing access to the Cedar River at North Cedar Park near Plainfield. Along with the concrete ramp, they also plan to armor 125ft of riverbank.	\$27,500	\$20,625	\$20,625
5	Decatur County Conservation	Little River Bait Shop Boat Ramp Vault Restroom and Dock Installation	This request would fund two projects, the first project would be the installation of a HuffCutt "Goldeneye" vault toilet that would be installed on the west side of the bait shop boat ramp parking lot. The second project is to replace the current dock that is sinking at this boat ramp.	\$70,000	\$52,500	\$52,500
6	Boone County Conservation	Don Williams Public Dock Replacement	Replace public boat dock used to dock boats and fish from. Boat dock will follow same shape as existing boat dock, but increase is size to add more boat dock area for more access and easier access for boaters while loading and unloading from their trailers. The new dock will offer a handicap accessible ramp, with railings for better safety.	\$89,911	\$89,911	\$89,911
7	Hamilton County Conservation	Little Wall Lake South Boat Ramp Parking Improvement	This project is part of a multi-phase project at Little Wall Lake near Jewell. This would be to fund Phase 2, which is to widen the parking lot to accommodate more trailer parking at the south boat ramp.	\$41,000	\$41,000	\$0 (declined partial funding)
8	Jasper County Conservation	Jacob Krumm Nature Preserve Courtesy Dock and Kayak Launch	This project will create a new 13' x 40' courtesy dock at Ahrens Access of Jacob Krumm Nature Preserve, extending 30' out into the lake with area to dock 4 boats. In addition to being a boat dock, the structure will also serve anglers with 2 benches and a kayak launch, all located directly adjacent to the existing boat ramp. A new sidewalk will also be poured to create an easily accessible walkway to the dock.	\$41,960	\$30,128	\$15,994 (accepted partial funding)
9	Clayton County Conservation	Turkey River Trail Access #39A Improvement	The project plan is to have contractors excavate the access to the correct grade and direction. A 6" base of class A grade stone will be placed and compacted on the excavated site. A 10' wide grooved concrete ramp, not to exceed an 18% slope with a 2% out slope will be installed. Class E riprap will be placed on the highly erodible land on either side of the ramp, at the end of embankment.	\$27,500	\$20,625	\$0
10	Scott County Conservation	Buffalo Shores Road Resurfacing and Parking Lot Crack and Seal Project	The main objective of the Buffalo Shores project is to resurface the park's entrance road, which serves the boat ramp, boat ramp parking lots, and all boater traffic. The second goal is to crack fill and seal the three main boat ramp parking lots to extend the life of the pavement and continue to provide a high-quality facility for all boaters. The total amount requested includes engineering services and construction costs for all work.	\$200,000	\$200,000	\$0

11	Polk County Conservation	Chichaqua Bottoms Greenbelt South Skunk River Access	The existing access point along the South Skunk River at Chichaqua Bottoms Greenbelt is severely degraded and unusable by water trails users. This leaves an 18-mile gap between the nearest access point to the north and the next access point to the south. Improving this site would provide the opportunity for shorter paddling trips and also allow user to experience the recreational amenities at Chichaqua Bottoms Greenbelt.	\$100,000	\$75,000	\$0
12	City of Bondurant	The Garden Kayak Launch at Lake Petocka	The City of Bondurant is installing an ADA-compliant kayak launch at Lake Petocka, enhancing access to water-based recreation for all. Part of "The Garden" phase of the ARTocka Trail Loop. This launch will provide safe, easy access to the lake, encouraging community engagement and wellness through recreation.	\$21,856	\$16,392	\$0
13	City of Creston	McKinley Lake Boat Access and Courtesy Dock	WRAC funds will be used to construct boat access infrastructure, ADA parking, a courtesy dock, and canoe/kayak launch.	\$134,064	\$89,376	\$0
14	City of Winterset	Winterset Cedar Lake Dock and Kayak Launch	This project replaces the existing kayak and emergency response boat ramp with a concrete ramp that would be fully accessible to the public.	\$63,500	\$47,625	\$0
15	Buena Vista County Conservation	Storm Lake Marina: Launch, Dock, and Sidewalk Improvements	Replace four (4) docks and gangways for off-loading and on-loading at the boat ramp and extend sidewalk approaches for each, and add a kayak launch structure at the Storm Lake Marina.	\$58,117	\$43,588	\$0
16	Henry County Conservation	Kayak Launches and Dock Improvements at Henry County Areas	Purchase of kayak launch docks for creek/pond access sites. It will also include improvements to existing docks. Locations include Stephenson Park, Gibson Rec Area, and Oakland Mills Park.	\$12,500	\$10,000	\$0
17	Monona County Conservation	Grays Landing Recreation Area Boat Dock Project	The proposed project is located just east of Waubeek, IA and will add a new boat ramp access to the Wapsipinicon River with parking lot and access road. If funding is secured, approximately 3 acres of land will be donated to allow the project to be completed.	\$13,180	\$9,885	\$0
Totals				\$1,345,513	\$726,739	\$400,000

Joe Larscheid, Fisheries Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: November 14, 2024

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item (*indicates proposed consent agenda item)

***7. Resource enhancement and Protection Program: County, City, Private Open Spaces Grants (FY25)**

The Department requests Commission approval of the recommendations from the Project Review and Selection Committees for the REAP County Conservation, City Parks & Open Spaces and Private/Public Cost Share.

Purpose: REAP Funds are allocated per Iowa Code 455A.19 for the purposes of protecting the natural resource heritage of air, soils, water and wildlife for the benefit of present and future citizens. Funds shall be used to protect Iowa's natural resources through the acquisition and management of public lands, the upgrading of public park and preserve facilities; environmental education, monitoring and research; and other environmentally sound means.

Funding Source(s): Resource Enhancement And Protection Fund

Summary of Selection Process: As directed by criteria under Chapter 33, three selection committees reviewed all applications. Examples of criteria considered include relation to public land, relationship to relevant regional and statewide programs, rare or unique species communities, public benefits, tourism and economic development potential, and multiple use potential.

Recommendation: The committee recommends funding projects listed in the tables below. Any unused funds will revert to the REAP Fund for distribution in the next grant cycle.

City Parks & Open Spaces

The City Parks and Open Space account receives 15% of the REAP funds, after initial distributions are made as outlined in Chapter 33, for competitive grants to help cities establish natural areas, encouraging outdoor recreation and resource management. Three categories have been established to assure grants are distributed to all sizes of cities. Projects considered include development of parks, multi-purpose trails (emphasis on connecting existing trails), park shelters, lake or river shoreline restoration, fishing access, and habitat restoration.

The review and select committee is composed of representatives from small, medium and large communities, an at large member and a Department member.

Available FY2025 Funding: \$2,344,418

- Small Communities - \$351,662
- Medium Communities - \$843,990
- Large Communities** - \$1,148,764

In the large communities category, four applications requesting \$850,000 were received leaving \$298,764 in available funds. As per IAC 571- 33.17, \$298,764 of available funds were transferred to small and medium communities, with the Director's approval, in order to fund additional projects. Astrix identifies those projects utilizing available funds from the large community category.

Small Communities FY2025

Rank Score	Community Applicant	Project Summary	Recommend Funding
1 98	City of Urbana	<p>Phase One Native Pollinator/Rain Garden Project</p> <p>The City of Urbana is seeking funding for a Native Pollinator/Rain Garden project. This .16-acre area is located near the downtown area creating connectivity greenspace to a 2.58-acre Crossing Park and within close proximity to the Cedar Valley Nature Trail. The connected landscaped green space creates opportunities for flowering plants to bloom Spring through Fall, and enhances the habitat for thousands of species.</p>	\$75,000
2 95.6	City of Peosta	<p>Kelly Oaks Park Pavilion</p> <p>Funds will assist in development of Kelly Oaks Park which will include a number of amenities for residents, specifically with this application a new pavilion. The pavilion will have areas for outdoor seating, picnicking, or just an area for people to rest and enjoy the beauty of the park. The interior will provide seating, electrical, and kitchenette for community and family gatherings.</p>	\$75,000
3 92.6	City of Volga	<p>Volga ADA Connections and River Bluffs Reflections Park Bank Stabilization</p> <p>This project will include installation of handicap accessible approaches to all sidewalks along the walking trail from River Bluffs Reflection Park to the Main City Park on Washington Street. The project will also include bank stabilization and river access improvements at River Bluffs Reflection Park.</p>	\$50,000
4 90.4	City of Denver	<p>Brandt Park Enhancements</p> <p>This project includes a new shelter with electricity; paved pathway between the shelter and parking lot, pedestrian bridge over the creek, and recreational trail loop; boulder parking lot delineators; and tree plantings. The shelter is replacing the over 50-year-old structure currently in disrepair. A variety of tree plantings will replace ash trees lost to infestations and trees severely damaged by wind. The City will use city in-kind services and volunteers to construct the project.</p>	\$75,000
5 88.6	City of Manning	<p>Heritage Trail Connector</p> <p>Manning has done a great job of growing the trail system throughout town. But when visitors are going to the biggest tourist attractions or staying at the campground or the hotel, they can't easily access the trails. The trail sits across the street and through a steep ditch. This project would create a culvert and trail to enhance the adjacent campground and create connections for visitors.</p>	\$75,000
6** 86.2	City of Donnelson	<p>Westview Park Trail Phase II</p> <p>A 0.47-mile, 10-foot-wide, multi-use limestone trail will be</p>	\$50,000

		built around the east, south, and southwest perimeter of Westview Park. On the west side, it will connect with another limestone trail, completed in early 2024. At the northeast corner of the park, it will connect with a sealcoat trail that extends to a neighborhood 0.2 miles to the east. Combined with the existing trails, this will create a 1-mile trail loop around the park.	
7** 86	City of Slater	Trailside Park The City of Slater was given 18 acres of land immediately adjacent to the High Trestle Trail for the development of a city park - being named "Trailside Park." Plans are to make a trail connection from the High Trestle Trail to the new housing development located north of the park land, providing much needed parking (approx 208 stalls) for trail and park users.	\$75,000
8** 85.8	City of Edgewood	Healthy Vegetation Plan For City of Edgewood The project will be to eradicate Japanese Knotweed from the City of Edgewood. The city owns a special outdoor space called Community Dreams. The park area is adjacent to Rabbit Run Creek, Viking Bike/Walking Trail and the Edgewood Colesburg School's Sports Complex. The park is within close proximity to Bixby State Preserve and Backbone State Park as well. Japanese knotweed has been in the area for years and the city has tried goatscaping and other eco-many avenues to rid of the invasive plant.	\$37,100
9** 83.8	City of Luxemburg	Green, Open Spaces: Ensuring Accessible Safe Trails for Exploration & Recreation The proposed project is the construction of a .55-mile-long recreation trail to be used by pedestrians, bicyclists, and residents using the park. The trail will be within the Luxemburg Ballpark and will connect the park to more streets in town, allowing for improved accessibility and connection for the community.	\$50,000
10 80.6	City of Rckardsville	Rickardsville Park Community Center The City plans to transform the small pavilion in the city's park into a larger, year-round Community Center. The project is expected to increase social gatherings and events. The city park is a main attraction for this community and completing a renovation/addition of the existing facility to provide a safe, accessible, four-season community center for residents and visitors alike to utilize will be a great asset to this community for years to come.	-0-
11 79.8	City of Okoboji	Lakes Art Center Loop The Lakes Art Center Loop involves a 0.20 mile concrete recreational trail that, by connecting to existing trails, will encircle the wetland area on the north side of the Pearson Lakes Art Center with a picturesque trail amidst natural surroundings. Furthermore, the project will include the installation of seven sculpture bases that facilitate the integration of additional	-0-

		sculptures into the Pearson Lakes Art Center's renowned sculpture walk.	
12 67.6	City of Keota	Wilson Park Expansion to KeWash Trailhead The community is looking to expand the Wilson Park area to add a 4-5 pad RV park area, add two new 3-way water fountains, horticultural fencing for separation from the residential area including the removal of a road between this area to allow for a safe bike/walking trail to extend to the KeWash Trailhead funded partially by REAP funds.	-0-
13 61.8	City of Sherrill	Park Pavilion and Handicapped Restroom Project The City of Sherrill is seeking funds to build a new park pavilion and handicapped accessible restroom in the city's only park. The city feels that the project will not only enhance, but make our park more accessible.	-0-
14 53	City of Farmington	Restoration and improvement of the Indian Lake Park Stone Lodge Restoring windows and doors, upgrading the electrical work to bring the lodge up to code, repairing and replacing existing concrete and adding additional concrete work. Adding gutters and downspouts to improve erosion and water problems.	-0-
Total REAP Request			\$562,100

Medium Communities FY2025			
Rank Score	Community Applicant	Project Summary	Recommend Funding
1 102.4	City of Sac City	Sac City Habitat Restoration and Trail Development Project The project aims to transform a contaminated 6-acre site near the North Raccoon River into a thriving native habitat. By removing solid waste, tires, and pollutants, we will restore ecological balance and create a valuable community asset. The revitalized land will also seamlessly integrate with Sac City's existing nature trail, offering expanded recreational opportunities for residents and visitors. Enhanced wildlife habitat, and public education will also be integral to the project's success.	\$75,000
2 93.2	City of Bondurant	The Grain District Chichaqua Valley Trail (CVT) Extension & Arboretum Trail The Grain District Chichaqua Valley Trail (CVT) Extension and Arboretum Trail Project will create a 2,000-foot paved trail on the original railroad tracks, preserving the CVT's integrity. It will naturally restore the CVT to the railbed, featuring urban pollinator spaces, native plantings, public art, and a new public parking lot. This initiative enhances recreational areas, protects	\$100,000

		the environment, and promotes economic growth in Bondurant.	
3 92.8	City of Eldora	Iowa River's Edge Trail Surfacing to Gifford and South Fork Bridge Replacement This project phase will extend the paving of the Iowa River's Edge Trail from the north terminus at the intersection of Hwy 175/Edgington Avenue in Eldora an additional 5.5 miles to the south side of 285th Street in Gifford. It will also rehabilitate a 235 LF bridge over the South Fork of the Iowa River.	\$75,000
4 91	City of Oelwein	Oelwein Municipal Urban Trail - Segment 2 This trail segment is an integral part of the Oelwein Municipal Urban Trail System connecting two sides of town. Trail segment two will be a mixture of off-road construction consisting of eight-foot-wide Portland Cement Concrete trails and on-road signage 1.29 miles in length. This trail will create a dedicated continuous trail from the west side of town to several parks, downtown, sports complex, Oelwein Family Aquatic Center and the entire school system located on the east side of town.	\$100,000
5 89	City of Estherville	Estherville Phillips Pavilion This project will renovate the former City pool bathhouse, know as Phillips Pavilion, into a four season shelter with seating capacity of 90, updated indoor restrooms and the addition of outdoor restrooms for use by those at the shelter house and in the park, a kitchenette, and pergola for outdoor seating. This shelter will be available for use by the public for family activities and celebrations and other events.	\$100,000
6 88.2	City of Forest City	Tim Coffee Trail - Phase 2A Yellow Bridge Restoration [Abutments] Phase 2A Yellow Bridge Restoration is a project to rehabilitate an historic 1915 pony truss pedestrian bridge over the Winnebago River in Tim Coffey Park. This application is for the construction of new abutments. The complete project also includes engineering, structural repairs to the bridge, new paint, new deck and railings, and ADA approaches. The bridge is currently closed due to deterioration.	\$75,000
7 86.8	City of Perry	Frog Creek Pedestrian Bridge Replacement This project will replace two outdated pedestrian bridges over Frog Creek in Pattee Park. These bridges, originally constructed in the 1960s, have significantly deteriorated over time, compromising both safety and functionality. The project will enhance connectivity, ensure safety & ADA Accessibility, and complement the ongoing Frog Creek Restoration Project, which aims to improve ecological health and recreational value along the creek.	\$100,000
8 85.8	City of Newton	Cardinal Pond Improvements The Cardinal Pond Fishing Pier project aims to enhance accessibility and recreational opportunities at the existing	\$125,000

		Cardinal Pond. This initiative proposes the construction of an ADA accessible fishing pier alongside walking trails, providing inclusive access for all visitors to enjoy fishing and outdoor activities. This development will enrich community engagement with nature while ensuring equitable access for individuals of all abilities.	
9** 84.4	City of Burlington	Flint River Trail Connection in Riverside Park This project will create a formal railroad crossing for the Flint River Trail (FRT) in Riverside Park, along the Mississippi River just north of downtown Burlington. Also, a 75-foot section of existing trail between the railroad and river will be straightened and widened to 10 feet. This will enhance the connection between a 2.5-mile section of the FRT on the city's north side, and a separate trail along the riverfront in the downtown area.	\$95,500
10 83.2	City of Maquoketa	Summit-Jacobsen Prairie Creek Access Trail Overlay and Water Station Project The Project includes an asphalt overlay of 5,453 square yards on the City's Summit-Jacobsen off-street trail and installation of three water stations along the City's trail loop at existing community amenities. The trail provides an essential transportation connection to the Prairie Creek Recreation Area for Maquoketa residents and visitors.	-0-
Total REAP Request			\$845,500

Large Communities FY2025			
Rank Score	Community Applicant	Project Summary	Recommend Funding
1 106.4	City of West Des Moines	Legacy Woods Nature Sanctuary The Legacy Woods Nature Sanctuary aims to be a community resource that showcases the area's ecological and cultural significance. The project will feature a dedicated arboretum, a naturalized pond/wetland, timber stand improvements, and a community orchard promoting sustainable practices. The sanctuary will serve as a hub for education, recreation, preservation, and conservation.	\$200,000
2 99.6	City of Iowa City	Sycamore Greenway Ecological Restoration and Trail Amenities This project includes ecological restoration of the Sycamore Greenway and enhancement of trail amenities. The Sycamore Greenway is a popular park for trail use and passive nature viewing. This project will remove invasive woody species from the prairies and wetlands and replace them with enhanced prairie cover to benefit natural systems and recreational opportunities. Trail amenities will also be updated to improve signage, benches, and bike repair opportunities.	\$200,000

3 88	City of Marion	Indian Creek Access- Site 1 Indian Creek Site 1 will create access to Indian Creek by constructing a 26 stall concrete parking lot with additional boat trailer parking. The facility will have an ADA concrete walkway leading from the parking lot to Indian Creek to relax, fish, wade, and launch vessels. This is the first phase of the nine-site Indian Creek Master Plan approved by City Council in 2022.	\$150,000
4 86.2	City of Cedar Rapids	Orloj Clocktower Greenspace Development - NCSML The National Czech & Slovak Museum & Library (NCSML) is celebrating its 50th anniversary. A focal point of the celebration is the renovation of the clock tower built in 1995, to be enhanced with the addition of an orloj (astronomical) clock, modeled after the famous Prague Orloj in the Czech Republic. Funding is now sought for associated greenspace development on the grounds surrounding the clocktower, offering attractive native foliage, and space for recreation and contemplation.	\$300,000
Total REAP Request			\$850,000

County Conservation

The county conservation account receives 20% of the REAP funds. After initial distributions outlined in Chapter 33, 40% of the remaining funds are available for competitive grants to counties for increasing outdoor recreation opportunities, land protection, capital improvements, stabilization and protection of resources, repair and upgrading of facilities, environmental education, and equipment. This money is available to counties, only if they are dedicating at least 22¢ per \$1,000 of the assessed value of taxable property in the county for county conservation purposes.

The review and select committee is composed of three representatives from the Iowa County Conservation System and two members from the Department.

Available FY2025 Funding: \$999,402

The top 2 ranked projects are recommended to receive full funding while the third ranked project was recommended to receive partial funding. Lucas County Conservation Board has declined partial REAP funding. An offer was then made to Polk County Conservation Board which has accepted the recommended partial award. Any awardee that receives partial funding must complete the project as presented in the application with reduced funding from REAP.

County Conservation FY2025			
Rank Score	County Applicant	Project Summary	Recommend Funding
1 139.2	Warren County Conservation Board	Gilbert Addition to Woodland Mounds State Preserve WCCB is pursuing the purchase of the Gilbert Addition, totaling 154.88 acres. The property is connected to Woodland Mounds State Preserve (WMSP) along its entire east boundary, 185 acres owned and managed by WCCB.	\$495,000

		This would be one of the largest, most diverse forests owned by one entity in Warren County and serve as protection to significant cultural resources within the State Preserve.	
2 136.6	Benton County Conservation Board	Wildcat Bluff Recreation Area Addition The Benton County project is for the acquisition of 190.95 acres of upland, riparian timber, floodplain lowland, and riverbank habitat along the Cedar River, adjacent to BCCB's existing 134-acre Wildcat Bluff Recreation Area. This property contains 122 acres of untouched native sod, prairie remnants, many species of special concern, and the first recorded burial mound in Benton County.	\$360,461
3 136.4	Lucas County Conservation Board	Chariton River Greenbelt Addition Adding the 356-acre property to the Chariton River Greenbelt will provide a contiguous corridor of river protection totaling 35,300 acres, making it the second largest contiguous greenbelt in Iowa. The parcel lies between two Lucas County Conservation properties and is the "puzzle piece" needed to finish linking the Chariton River Greenbelt. The fragmented nature of Iowa's protected native land and the protection of Rathbun Reservoir for drinking water adds to the significance.	\$812,000
4 134.8	Polk County Conservation Board	Brenton Slough Acquisition - Phase 3 The Polk County project is for the acquisition of 156 acres as a part of a larger acquisition, 1,114-acre Brenton Slough. The Slough has been a magnet for birders and photographers for years because of its nearly 52 acres of sprawling wetlands found amongst nearly 1,000 acres of natural habitat. This area is considered a high-priority area for acquisition due to its ability to protect and conserve wildlife habitat and water resources.	\$143,941 (Requested - \$500,000)
5 124.8	Mahaska County Conservation Board	Mahaska County Conservation Nature Community Area The Caldwell Park Environmental Learning Center would like to create a Nature Community Area that is all-inclusive for young children and adults of all ages. This public area will include ADA-compliant walkways, picnic and shade areas, texture trails, native planting, and pollinator gardens. This project will provide a safe area for children and adults to learn, explore, and partake in outdoor activities while fostering an appreciation for conservation and the world around them.	\$140,000
6 123.6	Dallas County Conservation Board	Kuehn Conservation Area Addition This project is for the acquisition of a 49.38-acre addition to the Kuehn Conservation Area, which will create vital prairie and woodland habitat for conservation and recreation in Iowa's fastest-growing county. This parcel will be added to the 778-acre Kuehn Conservation Area (KCA) as a wildlife refuge, completing the last remaining gap of continuous	\$510,000

		wilderness in the southwest corner of the KCA.	
7 118.8	Black Hawk County Conservation Board	Hartman Bluff Stream Restoration This project provides for vital erosion repairs and essential mitigation measures in the stream corridor of the Hartman Bluff State Preserve. This Stream Restoration Project will serve to correct existing pervasive erosion within the stream corridor and implement mitigation measures aimed at preventing further destabilization of the stream and the unique surrounding area.	\$230,000
8 109.2	Linn County Conservation Board	Pinicon Ridge Addition This grant request is to reimburse for the acquisition of a parcel of land that will expand Pinicon Ridge County park in Central City, Iowa. Located in the Wapsipinicon River Greenbelt, the acquisition is important for habitat and recreation.	\$300,000
9 104.8	Wapello County Conservation Board	Garrison Rock Addition Garrison Rock is a 302-acre property owned by Wapello County Conservation. This area has historic significance and is a popular area for outdoor recreation. This project offers the opportunity to protect this area through the acquisition of an adjacent parcel of land. Benefits of the acquisition include making the existing trail system more user-friendly, providing better public access to the area, and preventing the possibility of private entities developing the land and negatively affecting the natural area.	\$50,000
10 101.2	Clayton County Conservation Board	Floodplain Forest Reconstruction at Osborne Park Convert four acres of retired field along the Volga River to a tree planting to better control erosion, improve water quality, and provide both quality hardwood timber and wildlife habitat.	\$13,388
Total REAP Request			\$999,402

Private/Public Cost Share

Open Space funds (28% of REAP funds) are allocated to DNR for state acquisition and development of lands and waters. One-tenth of this 28% is set aside to cost-share land acquisitions with private organizations. The cost-share arrangement entails 75% of the acquisition costs coming from REAP and the other 25% coming from private contributions. This program provides an excellent opportunity to cost share with private entities for the purchase of high-quality natural areas that become public property. The DNR manages the property that is jointly purchased.

The review and select committee is composed of two representatives from Non-Governmental Organizations, and three members from the Department. A vacancy exists on this review and select committee due to the passing of one of the NGO members.

Available FY2025 Funding: \$735,590

Private / Public Cost Share FY2025		
Applicant	Project Summary	Recommend Funding
Iowa Natural Heritage Foundation	<p>Springbrook WMA Addition Less than 2 miles from Springbrook State Park and Wildlife Management Area (WMA), the 117-acre Springbrook WMA Addition will protect wildlife populations and water quality in a crucial habitat corridor along the Middle Raccoon River, which supplies drinking water to over 600,000 Iowans in the Des Moines Metropolitan Area.</p> <p>The Addition to the Springbrook WMA contains over 100 acres of high-quality woodland habitat. The property is bordered to the north by 0.6 miles of the Middle Raccoon River. An unnamed stream runs through the property and into the Middle Raccoon River. The parcel consists primarily of oak- and hickory-dominated hardwood forest with minimal invasive species present. 1930s aerial photos of the property show a partially forested landscape with some large trees in the northwest corner of the parcel. In the intervening years, the woodland continued to thrive. Today, the parcel is nearly entirely forested, except for an idled 4.5-acre brome field in the southwest corner. IDNR plans to restore a native grassland in this area upon acquiring the property. No trails or other facilities will be constructed on site. Parking will be available at the southeast boundary of the addition at the terminus of 165th Street.</p>	\$445,350

Michelle Wilson, REAP Coordinator
Conservation and Recreation Division
NRC Meeting Date: November 14, 2024

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

Decision Item (**indicates proposed consent agenda*)

***8. Contract with** the City of Marshalltown and Iowa River OHV Club.

Commission approval is requested for a contract with the City of Marshalltown, of Marshalltown, Iowa and the Iowa River OHV Club of Marshalltown, Iowa.

Contract Terms

Amount: N/A

Dates: November 30, 2024 to December 31, 2044

Funding Source(s): All-Terrain Vehicle Registration Fund

Contract Purpose: The Iowa DNR Off-Highway Vehicle program partners with local municipalities and non-profit organizations to provide operation and maintenance of designated riding areas for motorized recreation through the All-Terrain Vehicle Registration Fund. This cooperative agreement describes the roles and responsibilities of all parties involved in the management of the designated riding area named Nicholson Ford in Marshalltown, Iowa. Nicholson Ford is located on property owned by the city of Marshalltown. The riding area was designated by the Commission in 2005. The City of Marshalltown leases the property to a local non-profit riding club, Iowa River OHV Club, who provides maintenance at the riding area. The Iowa DNR administers the all-terrain vehicle registration fund grant program that supports the development and maintenance of the facility. The Iowa DNR also provides law enforcement at the public riding area.

This cooperative agreement is needed for two reasons. First, the current cooperative agreement and corresponding leases are set to expire in 2025. This updated cooperative agreement will match the new lease that the city is finalizing and both will have a term of twenty years. Second, the lease includes additional acreage and as required by IAC 571 – 46.52(4), any expansion of a designated riding area must be approved by the Natural Resource Commission. The expanded acres will provide an area for the club to open a skills development course and to construct a storage building.

Sherry Arntzen, Parks, Forests, and Preserves Bureau Chief

Conservation and Recreation Division

NRC Meeting Date: November 14, 2024

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

Decision Item

9. Contract Amendment – 24CRDPBJFLAT-0003 with Iowa Off-Highway Vehicle Association, Inc

Commission approval is requested to extend a cooperative agreement with Iowa Off-Highway Vehicle Association, Inc of Cedar Rapids, IA.

Amendment #1

Terms:

Amount: Not to exceed \$225,000 (\$75,000 / year)

Dates: December 1, 2024 – November 30, 2027

Funding Source(s): All-Terrain Vehicle Registration Fund

Amendment Purpose: The DNR and the Iowa Off-Highway Vehicle Association, Inc partner in the implementation of the all-terrain vehicle registration revenue program, which provides funds from the all-terrain vehicle fund for development and maintenance of designated off-highway vehicle parks in Iowa.

The purpose of the Cooperative Agreement is to fund an Executive Director position that will support the off-highway vehicle program's goals and objectives.

The duration of the cooperative agreement is December 1, 2023 through November 30, 2024 with an option to extend through November 30, 2027. The Iowa Off-Highway Vehicle Association has requested the option to extend the cooperative agreement.

Original Selection Process: The Department is authorized to enter into this agreement based on statutory authority provided in Iowa Code Section 321I.2 and Iowa Administrative Rule Chapter 571.28.

Sherry Arntzen, Parks, Forests, and Preserves Bureau Chief

Conservation and Recreation Division

NRC Meeting Date: November 14, 2024

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item (**indicates proposed consent agenda*)

***10. Cooperative Agreement with Beeds Lake Homeowners Association**

Commission approval is requested for an agreement with Beeds Lake Homeowners Association of Hampton, Iowa.

Contract Terms

Amount: n/a

Dates: November 14, 2024 to July 30, 2034

Funding Source(s): n/a

Purpose:

The Beeds Lake State Park wastewater treatment facility consists of a 0.5-acre 3 cell aerated lagoon. The facility treats waste from the 140 campsites, a lodge restroom and a 39-house subdivision located on the north side of the lake. The subdivision is represented by the Beeds Lake Homeowners Association (HOA) and pursuant to a 1988 Boundary Agreement and Lease, the DNR has accepted the HOA's wastewater for treatment at Beeds Lake State Park. The facility is permitted to treat an Average Wet Weather (AWW) of 0.0330 million gallons per day.

Currently the wastewater treatment facility is out of compliance with the Iowa Administrative Code governing discharges from wastewater treatment facilities. With ever tightening standards for wastewater discharge and the close proximity of the city of Hampton, which has ample capacity to receive additional loads, DNR would like to abandon the existing lagoon system and transport the wastewater to the city plant for treatment.

The DNR is partnering with the HOA and this agreement will resolve shared wastewater treatment issues by securing alternative wastewater treatment and allow the HOA secure connection to the City of Hampton wastewater treatment services. The agreement also identifies the responsibilities of DNR and the HOA regarding operation, maintenance and replacement of the completed system.

Sherry L. Arntzen, Parks, Forests and Preserves Bureau Chief

Conservation and Recreation Division

NRC Meeting Date: November 14, 2024

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

Information Item

11. 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
10/17/24	25-05-59-02	Stephens State Forest	Lucas	This project will replace a storm-damaged roof on a pit latrine building. The roof will be removed down to the top wall plate, then replaced with new trusses, decking, shingles, soffit, fascia, drip edge, etc.	\$12,000	\$9,446.00 \$10,687.00 \$19,800.00 \$21,250.00 \$24,697.00
10/24/24	25-05-63-02	Red Rock Wildlife Unit	Marion	The purpose of this project is to repair and shape dikes due to flooding damage and return Swan Refuge to working order.	\$47,000	\$22,900.00 \$37,300.00 \$37,600.00 \$39,500.00 \$42,600.00 \$46,500.00 \$58,000.00

Travis Baker, Land and Waters Bureau Chief
 Conservation and Recreation Division
 NRC Meeting Date: 11/14/2024

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

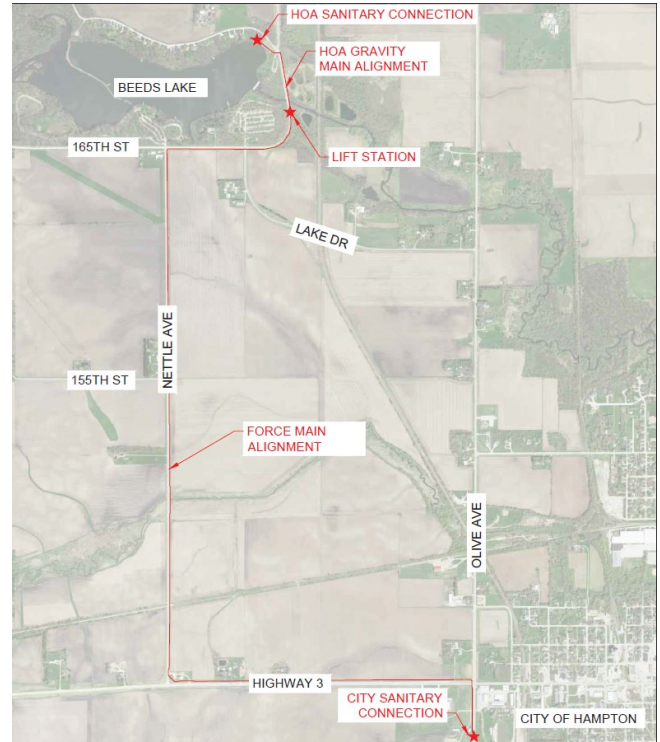
12. Large Construction Items

12.1 Beeds Lake State Park, Wastewater Connection – Franklin County

The Department requests Commission approval of the following construction project:

Project Summary: Beeds Lake State Park is located about three miles northwest of Hampton and was officially opened to the public in 1938. Amenities include a 99-acre lake, boat ramps, CCC day-use lodge, two CCC picnic shelters, a modern campground, and a hiking trail around the lake.

The current wastewater treatment system at Beeds Lake State Park consists of a three-cell aerated lagoon that services the park office, campground, and the adjacent 39-house subdivision located on the north side of the lake. The lagoon can no longer meet the newly revised discharge effluent limits. This project will convey wastewater to the City of Hampton to be treated by constructing a 3.5-mile long 4" PVC force main. In addition to the force main, work includes the construction of approximately 1,500 feet of gravity sewer and a lift station. After the force main is put into service, the contractor will decommission the existing lagoon. This project will not interrupt park operations.



Engineering Project #: 24-02-35-01

Cost Estimate: \$1,989,460.00

Operating Bureau: Parks

Funding Source: 77% Corona Virus State and Local Fiscal Recovery Fund, 23% Parks Infrastructure

Bid Letting Date: 10/24/2024

Construction Completion Date: 05/15/2026

Number of Bids Received: 6

Bidders

McDowell & Sons, Inc.	Iowa Falls, IA	\$1,715,616.00
Boomerang Corp of Iowa	Anamosa, IA	\$1,966,024.00
Gehrke Inc.	Eldora, IA	\$2,074,770.50
GM Contracting, Inc.	Lake Crystal, MN	\$2,734,344.71
JB Holland Construction, Inc.	Decorah, IA	\$2,814,478.00
On Track Construction, LLC	Nevada, IA	\$3,000,128.00

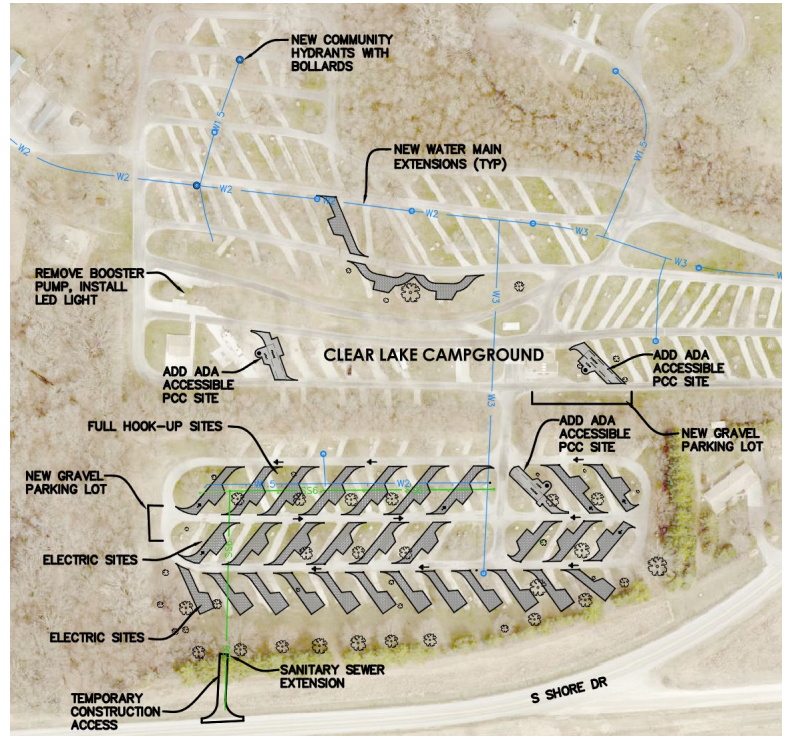
Upon Engineering's review of bids, DNR recommends awarding the contract to McDowell & Sons, Inc.

12.2 Clear Lake State Park, Campground Improvements – Cerro Gordo

The Department requests Commission approval of the following construction project:

Project Summary: Clear Lake State Park is located on the southeast corner of the 3,643-acre Clear Lake, and was established in 1941. Amenities include a beach, modern campground, picnic areas, two picnic shelters, and a WPA-constructed day-use lodge.

The existing campground was constructed in the 1960’s and contains 176 sites which are mostly fairly tight “buddy” sites that face each other and share an electrical outpost. Eight full hook-up sites were added in 2012. This project will replace a 70-year old water line and add 11 community hydrants throughout the campground. The south section has 61 sites and will be fully reconstructed with this project including 7 full hook-up sites, 12 pull-through 50-amp electric sites and 12 back-in 50-amp electric sites. There are 3 new ADA accessible concrete sites being added as well.



Engineering Project #: 23-07-17-06

Cost Estimate: \$520,000

Operating Bureau: Parks

Funding Source: 50% LWCF Grant, 50% Infrastructure

Bid Letting Date: 10/24/2024

Construction Completion Date: 09/12/2025

Number of Bids Received: 5

Bidders

Vicker Drilling LLC	Creston , IA	\$515,211.00
Wunsch Construction Inc	Greene, IA	\$599,100.91
Shift General Contracting	Cedar Rapids, IA	\$770,007.00
On Track Construction LLC	Nevada, IA	\$773,414.00
JB Holland Construction, Inc	Decorah, IA	\$826,926.85

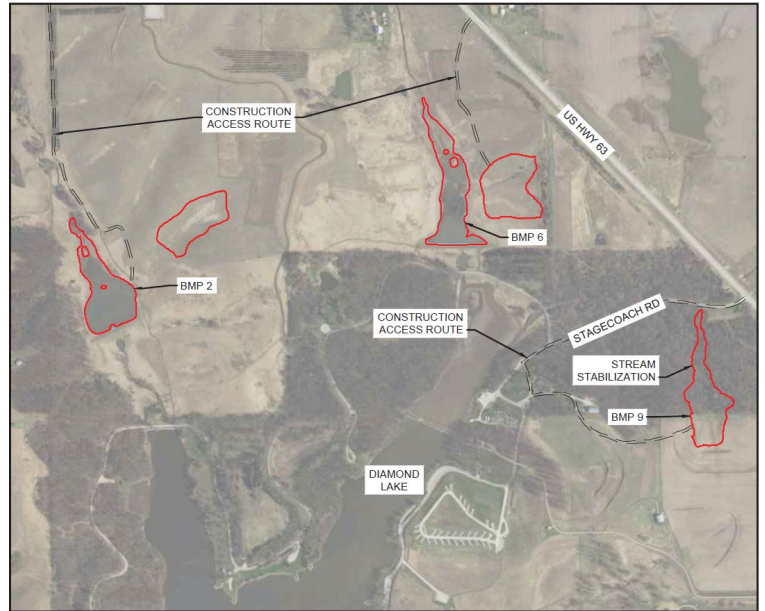
Upon Engineering’s review of bids, DNR recommends awarding the contract to Vicker Drilling LLC.

12.3 Diamond Lake Park, Watershed Improvements – Poweshiek County

The Department requests Commission approval of the following construction project:

Project Summary: Diamond Lake Park is owned and managed by the Poweshiek County Conservation Board and is located immediately west of Montezuma. Amenities include a 99-acre lake, modern campground, three picnic shelters, a boat ramp, a kayak launch, and hard surfaced trails.

Diamond Lake was constructed in the 1950’s and has a 2,672-acre watershed. The lake suffers periodically from algae blooms that lead to poor water clarity. This project will clean out approximately 32,000 CY of deposited sediment from two existing sediment ponds, construct a new sediment pond, and stabilize approximately 600 feet of stream bed.



Engineering Project #: 25-05-79-01

Cost Estimate: \$709,490.00

Operating Bureau: Lake Restoration Program

Funding Source: 75% Lake Restoration, 25% Poweshiek County Conservation Board

Bid Letting Date: 10/24/2024

Construction Completion Date: 09/15/2025

Number of Bids Received: 10

Bidders

DeLong Construction, Inc.	Washington, IA	\$366,637.15
Des Moines Dirt Workx, LLC	Pleasant Hill, IA	\$540,000.01
RW Excavating Solutions, LC	Prairie City, IA	\$544,937.90
Ludovissy Enterprises	Guttenberg, IA	\$606,294.85
Aaron Crane Construction, LLC	Manchester, IA	\$654,565.50
Nagel Construction, LLC	Allerton, IA	\$699,263.50
JB Holland Construction, Inc.	Decorah, IA	\$704,418.95
Peterson Contractors, Inc.	Reinbeck, IA	\$728,315.20
Reilly Construction Co., Inc.	Ossian, IA	\$817,318.00
Three Oaks Construction, Inc.	Nothe Sioux City, SD	\$902,181.50

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

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

Decision Item (* indicates proposed consent item)

***13. Public Land Management Projects**

13.1 Chapter 17 Lease Renewal, SCF Fleeting LLC – Scott County

The Natural Resource Commission is requested to approve the renewal of Chapter 17 Lease (Barge Fleeting) Number 110-R with SCF Fleeting, LLC, Inc of St. Louis, MO.

Location: The areas consist of the following locations and configurations:

Area 3: is located at Mississippi River Mile 470 (Section 21, Township 77 North, Range 2 East of the 5th P.M., Scott County, Iowa). It has a capacity of 34 barges anchored in two groups with one anchor barge each. Barges will be moored 9 wide by 2 long (approximately 315 feet of depth by 400 feet of frontage for each group).

Area 8: is located at Mississippi River Mile 472 (Section 19, Township 77 North, Range 2 East of the 5th P.M., Scott County, Iowa). The lease area has a capacity of 17 barges anchored with 1 anchor barge. Barges will be moored 6 wide by 3 long (approximately 210 feet of depth by 600 feet of frontage). Barges may not be fleeted or other moored at Area 8 from May 1 through September 30.

Site Purpose: These fleeting areas support current operation in Pool 16. Fleeting operation serves several industries between Muscatine and Davenport, including grain elevators, quarries, power generation, agricultural chemicals, and oil, as well as asphalt and coal suppliers.

Lease History: The location has been under lease since 2001.

Lease Fee and Term: The annual fee is \$14,745.15 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees. The term of the lease will be five years.

13.2 Chapter 17 Lease Renewal, Philip and Brenda Timmons – Dickinson County

The Natural Resource Commission is requested to approve the renewal of Chapter 17 Lease (Lease for use of State-Owned Land) Number 116-R with Philip and Brenda Timmons.

Location: The lease area consists of a parcel 37.6 feet in frontage by 5 feet in depth, adjacent to Lots 10, 11 and 12, Block 35, Triboji Beach in Dickinson County. The leased area is occupied by a wooden deck attached to the tenant's residence.

Site Purpose: The leased area is occupied by a wooden deck attached to the tenant's residence.

Lease History: The location has been under lease since 2012.

Lease Fee and Term: The annual fee is \$154.95 with a condition the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees. The term of the lease will be five years.

13.3 Chapter 17 Lease Renewal, City of Marquette – Clayton County

The Natural Resource Commission is requested to approve the renewal of Chapter 17 Lease (Lease for use of State-Owned Land) Number 128-N with the City of Marquette.

Location: The lease is for a continued presence of a 75ft long by 30ft wide concrete observation deck into the Mississippi River at river mile 634.79 in Section 15, Township 95N, Range 3W near the City of Marquette, Clayton County, Iowa.

Site Purpose: The leased area is a concrete observation deck including a pier within the water and a 24' wide deck with railings, lights and interpretive signs to provide the public an opportunity to enjoy the wonderful natural resource that is the Mississippi River from a superior visual perspective that does not rely on traveling in a boat.

Lease History: The location has been under lease since 2015.

Lease Fee and Term: The annual fee is \$309.90 with a condition that the fee may be adjusted to comply with adopted administrative rule changes that affect lease fees. The term of the lease will be five years.

13.4 Management Agreement, Spring Branch Recreation Area – Delaware County Conservation Board

The Natural Resource Commission is requested to approve the Management Agreement with the Delaware County Conservation Board for Spring Branch Recreation Area located in Delaware County.

Location: This property is located 3 miles south east of Manchester Iowa and is adjacent to Bailey's Ford County Park.

Site Purpose: This 24.55-acre property is used for outdoor recreation, hunting, and river access.

Management History: This property has been under a management agreement with Delaware County Conservation Board since 1998.

Management Agreement Term: This standard Management Agreement is with the Delaware County Conservation Board for 25 years.

This agreement was approved by the Dickinson County Conservation Board on October 27, 2024.

13.5 Management Agreement, Fountain Springs Creek – Delaware County Conservation Board

The Natural Resource Commission is requested to approve the Management Agreement with the Delaware County Conservation Board for Fountain Spring Creek located in Delaware County.

Location: This property is located 2 miles northeast of Greeley, Iowa

Site Purpose: This 239-acre property is used for outdoor recreation, hunting, and trout stream access.

Management History: This property has been under a management agreement with Delaware County Conservation Board since 1999.

Management Agreement Term: This standard Management Agreement is with the Delaware County Conservation Board for 25 years.

This agreement was approved by the Dickinson County Conservation Board on October 27, 2024.

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: November 14, 2024

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

Decision Item

14. Public Land Acquisition Project

McCoy WMA, Boone County – Carl F. Schnoor and Harriet L. Schnoor Revocable Trusts

The Natural Resource Commission's approval is requested to purchase a tract of land located in Boone County and is an inholding within McCoy Wildlife Management Area (WMA).

Seller: Carl F. Schnoor Revocable Trust and Harriet L. Schnoor Revocable Trust

Acreage: 1.63 acres

DNR Purchase Price: \$8,300

Property Description: This rectangular shaped property is located within McCoy WMA which is about 6 miles south of Boone in Boone County. This property is a complete inholding and bordered on all sides by publicly owned land.

Purpose: This acquisition will eliminate an inholding and the management challenges that inholdings can create. This property will allow for public access to hunting and other outdoor recreation opportunities.

DNR Property Manager: Wildlife Bureau

Funding Source(s): Wildlife Habitat Stamp

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

Realty Services / McCoy WMA
Boone County / Schnoor Revocable Trusts



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

Decision Item

15. Contract with Shive Hattery Architecture and Engineering (Silver Lake)

Commission approval is requested for a contract with Shive Hattery Architecture and Engineering, of West Des Moines, IA.

Contract Terms:

Amount: Not to exceed \$108,600

Dates: December 1, 2024 to December 31, 2025

Funding Source(s): Lake Restoration Program

Contract Background: Silver Lake is a natural lake, located in northeast Iowa in Delaware County. This 39-acre lake, which was enlarged at one point by the construction of a dam on the southeast shore of the lake, has a maximum depth of 18 feet and a mean depth of 7 feet. Silver Lake has a small watershed (watershed to lake area ratio of 5.4:1) and is surrounded by Silver Lake County Park, the community of Delhi, a locally-owned private campground, and farmland. Silver Lake is a locally important resource for recreation and is a popular destination for camping, wildlife watching, relaxing and fishing. Given that it is one of only a handful of lakes in Northeast Iowa (and the only natural lake), it is an important lake to preserve and protect.

Historically, Silver Lake has flipped between two relatively stable states, either being dominated by algae blooms when high abundances of rough fish were observed in the lake, or being dominated by submerged aquatic vegetation and filamentous algae with relatively clear water when rough fish populations are low. The lake has a history of winter fish kill events, which has pushed the lake between these two stable states. As the lake has experienced periods of low water clarity and frequent, intense algae blooms, water quality in the lake remains a concern for local residents and visitors. Similarly, excessive submerged aquatic plant growth had caused concerns and impacted recreation.

Past assessments documented high phosphorus inputs from the watershed that contribute to algal and plant growth in the lake. This assessment also identified excessive manure application levels as a problem. Since these assessments were completed, many of the producers in the watershed have adopted a variety of Best Management Practices (BMPs) to reduce nutrient inputs to the lake. Today, extensive watershed BMPs have substantially reduced watershed inputs to the lake, yet, Silver Lake still faces some water quality challenges. While the studies completed in the early 2000s are valuable, they do not provide a clear direction for where dredging is feasible and if dredging the lake would yield better water quality and recreational benefits.

Additionally, Silver Lake has had challenges with maintaining water levels in the lake due to seepage/leakage at the dam. As a result, the dam was improved in 2007 to stabilize water levels and eliminate leakage. Prior to construction in 2007, water had not overtopped the dam since 1993 and water frequently leaked from the dam, causing unstable water levels within the lake. Since the dam has been repaired, the lake has remained at full pool during periods of normal rainfall.

The DNR has worked with local partners for several years to improve water quality and stabilize water levels within Silver Lake. Major projects include:

- Dam seepage repair (2007): Installed a sheet pile wall at the dam of the lake to eliminate seepage and stabilize water levels. Total cost: \$294,489.07 DNR LRP (100%)
- Water quality improvement project at the School/Lake (2020): Partnership between the Delaware County Conservation Board and DNR to construct an erosion control structure that drained from the school property to the lake to minimize erosion and sediment/nutrient pollution to the lake. Total cost: \$17,076.00 (DNR LRP (75%) \$12,806)
- Aquatic vegetation management (2020-2024): Vegetation management at the lake to minimize excessive rooted and filamentous plants. Several treatments have been completed each summer to control vegetation.

DNR hired Shive Hattery in 2020 to develop a water quality improvement plan for Silver Lake. The study concluded that while dredging was technically feasible and would result in some water quality improvement, more work was needed to determine risk involved with draining a lake with such as small watershed to lake area ratio. Additionally, the study found that treating the lake with alum (aluminum sulfate, sodium aluminate), a chemical used to bind phosphorus, would be a cost-effective solution for improving water quality and reducing internal loading within the lake.

Contract Purpose: The purpose of this project is to hire a qualified firm to create technical specifications for an alum dosing protocol for Silver Lake and to complete additional groundwater and lake response modelling to determine levels of risk associated with draining the lake for a mechanical dredging project.

Anticipated Future Work: DNR intends to treat the lake with alum in 2025 utilizing the dosing strategy and plan specifications being developed as a part of this contract. Additionally, DNR will utilize the additional modelling work being completed as a part of the contract to make more informed decisions regarding opportunities for increasing the depth of Silver Lake through a mechanical dredging project.

Selection Process Summary: Sole source procurement due to use of a proprietary watershed and groundwater model. 11 IAC 118.7

Travis Baker, Engineering, Land and Waters Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: November 14, 2024

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

16. Contract with the Poweshiek County Conservation Board (Diamond Lake Park)

Commission approval is requested for a contract with the Poweshiek County Conservation Board (PCCB), of Montezuma, Iowa.

Contract Terms:

Amount: Not to exceed \$341,175

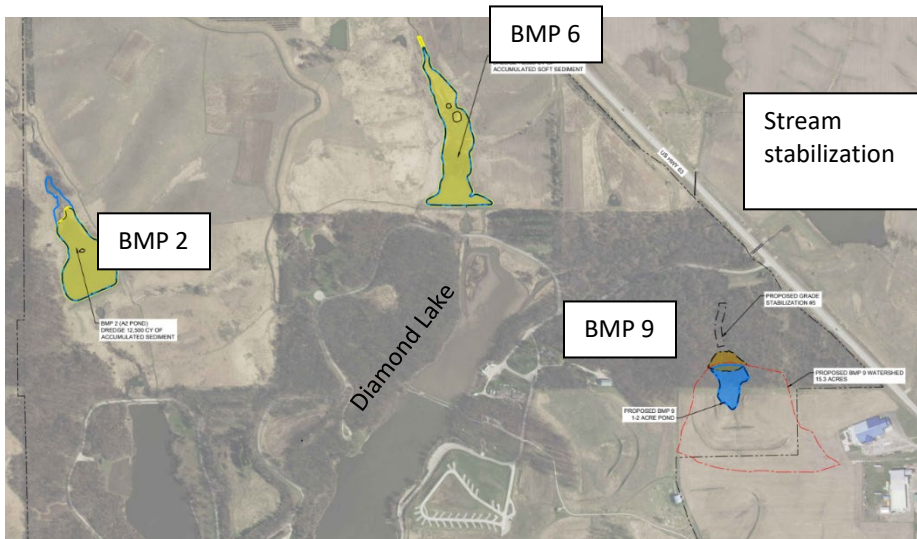
Dates: December 1, 2024 through December 31, 2025

Funding Source(s): Lake Restoration Program

Background: Constructed in the 1950s, Diamond Lake is a 99-acre lake with a 2,672 acre watershed, which is comprised of a mix of public and privately owned lands. The lake is located in Diamond Lake County Park and is managed by Poweshiek County Conservation. The watershed has a mix of forested land, crop land, and grassland. Water quality is considered average for the State of Iowa and the lake suffers periodically from algae blooms that lead to poor water clarity. The maximum depth of Diamond Lake is about 20' with the mean depth being 7.2' although the depths in the norther portion of the lake are fairly shallow and there has been some sediment deposition in the arms of the lake since it was constructed.

Both landowners within the watershed and the park staff have worked to reduce sediment and nutrient inputs to the lake by installing a variety of best management practices on the landscape, but additional work is needed to better manage inputs to the lake. This project represents the first step in a comprehensive restoration project that is proposed for the lake and park. Additionally, a watershed coordinator is working with landowner and operators within the watershed to install additional BMPs on privately owned land. Diamond Lake is a significant public resource that supports recreational activities including boating and fishing. In addition, Diamond Lake serves the City of Montezuma as its drinking water source.

DNR worked with the CCB in 2015 to repair and modify the spillway at the lake outlet. The spillway was in need of repair, and upgrading the lakes infrastructure allowed project partners to modify the outlet structure to eliminate migration of undesirable fish species into the lake from downstream Moon Creek. Modification of the outlet was an important step in the long-term water quality improvement plan for Diamond Lake. The spillway modification was completed in 2015 for a total cost of \$160k, with the PCCB contributing \$32k to the project.



In 2022, DNR worked with the PCCB to hire an engineering firm to complete a watershed assessment and make recommendations for BMPs on public land within the watershed that would help improve water quality in the lake. The plan was completed in 2023, with a recommendation to move forward with the design and construction of several of the practices proposed, including the rehabilitation of two existing ponds, construction of one new grade stabilization structure, and construction of one new pond.

Contract Purpose: The purpose of this agreement is to work with PCCB to rehabilitate two large watershed ponds

(BMPs 2 and 6) within Diamond Lake County Park and build one new pond (BMP 9), as well as stabilize a section of stream within the park. These watershed best management practices will help protect and improve water quality in Diamond Lake. Additionally, this agreement will allow PCCB to retain a consultant to provide supplemental engineering construction oversight services for this construction project.

Budget:

DNR Contribution (includes a 10% construction contingency and construction services)	\$ 341,175.00
<u>Poweshiek County Conservation Board Contribution</u>	<u>\$ 113,725.00</u>
Total budget	\$ 454,900.00

Anticipated Future Work: DNR and the PCCB plan to move forward with engineering design for in lake work in 2025, and will likely include removal of excess sediment in the upper arms of the lake and above the in-lake silt basin, new fish habitat and fishing amenities, and targeted shoreline stabilization. Additionally, the PCCB continues to improve timber stands in woodlands throughout the park by removing invasive species and promoting forest floor vegetation, which stabilizes soils and prevents erosion.

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

Travis Baker, Land & Waters Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: November 14, 2024

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

Decision Item

17. Contract with the City of Creston, Iowa (McKinley Lake)

Commission approval is requested for a contract with the City of Creston, Iowa (Union County).

Contract Terms:

Amount: Not to exceed \$1,793,884

Dates: December 1, 2024 to June 30, 2026

Funding Source(s): Lake Restoration Program

Background: McKinley Lake (20-acres) is a small publicly owned lake in the City of Creston. The lake is a central feature of McKinley Park, which includes a variety of recreational opportunities, including a pool, natural areas and wildlife habitats. The lake was constructed in 1874 and has been a popular local destination for recreation for over 100 year. The lake was originally constructed as a water supply lake for industrial use. In winter, ice was harvested from the lake for use throughout the region. The City purchased the lake in 1901. The lake was drained in the early 1900s when Summit Lake was created, but the lake was re-opened to the public and re-filled in 1919. While the history of the lake and park endures today, water quality has declined, and the lake today suffers from excess sedimentation, high concentrations of nutrients and frequent algae blooms, all of which limit enjoyment of the lake.

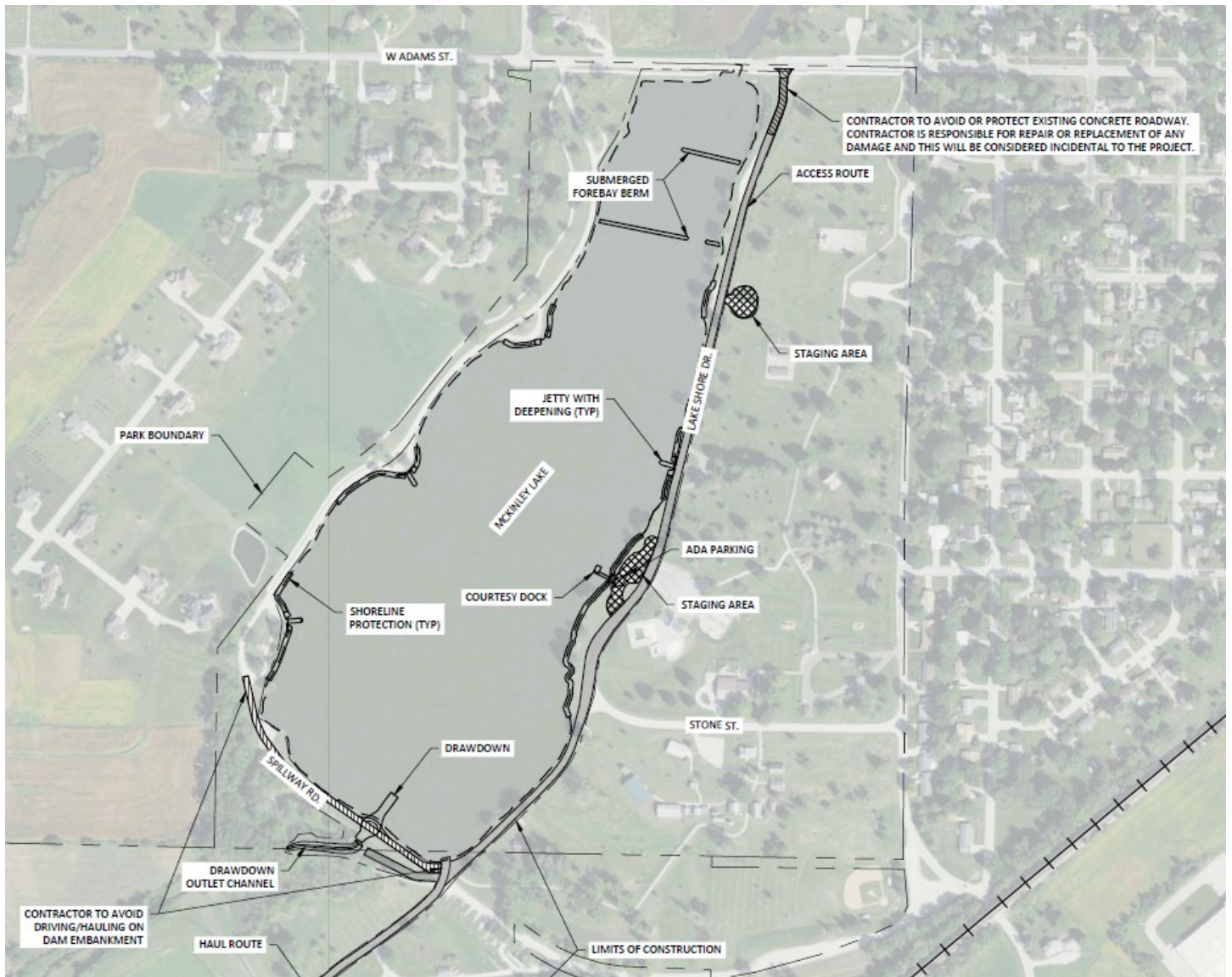
The City of Creston began working to improve McKinley Lake and park in the 2000s, first investing in a comprehensive park plan and later working to improve conditions in the watershed. Over the past 15 years, the city has completed a multi-faceted watershed restoration effort on Hurley Creek (the primary tributary to the lake). As a part of the watershed project over \$370,000 was invested in riparian buffers, stream stabilization, livestock exclusion from the stream, and sediment ponds and wetlands.

DNR and other project partners began meeting with the City to address water quality concerns and recreational opportunities in 2019, forming a small working group to address concerns and formulating a plan to improve the lake. The City then hired FYRA Engineering (now HEI) to complete a preliminary plan for restoration. In 2021, Creston completed a bond initiative to improve the lake and park, and in 2022, the city secured an easement for dredge spoils, allowing the project to move forward. Engineering design and permitting was completed in 2024 by Houston Engineering (HEI).

Contract Purpose: The purpose of this cooperative agreement is to work with the City of Creston to construct a lake restoration project at McKinley Lake. Restoration practices will include the targeted removal of 250,000 CY of excess sediment, 1400 LF of shoreline protection, new fishing habitat and fishing/recreational amenities, dam/outlet structure improvements, and an ADA parking area, boat ramp, and courtesy dock.

Budget:

DNR Contribution (50%):	Not to exceed \$1,793,884.00
City of Creston Contribution (50%):	Not to exceed \$1,793,884.00
Total Cost:	Not to exceed \$3,587,768.00



Anticipated Future Work: Future work will include refilling the lake following construction and stocking the lake with fish.

Selection Process Summary: This contract is authorized by 11 Iowa Administrative Code section 118.4.

Travis Baker, Land and Waters Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: November 14, 2024

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

Decision Item (*indicates proposed consent agenda item)

***18. Contract with Iowa State University (Bat Conservation in Iowa)**

Commission approval is requested for a contract agreement with Iowa State University (ISU), Ames, Iowa.

Contract Terms:

Amount: Not to exceed \$166,548

Dates: January 1, 2025 to December 30, 2027

Funding Source(s): Federal USFWS State Wildlife Grant Program Competitive Funds

Contract Purpose: This agreement is part of a larger, Competitive State Wildlife Grant application titled “Bat Conservation in Iowa and Illinois, 2025-2027” which will allow Iowa to continue maintain and add to the implementation of the [North American Bat Monitoring Program](#) (NABat). NABat aims to create a North American comprehensive monitoring program for bats where data are gathered and processed in a systematic, comprehensive manner, thereby allowing for continent-wide inferences about the status of all bats. As bats face increasing threats from diseases, habitat loss, and climate change, these data are needed to rigorously assess bat population trends at the continental or national scale. In Iowa, proposed work would focus on the geography of the eastern 1/3 and southern 1/3 of the state as shown in the embedded map.

These monitoring efforts will increase our knowledge of all nine bat species that occupy Iowa including two Federally listed species (Indiana Bat, Northern Long-eared Bat), one proposed as Federally Endangered (Tricolored Bat) and two species on the Federal National Listing Workplan (Little Brown Bat, Hoary Bat).

The overall project will increase Iowa and Illinois’ contributions to an international bat conservation monitoring program, inform management planning efforts, assist with habitat management and improve our understanding of current stewardship practices on bat populations.

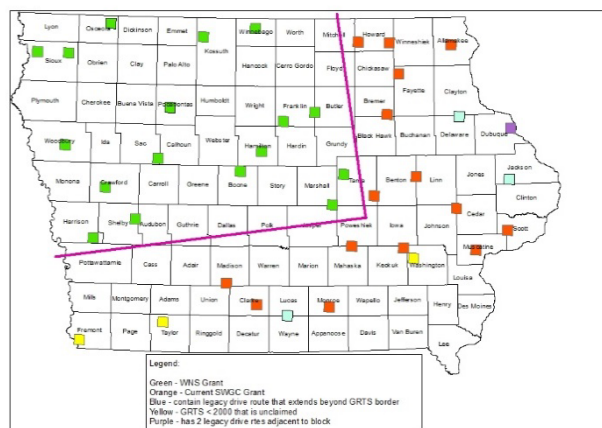
ISU will establish the 3 remaining driving routes (yellow on map) and recruit volunteers willing to use the acoustic recorders to document bats as well as training the volunteers. ISU will also process the recordings and enter the data into the National NABat database. The total cost for this agreement is \$222,144. The DNR will provide funding (up to \$166,548) for ISU to collect and process recordings of bats in at least 18 NABat priority blocks within the eastern and southern 1/3 of Iowa. ISU will provide up to \$55,596 in matching funds for the project. This three-year contract with ISU will support a graduate student and seasonal technician.

ISU tasks include:

- Establish driving routes and find locations for stationary acoustic detectors in at least 3 NABat priority blocks.
- Recruit volunteers to drive the routes and collect the recordings in at least 18 NABat priority blocks.
- Examine acoustic recordings from pre- and post- forest management actions.
- Process the acoustic files recorded and enter the data into the NABat database.
- Analyze acoustic bat data from at least as far back as 2013 for patterns and associations with landscape features for bat activity and abundance.

Selection Process Summary: This Contract is authorized by 11 Iowa Administrative Code section 118.4.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: 11/14/2024



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

Decision Item

***19. Contract with Iowa State University (Wood Thrush Migration and Breeding Ecology)**

Commission approval is requested for a contract agreement with Iowa State University (ISU), Ames, Iowa.

Contract Terms:

Amount: Not to exceed \$169,093

Dates: January 1, 2025 to December 15, 2027

Funding Source(s): Federal USFWS State Wildlife Grant Program Competitive Funds

Contract Purpose: This agreement is part of a larger, Competitive State Wildlife Grant application titled “Breeding and Migratory Ecology of At-risk Birds and Bats within Restored Woodlands of the Missouri River Corridor” with Nebraska Game and Parks Commission. The overall grant will allow for habitat work in woodlands in Iowa (e.g. clearing out honeysuckle and in some locations replacing that woodland understory with native shrubs to provide nesting habitat for the Wood Thrush), establishing additional Motus towers along the Missouri River, and placing Motus transmitters on bats to follow their migratory patterns.

This sub-recipient agreement will allow Iowa State University (a partner on the grant application) to place Motus-compatible transmitters in Wood Thrush, a Species of Greatest Conservation Need songbird in Iowa. ISU will hire a graduate student to capture and tag at least 50 Wood Thrush between 2025 and 2026. The birds will be followed with hand-held receivers on their breeding territories in order to find the nests. Once nests are located, they will be monitored at least every three to four days to document nest survival and the number of young fledged. After nestlings have fledged, site characteristics such as nest height, nest substrate, canopy cover, and other local vegetation and habitat structure metrics will be collected following standard protocols. The goal is to determine what habitat characteristics could be improved in order to increase the nest success for Wood Thrush leading to recruitment into the population.

The radio-tags are expected to last more than one year and will be compatible with the Motus tower system which should allow us to also track the migratory pathway for this species and determine where Iowa birds are overwintering.

The total cost for this agreement is \$225,460. The DNR will provide funding (up to \$169,093) for ISU to complete the work with the Wood Thrush. ISU will provide up to \$56,367 in matching funds for the project. This three-year contract with ISU will support a graduate student and seasonal technician.

ISU tasks include:

- Deploying mist nets to capture Wood Thrush in suitable habitat within the focal area of the study.
- Tagging Wood Thrush with leg bands and transmitters.
- Following Wood Thrush to find nests.
- Monitoring nests and determining the number of fledglings.
- Collecting habitat variables to examine nesting success.
- Analyzing data and making habitat management recommendations to assist in population growth of the Wood Thrush in the Missouri River Corridor.

Selection Process Summary: This contract is authorized by 11 Iowa Administrative Code section 118.4.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: 11/14/2024

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

Decision Item

20. Contract with Iowa State University (MSIM Multiple Species Inventory and Monitoring Program)

Commission approval is requested for a contract agreement with Iowa State University (ISU), Ames, Iowa.

Contract Terms:

Amount: Not to exceed \$1,969,780

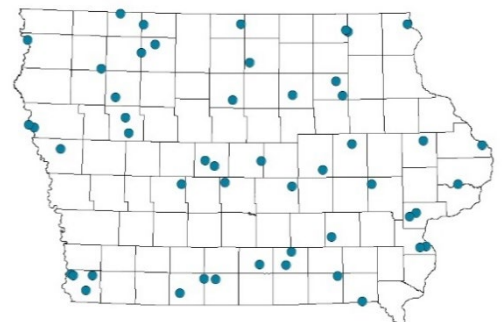
Dates: January 1, 2025 to December 31, 2027

Funding Source(s): Federal USFWS State Wildlife Grant Program Funds

Contract Purpose: The Multiple Species Inventory and Monitoring Program (MSIM) was first developed under Contract with ISU in 2004-2006. In 2006, a crew of 4 seasonal employees began collecting data on 8 taxonomic groups in 3 counties in southern Iowa. MSIM was housed fully within DNR from 2006 – 2011. Since 2012, ISU and DNR have partnered together on implementing MSIM using seasonal employees through ISU. To date, the following have been documented: 21 (of 22) species of amphibians, 39 (of 46) reptile species, 290 species of birds (of 310 breeding or regular migratory) as well as 25 of 95 bird vagrant species, 105 butterflies (of 123) plus 5 vagrants, 53 mammals (of 63), 29 mussels (of 52), 125 fish (of 155), and 104 species of dragonflies (of 118).

This three-year Contract with ISU will support a project managing biologist, a post-doctoral fellow for data analyses and manuscript development, and up to 25 seasonal employees each year to collect data for the MSIM Program between March-October of each year. ISU will follow Iowa DNR's MSIM protocols to collect data on up to 75 identified public and private areas in 2025, 2026, and 2027. Objectives include:

- Conduct MSIM surveys for birds, mammals, amphibians, reptiles, fish, mussels, butterflies, odonates, and crayfish, along with data on habitat conditions, on 50 Wildlife Management Areas annually during 2025-2027, with the potential for up to 25 additional properties as funding allows.
- Develop field protocols for additional taxa added to the Wildlife Action Plan (e.g. bees).
- Enter collected data into the MSIM on-line database, submit occurrence records, and update database records.
- Analyze data using, but not limited to, proportion of area occupied and species density using habitat variables from the field and/or GIS where applicable.



By following MSIM protocols, these data will meet criteria necessary for Iowa's statewide database which will contribute toward the assessment of the identified taxonomic groups. In addition, the MSIM protocols meet the Congressional requirement for monitoring species and habitats to continue receiving State Wildlife Grant funds, funds which are required to be spent on species of greatest conservation need. To meet the federally required match, ISU will be providing up to \$1,060,611 (35%) toward this project.

Selection Process Summary: This Contract is authorized by 11 Iowa Administrative Code section 118.4.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation Division
NRC Meeting Date: 11/14/2024

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

21. Chapter 36, “Green Valley Lake Special Water Activity Rules”; Chapter 37, “Boating Safety Equipment,”; Chapter 38, “Boat Registration and Numbering”; Chapter 39, “Boating Passenger Capacity”; Chapter 40, “Boating Speed and Distance Zoning”; Chapter 41, “Boating Navigation Aids”; Chapter 42, “Boating Accident Reports”; Chapter 43, “Motorboat Noise”; and Chapter 45, “Boat Motor Regulations,” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapters 36 through 43 and 45. It is proposed to rescind Chapters 36, 38 through 43, and 45 and to rescind and replace Chapter 37 with a new consolidated chapter titled “Vessel Safety and Registration.” This Notice of Intended Action is the result of Communications, Outreach, and Marketing Bureau’s Executive Order 10 rule review.

Proposed new Chapter 37 contains Iowa’s water navigational rules that exist to protect private and public property, and the health, safety, and welfare of the public. The chapter ensures uniformity of vessel use, operation, and equipment. Through this merger, the substance of these chapters has been revised to eliminate redundancies, improve efficiency, and implement updates in accordance with federal law changes and U.S. Coast Guard guidance.

Notably, two new provisions were added. First, Coal Creek Marsh in Warren County has been added to the list of artificial marshes in new Chapter 37 with relevant boating restrictions. Second, Lake Panorama-specific regulations were added to comply with 2024 Iowa Acts, House File 2485, which was signed into law during the 2024 legislative session.

Tammie Krausman, Communications, Outreach, and Marketing Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapters 36-43, and 45 - NOIA

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind Chapter 36, “Green Valley Lake Special Water Activity Rules”; Chapter 38, “Boat Registration and Numbering”; Chapter 39, “Boating Passenger Capacity”; Chapter 40, “Boating Speed and Distance Zoning”; Chapter 41, “Boating Navigation Aids”; Chapter 42, “Boating Accident Reports”; Chapter 43, “Motorboat Noise”; Chapter 45, “Boat Motor Regulations,” and to rescind Chapter 37, “Boating Safety Equipment” and promulgate a new Chapter 37 titled “Vessel Safety and Registration,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 462A.3, 462A.5, 462A.7, 462A.9, 462A.11, 462A.17, 462A.26, 462A.32.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 462A.3, 462A.5, 462A.7, 462A.9, 462A.11, 462A.9, 462A.17, 462A.26, 462A.32, and 2024 Iowa Acts, House File 2485.

Purpose and Summary

Proposed Chapter 37 contains Iowa’s water navigational rules that exist to protect private and public property, and the health, safety, and welfare of the public. The chapter ensures uniformity of vessel use, operation, and equipment. This chapter is the consolidation of former Chapters 36 through 43 and 45. This consolidation is the result of the Commission’s Executive Order 10 (2023) review of Iowa’s boating regulations. Through this merger, the substance of these

chapters has been revised to eliminate redundancies, improve efficiency, and implement updates in accordance with federal law changes and U.S. Coast Guard guidance.

Notably, two new provisions were added. First, Coal Creek Marsh in Warren County has been added to the list of artificial marshes in new Chapter 37 with relevant boating restrictions. Second, Lake Panorama-specific regulations were added to comply with 2024 Iowa Acts, House File 2485, which was signed into law during the 2024 legislative session.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

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 pm on January 16, 2025. Comments should be directed to: Susan Stocker at Susan.Stocker@dnr.iowa.gov.

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Susan.Stocker@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los

servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al Susan.Stocker@dnr.iowa.gov.

Public Hearing

Two public hearing at which persons may present their views orally via video/conference call will be held as follows:

January 14, 2025 at 10 am via video/conference call

January 16, 2025 at 10 am via video/conference call

Persons who wish to make oral comments at the conference call public hearings must submit a request to Susan Stocker prior to the hearings to receive a Google Meet and conference call number. Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Susan.Stocker@dnr.iowa.gov. or civilrights@dnr.iowa.gov; or by telephone at 515-313-6439 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al Susan.Stocker@dnr.iowa.gov. o civilrights@dnr.iowa.gov; o por teléfono a 515-313-6439 al menos siete días antes del evento.

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. Rescind and reserve **571—Chapter 36**.

Item 2. Rescind 571—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37
VESSEL SAFETY AND REGISTRATION

571—37.1(462A) Purpose. Pursuant to Iowa Code section 462A.3, these rules set forth vessel safety equipment and registration requirements, vessel operation and waterway zoning, and vessel occurrence reporting requirements.

571—37.2(462A) Definitions. For the purpose of Divisions I, II, and III of this chapter:

“*A Scale*” or “*A*” means the physical scale marked “A” graduated in decibels on a sound level meter that meets the requirements of the American National Standards Institute, Incorporated, publication S1.4 — 1983 General Purpose Sound Level Meters.

“*Buoy*” means any device designed to float that is anchored in the water and that is used to convey a message.

“*Display area*” means the area on a sign or buoy needed for display of a waterway marker symbol.

“*Diver's flag*” means a red flag or device with a white diagonal running from the upper left hand corner to the lower right hand corner (from mast head to lower outside corner).

“*PFD*” means a U.S. Coast Guard-approved personal flotation device that is intended to be worn or thrown.

“*Regulatory marker*” means a waterway marker that has no equivalent in the U.S. Coast Guard system of navigational aids.

“*Sign*” means any device for carrying a message that is attached to another object such as a piling, buoy, structure or the land itself.

“*Symbols*” means geometric figures such as a diamond, circle, rectangle, etc., used to convey a basic message.

“*Throwable PFD*” means a PFD that is intended to be thrown to a person in the water. A PFD marked as Type IV or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

“*Waterway marker*” means any device designed to be placed in, on, or near the water to convey an official message to a boat operator on matters which may affect health, safety, or well-being, except that such devices of the U.S. or any agency of the United States are excluded from the meaning of this definition.

“*Wearable PFD*” means a U.S. Coast Guard-approved PFD that is intended to be worn or otherwise attached to the body. A PFD marked as Type I, Type II, Type III, or Type V with Type I, II or III performance is considered a wearable PFD.

DIVISION I
EQUIPMENT AND REGISTRATION

571—37.3(462A) Fire extinguishers. The number and type of fire extinguishers required for motorboats within the state of Iowa are as follows:

37.3(1) Fire extinguisher type. Fire extinguishers shall be a U.S. Coast Guard-approved B-I or B-II type as described in 33 CFR Part 175, Subpart E (June 1, 2024).

37.3(2) Number of fire extinguishers. The number of fire extinguishers required shall be dependent upon motorboat class and in compliance with 33 CFR Part 175, Subpart E (June 1, 2024).

Class	Minimum number of 5-B portable fire extinguishers	
	If no fixed fire extinguishing system	With fixed fire extinguishing system
I (less than 16 ft.)	1	0
II (16 ft. to under 26 ft.)	1	0
III (26 ft. to under 40 ft.)	2	1
IV (40 ft. to 65 ft.)	3	2

37.3(3) Fire extinguisher condition. Fire extinguishers must:

- a. Be on board and readily accessible;
- b. Not be expired or appear to have been previously used; and
- c. Be maintained in good and serviceable working condition, meaning:

(1) If the extinguisher has a pressure gauge reading or indicator, the reading or indicator must be in the operable range or position;

(2) The lock pin is firmly in place;

(3) The discharge nozzle is clean and free of obstruction; and

(4) The extinguisher does not show visible signs of significant corrosion or damage.

571—37.4(462A) Flame arrestors. All motorboat engines, except outboard engines, shall be equipped with an efficient flame arrestor, backfire trap or other similar device. An acceptable flame arrestor shall have evidence of compliance with UL Standard 1111 (October 31, 2008) or the revised 2020-02 Society of Automotive Engineers Standard J1928, titled “Devices Providing Backfire Flame Control for Gasoline Engines in Marine Applications.”

571—37.5(462A) Lights on vessels. The following lights shall be required on all vessels:

37.5(1) Vessels at anchor.

a. A vessel at anchor shall exhibit between the hours of sunset and sunrise:

(1) In the forepart, a white light to show 360 degrees around the horizon or one ball.

(2) At or near the stern and at a lower level than the light prescribed in 37.5(1) “a”(1) a white light to show 360 degrees around the horizon.

b. A vessel of less than 50 meters in length may exhibit a white light to show 360 degrees around the horizon instead of the lights prescribed in this subrule.

37.5(2) Vessels not powered by motor or sail. All vessels not powered by motor or sail and not at anchor shall exhibit a white light to show 360 degrees around the horizon that is visible from at least one mile under clear conditions between the hours of sunset and sunrise when operated on natural lakes, Corps of Engineers impoundments, border rivers excluding border portions of the Big Sioux and Des Moines rivers, and impoundments on inland rivers. If the white light is partially obscured due to the nature of the craft, an additional white light must be shown in sufficient time to prevent collision. When operated on bodies of water other than those listed in subrule, all vessels not powered by motor or sail and not at anchor shall have in possession a white light to be used when necessary between the hours of sunset and sunrise.

37.5(3) Sailing vessels.

a. Vessels of all classes when propelled by sail alone shall exhibit one of the following lighting systems between sunset and sunrise and at all other times required by applicable laws:

(1) While underway, one of the following lighting systems is acceptable:

1. The international lighting system for the applicable class of vessel.

2. The combined lantern or separate side lights required for the applicable class of vessel plus a white light so placed as to illuminate the sail so the sail is visible at a distance of at least one-half mile.

(2) While at anchor, one of the following lighting systems is acceptable:

1. A white light that shows all around the horizon (360 degrees).

2. An illuminated sail, to be visible all around the horizon (360 degrees) at a distance of one-half mile.

b. A sailing vessel means any vessel whose sole source of propulsion is the natural element (i.e., wind). A sailing vessel using any auxiliary source of mechanical propulsion is a motorboat and must exhibit the lights required for the applicable class of motorboat.

571—37.6(462A) Buoyant safety equipment.

37.6(1) PFDs shall be U.S. Coast Guard-approved. Each PFD must be appropriately sized for the person for whom it is intended and be used in accordance with current U.S. Coast Guard safety equipment requirements as specified in 33 CFR 175.15 and 46 CFR 160 (June 1, 2024), any requirements on the approval label, and any requirements in the PFD's owner's manual if the approval label makes reference to such a manual.

Registered American Power Boat Association (APBA) drivers shall wear an APBA-certified PFD while in competition or practice related to an APBA-sanctioned event.

37.6(2) Wearable PFDs. Except as provided in 37.6(4), no person may use a vessel of any length unless at least one wearable PFD is on board for each person.

37.6(3) Throwable PFDs. No person may use a vessel 16 feet or more in length, except a canoe or kayak, unless at least one throwable PFD is on board in addition to the PFDs required in 37.6(2).

37.6(4) Exceptions. A person using a canoe or kayak that is enclosed by a deck and spray skirt need not comply with 37.6(2) if that person wears a vest-type lifesaving device that:

a. Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film, and has not less than 13 pounds positive buoyancy in fresh water, if that person weighs more than 90 pounds; or

b. Has no less than 120 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 8½ pounds positive buoyancy in fresh water, if that person weighs 90 pounds or less.

37.6(5) Nonapproved devices. Any PFD which has a torn or missing strap, punctured flotation bag, waterlogged flotation material, rotted material in straps or webbing or cover, missing laces, missing hardware, envelope torn or perforated, torn stitching or any other condition which impairs the operating efficiency, any PFD on which the U.S. Coast Guard approval tag is no longer easily legible, or any inflatable device which has a discharged or otherwise inoperable gas cartridge shall be deemed as not approved for use on board vessels as equipment required by law.

37.6(6) Water skis and surfboards. Any person engaged in waterskiing, wakeboarding, wakesurfing, surfboarding, or other similar activity, except for vessels known as windsurfers, shall wear a U.S. Coast Guard-approved wearable PFD that is properly fastened and secured and used in accordance with current U.S. Coast Guard safety equipment requirements as specified in 33 CFR

175.15 and 46 CFR 160 (June 1, 2024), any requirements on the approval label, and any requirements in the PFD's owner's manual if the approval label makes reference to such a manual. Inflatable devices are not approved for waterskiing, wakeboarding, wakesurfing, or tow-behind activities. Skiers participating in a tournament or exhibition may be exempted from the PFD requirement if the skiers are wearing wet suits with built-in flotation and granted a specific exemption in the special events permit issued by the natural resource commission. A flotation wet suit may include a full suit (top and bottom) or a form-fitting top as long as the top will float the wearer when air is expelled from the wearer's lungs. A special event may include practice sessions if all practice sessions for the season are listed on the special event application. In that case, the application shall include a specific location, date and time for each practice session.

37.6(7) No person shall operate a vessel on any waters of this state under the jurisdiction of the commission, towing a person or persons on water skis, surfboard, or similar device, nor shall any person engage in waterskiing, wakeboarding, wakesurfing, surfboarding, or similar activities, at any time between the hours of one-half hour after sunset to sunrise.

37.6(8) Personal watercraft (PWCs). All operators and passengers of PWCs must wear a U.S. Coast Guard-approved wearable PFD that is properly fastened and secured and used in accordance with current U.S. Coast Guard safety equipment requirements as specified in 33 CFR 175.15 and 46 CFR 160 (June 1, 2024), any requirements on the approval label, and any requirements in the PFD’s owner’s manual if the approval label makes reference to such a manual. Inflatable PFDs are not approved for use on personal watercraft.

571—37.7(462A) Motorboat noise. No person shall operate any motorboat on waters of this state under the jurisdiction of the commission, in such a manner as to exceed the following noise levels:

37.7(1) Stationary sound level test. Motorboats manufactured prior to 1993 shall not exceed a noise level of 90dB(A) during a stationary sound level test as prescribed by 2018-06 Society of Automotive Engineers Standard J2005, titled “Stationary Sound Level Measurement Procedure for Recreational Motorboats.” For motorboats manufactured on or after January 1, 1993, a motorboat shall not exceed a noise level of 88dB(A) when subjected to a stationary sound level test as prescribed by 2018-06 Society of Automotive Engineers Standard J2005, titled “Stationary Sound Level Measurement Procedure for Recreational Motorboats.”

37.7(2) Shoreline sound level test. A motorboat engine shall not exceed a noise level of 75dB(A) when measured as specified in 2018-02 Society of Automotive Engineers Standard J1970, titled “Shoreline Sound Level Measurement Procedure for Recreational Motorboats.”

571—37.8(462A) Boat registration emblem placement. The current registration emblem shall be placed within six inches of the stern of the registration number on each side of the bow of the vessel. On sailboats, when the registration number is placed on the mast, the registration emblem shall be placed six inches below the registration number on each side of the mast. All newly registered boats or boats with renewed registrations will receive emblems with the registration certificate. This rule shall apply to all registered vessels, including those being used by dealers in accordance with Iowa Code chapter 462A.

571—37.9(462A) Procedure for application for boat registration number—content.

37.9(1) Application. An applicant for a boat registration number shall submit the required information described in 33 CFR 174.17 (June 1, 2024).

37.9(2) Vessels not previously registered. If a person or business is making application for a boat registration number for a used vessel that has never before been registered or titled and the person does not have any satisfactory proof of ownership, the county recorder may issue a certificate of number for the used vessel if the applicant has provided the recorder with a signed and notarized affidavit on an appropriate department of natural resources form, stating that the person making the application is the lawful owner of the vessel.

37.9(3) Information on certificate. The certificate of number shall show the information described in 33 CFR 174.19 (June 1, 2024).

37.9(4) Registration applied for card. The dealer selling the vessel shall legibly print on the registration applied for card all information described in 33 CFR 174.21 (June 1, 2024).

a. Use. The registration applied for card may be used only after an application for registration has been made to the county recorder. Placing a completed application for registration and required fee in the mail to the recorder shall constitute making an application.

b. Placement on vessel. The registration applied for card shall be placed on the forward half of the vessel in a position so as to be clearly visible at all times and shall be maintained in a legible manner.

c. Proof of purchase. The operator of any vessel displaying a registration applied for card shall carry and display to any peace officer upon request a valid bill of sale for said vessel.

571—37.10(462A) Vessels in storage. If the owner of a currently registered vessel places the vessel in storage, the owner shall return the registration certificate to the county recorder with an affidavit on an appropriate department form. The county recorder shall notify the department of each registered vessel placed in storage. When the owner of a stored vessel desires to renew the vessel’s registration, the owner shall apply to the county recorder and pay the applicable fees.

571—37.11(462A) Numbering pattern to be used. The identification numbers awarded under the Iowa system shall consist of three parts. The first part shall consist of the letters “IA” indicating this state. The second part shall consist of not more than four Arabic numerals. The third part shall consist of not more than two letters. Since the letters “I,” “O,” and “Q” may be mistaken for Arabic numerals, they shall not be used in the suffix. The parts shall be separated by a hyphen or an equivalent space. For example: IA-2500-C, IA-9875-EA, IA 7560 ZZ.

571—37.12(462A) Display of number on vessel.

37.12(1) The identification number awarded to any vessel under the Iowa numbering system shall be displayed thereon by being:

- a. Painted on, or attached to, each side of the bow (i.e., the forward half) of the vessel; read from left to right, and in such position as to provide maximum visibility.
- b. In block characters of good proportion not less than three inches in height.
- c. Of a color that will contrast with the color of the background (i.e., dark numbers on a light background, or light numbers on a dark background) and so maintained as to be clearly visible and legible.

37.12(2) On vessels propelled by sail only, the numbers may be placed in such a position as to provide maximum visibility, on each side of the bow or deck or on each side of the boom or mast. In all cases except placement on the mast, the numbers shall read from left to right and comply with 37.12(1) “b” and “c.” In placement on the mast, the number shall read from top to bottom and comply with 37.12(1) “b” and “c.”

37.12(3) Purchase and attachment of these letters and numbers is the responsibility of the vessel owner.

37.12(4) No other number shall be carried or displayed on the bow of the vessel.

571—37.13(462A) Special certificates for boat dealers or manufacturers. A manufacturer or dealer may operate an unregistered vessel for purposes of transporting, testing, demonstrating, or selling the vessel after first obtaining a special certificate from the department. An application for a special certificate shall be submitted on the appropriate department form. A manufacturer or dealer operating a vessel pursuant to the issuance of a special certificate shall file an annual report with the department.

571—37.14(462A) Boat dealer’s annual report of vessels with expired registrations. Each boat dealer shall file, before May 5 of each year, an annual report with the department on the appropriate form listing all used vessels held by the dealer for sale or trade and for which the registration fee for the current year has not been paid.

571—37.15(462A) Monthly reports by county recorders. Each county recorder shall submit a monthly report to the department listing all vessels registered in that county in the previous month. The applicable fees shall accompany the monthly report.

571—37.16(462A) Boats for hire. Each commercial boat operator will be required to number the boat or boats used to operate for hire with block characters of good proportion not less than three inches in height, in the following manner:

Upon making application for a number for commercially operated vessels, the following type number will be assigned: Example IA-1555-E.

To identify this vessel as a commercial vessel, it will be required that the commercial operator affix an X as the final letter of the suffix: Example IA-1555-EX.

When a commercial operator transfers a vessel to another individual, unless it be to another commercial operator, it will be the operator’s responsibility to remove the second letter from the suffix (the letter X).

	Transferred to	
Commercial		Private Individual
IA-1555-XX		IA-1555-X

IA-1555-EX

IA-1555-E

Transferred to

Private

Commercial Operator

IA-1555-A

IA-1555-AX

IA-1555-D

IA-1555-DX

571—37.17(462A) U.S. Coast Guard capacity rating. For vessels assigned a U.S. Coast Guard capacity rating in whole persons as evidenced by a U.S. Coast Guard capacity plate affixed to the vessel, that capacity shall be recognized as the registration capacity.

571—37.18(462A) Vessels assigned a capacity rating by the manufacturer. For vessels that have not been assigned a U.S. Coast Guard capacity rating in whole persons but that contain capacity information in whole persons on a plate affixed to the vessel furnished by the boating industry association, national marine manufacturer association or any similar organization, that capacity shall be recognized as the registration capacity.

571—37.19(462A) Vessels not containing capacity rating information. For vessels with no passenger capacity information provided by the U.S. Coast Guard or the manufacturer, the passenger capacity designated on the registration shall be O.R., “Operator’s Responsibility.” The operator of the vessel has responsibility for determining passenger capacity of a vessel so designated. Such operation must comply with the provisions of Iowa Code section 462A.12(1).

571—37.20(462A) Incorrect registration. When information contained on the registration certificate of a vessel is found to be incorrect regarding vessel length, vessel width, or passenger capacity, officers appointed by the department may, upon inspection of the vessel, or the county recorder, upon presentation of adequate documentation, including but not limited to an affidavit by the owner, may change the information on the certificate. The officer shall within four days notify the department and the county recorder of the county in which the vessel is registered of the changes.

571—37.21(462A) Number designating passenger capacity.

37.21(1) The passenger capacity of boats as assigned by the commission shall be painted or attached to the starboard side (the right side while in boat and facing the bow) of boat within nine inches of transom in three-inch or larger block numbers in a color contrasting to the boat color so that the numbers ride above the water line when boat is fully loaded.

37.21(2) The requirements of this rule pertaining to the display of registration decals, registration numbers and passenger capacity numbers do not apply to vessels that are exempt pursuant to Iowa Code section 462A.6A.

DIVISION II
Part I Operating and Zoning

571—37.22(462A) Inland navigation rules. All vessels upon the inland waters, including border rivers, of this state shall conform to Subpart B, “Steering and Sailing Rules,” Rules 11 through 18, of the Inland Navigation Rules Act of 1980 (June 1, 2024).

571—37.23(462A) Uniform buoy system. All buoys placed shall be those of the uniform waterway marking system adopted by the commission and shall be constructed, placed, and maintained in accordance with Iowa Code chapter 462A and this chapter.

571—37.24(462A) Commission approval. The placement of buoys or official signs that restrict speed and distance or involve special zoning restrictions shall be approved by the commission.

571—37.25(462A) Restricted areas. All vessels, except authorized emergency vessels, shall be operated in compliance with, and all persons engaged in water recreation activities shall obey, restrictions with posted areas marked with a uniform waterway buoy or official signs adopted by the commission.

571—37.26(462A) Right for aggrieved party to appeal. Any finding or establishment of areas involving special speed and distance or zoning restrictions by the commission may be appealed by aggrieved party upon written notice. A hearing thereon shall be held by the commission within 30 days thereafter.

571—37.27(462A) Mooring of vessels on riparian property of the state of Iowa. Where the state of Iowa owns riparian property adjacent to sovereign land or water, mooring of vessels is prohibited between sunset and sunrise on those riparian or sovereign lands or waters where posted by either official buoys or official signs of the department.

571—37.28(462A) Horsepower limitations on artificial lakes. On artificial lakes of 100 acres or less, a vessel shall only be operated with an electric motor or with an outboard motor where permitted by the rules in division II, part II, of this chapter. On artificial lakes of more than 100 acres, vessels may be operated with unrestricted horsepower motors at a speed not greater than 5 miles per hour except as otherwise permitted by the rules in division II, part II, of this chapter.

571—37.29(462A) Horsepower rating. The horsepower rating of an outboard motor permitted on artificial lakes under the authority of Iowa Code chapter 462A and these rules shall be as determined by the manufacturer when the motor was originally produced. An outboard motor that has been altered to increase its horsepower in excess of ten as rated by the original manufacturer shall not be permitted on artificial lakes.

571—37.30(462A) Propulsion mechanism not in use. Any power unit mounted or carried aboard a vessel, while not being used or operated as a source of propulsion, shall be lawful on artificial lakes, so long as the auxiliary power unit being used or operated as a source of propulsion is within the lawful horsepower limitation established for that lake.

Part II
Waterbody Specific Restrictions and Zoning

571—37.31(462A) Avenue of the Saints Lake, Bremer County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.32(462A) Banner Lakes at Summerset State Park, Warren County. Unrestricted- horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.33(462A) Beaver Lake, Dallas County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.34(462A) Beaver Creek Safety Zone, Polk County. A safety zone is hereby established on Beaver Creek within the property boundaries of the Camp Dodge military reservation in Polk County.

37.34(1) Watercraft and vehicles shall be prohibited from entering the safety zone in order to prevent access to areas within Camp Dodge where a hazard to the public may exist. This prohibition shall not apply to watercraft or vehicles explicitly authorized to enter the safety zone by the Iowa national guard. The safety zone boundaries shall be indicated by signage including the wording “Warning, Restricted Area, No Entrance.” The Iowa National Guard shall be responsible for the acquisition, placement, and maintenance of any signage.

37.34(2) The safety zone shall be recognized by the state of Iowa only where signage is posted as required. Any section of Beaver Creek that is not designated as a safety zone shall remain open to any otherwise lawful public access.

37.34(3) Signs establishing the safety zone boundaries may be moved within the present or future boundaries of Camp Dodge at the sole discretion of Iowa National Guard personnel. The Iowa National Guard shall notify the department when the location of the safety zone boundary is changed.

571—37.35(462A) Beeds Lake, Franklin County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.36(462A) Black Hawk Lake, Sac County. No motorboat shall be operated at a speed greater than 5 miles per hour within the zoned area marked by the regulatory buoys. The zoned area shall be the area commonly known as Town Bay on the northwest corner of Black Hawk Lake. Areas may be specifically designated for swimming by the use of regulatory buoys.

571—37.37(462A) Black Hawk Pits, Sac County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.38(462A) Brown’s Lake, Woodbury County. Vessels may be operated at a speed not greater than 5 miles per hour within the two zoned areas designated by regulatory buoys or other approved uniform waterway markers. Areas may be specifically designated for swimming by the use of regulatory buoys.

37.38(1) Zone 1 shall extend 570 yards from the boat ramp east to the regulatory buoys and 150 yards west from the boat ramp.

37.38(2) Zone 2 shall begin at the regulatory buoys located at the 24-inch steel pipe and shall extend west.

571—37.39(462A) Carter Lake, Pottawattamie County. All vessels operated in a designated zone known as Shoal Pointe Canal shall be operated at a speed not greater than 5 miles per hour. The City of Carter Lake shall designate and maintain the 5-mile-per-hour speed zone with marker buoys approved by the commission.

571—37.40(462A) Cedar River and connected backwaters.

37.40(1) *Black Hawk County waters.* All vessels shall be operated at a speed not greater than 5 miles per hour when within 600 feet of the Franklin Street bridge. This 600-foot zone shall be designated by buoys, signs, or other approved uniform waterway marking devices. No vessel shall tow skiers, surfboard riders, or other towable devices within this zone.

37.40(2) *Chickasaw County waters.* The city of Nashua shall designate and maintain the following 5-mile-per-hour speed zones with marker buoys approved by the commission:

a. All vessels operated in a designated zone extending east 150 feet from the intersection of Wabash Street and Charles City Road and north 380 feet shall be operated at a speed not greater than 5 miles per hour.

b. All vessels operated in a designated zone extending north 131 feet from the intersection of Wabash Street and the north entrance to Cedar View Circle and east 80 feet and west 80 feet from this point along the shoreline and extending 110 feet north into the lake shall be operated at a speed not greater than 5 miles per hour.

37.40(3) *Floyd County waters.* All vessels operated in a designated zone extending 300 feet upstream from the upper dam shall be operated at a speed not greater than 5 miles per hour. The city of Charles City shall designate and maintain the 5 miles per hour speed zone with marker buoys approved by the commission.

37.40(4) *Mitchell County waters.* Operation of vessels in Mitchell County is restricted to speeds not greater than 5 miles per hour where a speed zone is designated by buoys on the following impounded waters:

- a.* Cedar River from Mitchell Dam, thence upriver to the County “S” bridge.
- b.* Cedar River from the St. Ansgar Mill Dam, thence upriver to the Newberg Bridge crossing Highway 105.
- c.* Cedar River from the Otranto Dam upriver to the Great Western Railway Bridge crossing the Cedar River.
- d.* The Stacyville Pool, on the Little Cedar River at Stacyville.

571—37.41(462A) Clear Lake, Cerro Gordo County. Areas may be specifically designated for swimming with the use of regulatory buoys. Areas within close proximity of dredging operations may be designated as areas where the speed of vessels is restricted to not greater than 5 miles per hour.

571—37.42(462A) Coralville Lake, Johnson County. Areas may be specifically designated for swimming, wading, and restricted speed areas.

571—37.43(462A) Crawford Creek Recreation Area Lake, Ida County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.44(462A) Crystal Lake, Hancock County. No motorboat shall be operated at a speed greater than 5 miles per hour within the 25-acre zoned area designated by regulatory buoys.

571—37.45(462A) Deer Creek Lake, Plymouth County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.46(462A) Des Moines River. Vessel operation on the Des Moines River from its confluence with the Mississippi River in Lee County to the northerly meander lines of both the East and West Branches shall be governed by this departmental rule as well as all applicable state laws and regulations. Areas may be specifically designated for swimming, wading, and restricted speed areas.

571—37.47(462A) Dickinson County lakes. All vessels shall be operated at a speed not greater than 5 miles per hour within 300 feet of shore on all lakes in Dickinson County. No vessels, except authorized emergency vessels, shall be operated at speeds greater than 25 miles per hour at any time between one-half hour after sunset and sunrise on all lakes located in Dickinson County.

37.47(1) East Okoboji Lake. No motorboat shall be operated at a speed greater than 5 miles per hour within the three zoned areas designated by regulatory buoys on East Okoboji Lake.

a. Zone 1 shall be a line 150 yards east from the north end of the railroad trestle bridge at Clair Wilson State Park south to the shoreline of East Okoboji.

b. Zone 2 shall be the area which is 300 feet north of the area commonly known as the Narrows on East Okoboji and extends to a southern boundary of a buoy line from the point at 16486 255th Avenue east to the state property adjacent to 16313 256th Avenue on the east side of East Okoboji.

c. Zone 3 shall be the area 50 feet east of the bridge between East Okoboji and Upper Gar on the East Okoboji side running in a northwesterly direction toward the end of the island from Gingles Point then west toward the shoreline.

37.47(2) West Okoboji Lake. No motorboat shall be operated at a speed greater than 5 miles per hour within the six zoned areas designated by regulatory buoys on West Okoboji Lake.

a. Zone 1 shall be a line from the east side of Givens Point to the south end of Arnolds Park City Beach on West Okoboji.

b. Zone 2 shall be the area commonly known as Okoboji Harbor at the northwest corner of West Okoboji.

c. Zone 3 shall be the area commonly known as the canals in the city of Wahpeton including Turtle Lake.

d. Zone 4 shall be the area commonly known as Lazy Lagoon located in the Triboji Area on West Okoboji.

e. Zone 5 shall be the area commonly known as Little Millers Bay. The zone shall start at Pinkies Point and extend southeasterly (160 degrees) approximately 370 yards until bisecting the southern shoreline of Little Millers Bay.

f. Zone 6 shall be the area commonly known as Little Emmerson Bay. The zone shall start at Breezy Point and extend southwesterly (235 degrees) approximately 330 yards until bisecting the west shoreline of Little Emmerson Bay.

37.47(3) Spirit Lake, Dickinson County. Operation of vessels in the area commonly known as Templar Park Lagoon is restricted to a speed not greater than 5 miles per hour. Areas may be specifically designated for swimming by the use of regulatory buoys.

37.47(4) *Upper Gar Lake, Dickinson County.* Operation of vessels on Upper Gar Lake is restricted to a speed not greater than 5 miles per hour between the Henshaw Bridge at the north end of Upper Gar and south end of East Lake and the Old Sawmill Bridge at the south end of Upper Gar and the north end of Minnewashta.

571—37.48(462A) Five Island Lake, Palo Alto County. Areas may be specifically designated for swimming by the use of regulatory buoys.

571—37.49(462A) Fogle Lake, Ringgold County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.50(462A) George Wyth Lake, Black Hawk County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.51(462A) Green Valley Lake, Union County.

37.51(1) No inboard boats, jet skis, or jet-powered boats are permitted. All boats must maintain a speed not greater than 5 miles per hour on the entire lake between the hours of sunset and 10:30 p.m. and between 4 a.m. and 10 a.m. No boating is permitted on the lake between 10:30 p.m. and 4 a.m. No boat shall be operated within 100 feet of shore at speeds greater than 5 miles per hour.

37.51(2) A portion of the west arm of Green Valley Lake shall be designated as a ski zone and shall be marked by controlled area buoys as designated by Iowa's uniform waterway marking system. This designated area shall be referred to as the "ski zone." Waterskiing and general boating are permitted in the designated ski zone between 10 a.m. and sunset. All boats must maintain a speed not greater than 5 miles per hour when outside the ski zone. No one shall be permitted in the water in the ski zone except those persons engaged in waterskiing or similar activity. All boats in the ski zone not engaged in waterskiing or similar activity shall keep out of the general traffic pattern of the boats pulling skiers.

571—37.52(462A) Iowa River.

37.52(1) *Iowa River, Iowa Falls, Hardin County.*

a. All vessels operated in a designated zone between the River Street Bridge and the dock at Dougan's Landing shall be operated at a speed not greater than 5 miles per hour.

b. The city of Iowa Falls shall designate and maintain the 5-mile-per-hour speed zone with marker buoys approved by the commission.

c. All vessels operated in a designated zone beginning at the west property boundary and ending at the east property boundary of the Scenic City Empress Boat Club property located at 1113 Union Street shall be operated at a no-wake speed. The zone shall not extend more than 75 feet into the Iowa River channel.

d. The Scenic City Empress Boat Club shall designate and maintain the no-wake zone with marker buoys approved by the commission.

37.52(2) *Iowa River, Iowa City, Johnson County.* No person shall operate any vessel towing persons on water skis, surfboards, or similar devices on the Iowa River in the area bounded by the Coralville Mill Dam and the Burlington Street Dam, except during regattas, races, marine parades, tournaments, or exhibitions authorized by the commission to be held in such area.

571—37.53(462A) Ingham Lake, Emmet County. Areas may be specifically designated for swimming by the use of regulatory buoys.

571—37.54(462A) Lake Cornelia, Wright County. All vessels shall be operated at a speed not greater than 5 miles per hour in the boat harbor and at the boat harbor entrance within the zoned area extending 300 feet from two points on shore and 100 feet in width, equidistant from either side of the harbor entrance. The Wright County conservation board shall designate the boat harbor entrance and the public swimming area with uniform marker buoys approved by the commission.

571—37.55(462A) Lake Icaria, Adams County. All vessels shall be operated at a speed not greater than 5 miles per hour when within 50 feet of another vessel which is not underway or is operating at a speed not greater than 5 miles per hour.

37.55(1) No vessel, except authorized emergency vessels, shall be permitted in areas specifically designated for swimming and wading that are plainly marked by the use of buoys or signs.

37.55(2) No motorboats, except authorized emergency vessels, shall be operated in marked bay areas at a speed greater than the limit designated by buoys or signs marking said bay.

37.55(3) No motorboats, except authorized emergency vessels, shall be operated in restricted speed areas between the nearest shore and a line designated by uniform marker buoys or signs at a speed greater than the limit designated on the buoys or signs marking the area. Such zoned areas shall be not less than 50 feet nor more than 400 feet from shore.

571—37.56(462A) Lake Iowa, Iowa County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.57(462A) Lake Macbride, Johnson County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour only from September 8 through May 20 of each year. A motorboat with a power unit exceeding 10 horsepower shall not be permitted the remainder of the year.

571—37.58(462A) Lake Manawa, Pottawattamie County. No motorboat shall be operated at a speed greater than 5 miles per hour within the zoned areas 300 feet from shore around Lake Manawa in Pottawattamie County.

571—37.59(462A) Lake Odessa, Louisa County. Areas may be designated restricted speed areas. All motorboats, except authorized emergency vessels, shall be operated at a speed not greater than 5 miles per hour year-round on two portions of Lake Odessa known as 1) the Sand Run Chute, lying south of the main lake to a point 100 yards south of the Sand Run Chute boat ramp, and 2) the lateral ditch, between the main lake and Bebee Pond, and on the channel between Yankee Chute and Beaver Pond.

571—37.60(462A) Lake of Three Fires, Taylor County. Unrestricted-horsepower vessels may operate at a speed not greater than 5 miles per hour.

571—37.61(462A) Lake Panorama (Raccoon River), Guthrie County.

37.61(1) Areas may be designated as restricted speed, direction, swimming and no boating areas.

37.61(2) Areas may be designated with operation restrictions pursuant to Iowa Code sections 462A.17A and 462A.17B.

571—37.62(462A) Little Wall Lake. No motorboat shall be operated at a speed greater than 5 miles per hour within the zoned area designated by regulatory buoys on Little Wall Lake in Hamilton County. The zoned area will not exceed approximately 20 acres in the northeast portion of the lake identified by a line from a point on the high-water mark approximately 296.6 feet west of the southeast corner of the southwest quarter of Section 10, Township 86 North, Range 24 West; thence northwest to the high-water mark which is 775 feet south and 319 feet west of the northeast corner of the northwest quarter of the southwest quarter of Section 10, Township 86 North, Range 24 West.

571—37.63(462A) Little River Lake, Decatur County. Vessels operating within a designated area beginning at the dam and extending north approximately to the mouth of “Bait Shop Bay” shall be operated at a speed no greater than 5 miles per hour. The Decatur County conservation board shall designate the speed zone with marker buoys approved by the commission.

571—37.64(462A) Loch Ayr, Ringgold County. Motorboats are restricted to not greater than 100 horsepower. A motorboat shall not be operated within 100 feet of shore at a speed greater than 5 miles per hour.

571—37.65(462A) Lost Island Lake, Palo Alto and Clay Counties. Areas may be specifically designated for swimming by the use of regulatory buoys.

571—37.66(462A) Maquoketa River (Lake Delhi), Delaware County. Water recreation activity restrictions shall be obeyed, including restrictions within posted areas that are marked with approved buoys, on the impoundment of the Maquoketa River in Delaware County, extending westerly and northerly from the line between Sections 29 and 30 in Delhi Township in said county, to the line between Sections 10 and 15 in Milo Township in said county which impoundment is sometimes known and referred to as Hartwick Lake or Lake Delhi. No motorboat shall be operated at speeds greater than 10 miles per hour at any time between the hours from one hour after sunset to one hour before sunrise.

571—37.67(462A) Meadow Lake, Adair County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

MISSISSIPPI RIVER

571—37.68(462A) Mississippi River lock and dam safety zone. A safety zone is hereby established in Iowa waters above and below all navigation lock and dam structures on the Mississippi River between the Iowa-Minnesota border and the Iowa-Missouri border. The established zone shall be 600 feet upstream and 150 feet downstream from the roller gate or tainter gate section of the structure.

37.68(1) The safety zone does not include the area directly above and below the navigation lock structure.

37.68(2) The safety zone does not include the area directly above and below the solid fill portion of the dam and structure.

37.68(3) The safety zone shall be recognized by the state of Iowa only when plainly marked as follows:

a. Upstream signs worded—Restricted area keep 600 feet from dam.

b. Downstream signs worded—Restricted area keep 150 feet from dam.

c. Flashing red lights will be used to make the outer limits of the restricted areas.

37.68(4) No boat or vessel of any type, except authorized vessels, shall enter the established safety zones recognized by the state of Iowa as described in this rule.

ALLAMAKEE COUNTY

571—37.69(462A) Mississippi River, Lansing, Allamakee County. All vessels, except commercial barge traffic, shall be operated at a speed not greater than 5 miles per hour within an area extending 300 feet from shore and beginning at a point 800 feet north of river mile marker 662.2 and proceeding to Lansing City Marina Dike. The Friends of Pool 9 shall designate and maintain the 5-mile-per-hour speed zone with buoys approved by commission.

571—37.70(462A) Harpers Slough, Harpers Ferry, Allamakee County. All vessels operated in Harpers Slough between a point 200 feet above the state ramp and 200 feet out from the west shore and extending 550 feet downstream from a point known as Sandy Point Road Dead-End shall operate at a speed not greater than 5 miles per hour. The city of Harpers Ferry will designate the 5-mile-per-hour speed zone with buoys approved by the commission.

CLAYTON COUNTY

571—37.71(462A) Mississippi River, Clayton, Clayton County. All vessels, except commercial barge traffic, shall be operated at a speed no greater than 5 miles per hour within an area extending 150 feet from shore and beginning at a point 1,012 feet north of Mississippi River Day Marker 624.7R and extending south

to a point 1,012 feet south of the same marker (624.7R). The city of Clayton shall designate and maintain the 5-mile-per-hour speed zone with buoys approved by the commission.

571—37.72(462A) Mississippi River, Guttenberg river mile 616, Clayton County. All vessels operated between the ice dike and Bussey Lake access shall be operated at a speed not greater than 5 miles per hour. The city will designate the 5-mile-per-hour speed zone with buoys approved by the commission.

571—37.73(462A) Mississippi River, Johnson Slough, Clayton County. All vessels shall be operated at a speed not greater than 5 miles per hour within the area of river mile markers 627 and 629.8, in a backwater known as Johnson Slough and designated by marker buoys approved by the commission.

571—37.74(462A) Mississippi River, Marquette, Clayton County. All vessels, except commercial barge traffic, shall be operated at a speed not greater than 5 miles per hour within the area of river mile markers 634.5 and 634.9 and designated by buoys or other approved uniform waterway markers. The city of Marquette will designate and maintain the 5-mile-per-hour speed zone with buoys approved by the commission.

571—37.75(462A) Mississippi River, McGregor, Clayton County. All vessels, except commercial barge traffic, shall be operated at a speed not greater than 5 miles per hour within the area of river mile markers 634 and 633.4 and designated by buoys or other approved uniform waterway markers. The city of McGregor will designate the 5-mile-per-hour speed zone with buoys approved by the commission.

CLINTON COUNTY

571—37.76(462A) Mississippi River, Joyce Slough Area, Clinton County. The Joyce Slough Area, a portion of the Mississippi River within the city of Clinton, is hereby zoned to be a harbor area and vessels traveling therein shall not travel at speeds in excess of 5 miles per hour.

571—37.77(462A) Mississippi River, Swan Slough, Camanche, Clinton County. A restricted speed zone of not greater than 5 miles per hour is hereby established in all or part of the main channel of Swan Slough (Mississippi River mile 510.2 to 511.3), as designated by buoys.

DES MOINES COUNTY

571—37.78(462A) Mississippi River, Des Moines County, city of Burlington. All vessels shall be operated at a speed no greater than 5 miles per hour within the area designated by marker buoys or other approved uniform waterway markers beginning at the north city boat ramp and public dock and extending downstream to the south city boat ramp and public dock. The zoned area shall extend no farther than 150 feet from the shore and approximately 150 feet west of the west edge of the barge channel. The city of Burlington shall designate the 5-mile-per-hour speed zone with buoys approved by the commission.

DUBUQUE COUNTY

571—37.79(462A) Mississippi River, Dubuque, Dubuque County.

37.79(1) All vessels shall be limited to no more than 5 miles per hour in Lake Peosta Cut south and east of the Hawthorn Street municipal boat launching ramp.

37.79(2) A restricted speed zone of no more than 5 miles per hour is established in the vicinity of Chaplain Schmitt Memorial Island in proximity to the Schmitt Island municipal launching ramp and in waters adjacent to the southerly shoreline in the area of the Dubuque Yacht Basin.

37.79(3) A restricted speed zone of 5 miles per hour for the northern portion of Shawondassee Slough. Marker buoys shall be placed at a point approximately 750 feet upstream from the existing speed zone.

571—37.80(462A) Mississippi River, Massey Slough, Dubuque County. The operation of vessels in Massey Slough of the Mississippi River at Massey Station, Dubuque County, extending from a northerly to southerly direction from the upper end to the lower end of the slough, encompassing the water in Section 14, Township 88N, Range 3E of the 5th P.M., tract number NFIA-26M, is restricted as follows: all boats underway must maintain a speed of less than 5 miles per hour in said waters.

571—37.81(462A) Catfish Creek, Mines of Spain State Recreation Area, Dubuque County. All vessels shall be operated at a speed not greater than 5 miles per hour within the area beginning at the mouth of Catfish Creek and extending upstream to the confluence of Catfish Creek and Granger Creek and designated by uniform marker buoys approved by the commission.

571—37.82(462A) Mississippi River, Mud Lake, Dubuque County. All vessels shall be operated at a speed not greater than 5 miles per hour within the area of river mile markers 587.6 to 589.3, in a backwater known as Mud Lake and designated by marker buoys approved by the commission.

JACKSON COUNTY

571—37.83(462A) Mississippi River, Bellevue, Jackson County. All vessels shall be operated at a speed not greater than 5 miles per hour within the area designated by buoys or other approved uniform waterway markers beginning at the mouth of Mill Creek and extending upstream 900 feet, and extending 200 feet perpendicular from shore. The area shall be designated by a minimum of four approved buoys to be uniformly placed along the 900-foot length of the zone parallel to the shore. The city of Bellevue will designate the 5-mile-per-hour speed zone with buoys approved by the commission.

571—37.84(462A) Green Island, Jackson County. All motorboats except authorized emergency vessels shall be operated at a speed no greater than 5 miles per hour year around on boat channels adjacent to the interior channel 4 levee at the Green Island State Wildlife area. Both channels begin at the Green Island county road parking lot and proceed north 7,920 feet along each side of the channel 4 levee to an intersection with the Snag Slough complex.

571—37.85(462A) Mississippi River, City of Sabula, Jackson County. No motorboat shall operate at a speed to exceed 5 miles per hour within the four zoned areas designated by buoys or other approved uniform waterway markers. The city of Sabula shall designate the speed zones with uniform waterway markers (buoys) approved by the commission.

37.85(1) Zone 1 shall extend 200 feet from shore and begin at a point 250 feet upstream of the north Sabula city boat ramp and ending at a point downstream where Bank Street intersects the river bank.

37.85(2) Zone 2 shall extend 200 feet from shore and extend 100 feet upstream and 100 feet downstream from the entrance to the Island City Harbor.

37.85(3) Zone 3 shall extend 200 feet into South Sabula Lake from the county boat ramp and 100 feet to the west of the ramp and 600 feet to the east of the ramp.

37.85(4) Zone 4 shall extend 200 feet in all directions beginning at the center of the “cut” into Lower Sabula Lake.

571—37.86(462A) Mississippi River, Spruce Creek County Park, Jackson County. No motorboat shall operate at a speed to exceed 5 miles per hour within the area designated by buoys or other approved uniform waterway markers, beginning at the entrance of Spruce Creek harbor and extending southeast 550 feet and extending east 150 feet from shore. The Jackson County conservation board will designate the speed zone with uniform waterway markers (buoys) approved by the commission.

571—37.87(462A) Otter Creek Lake, Tama County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.88(462A) Raccoon River Regional Park Lake, Polk County. All vessels shall be operated at a speed not greater than 5 miles per hour. Areas may be specifically designated for swimming by the use of regulatory buoys. A 40-acre body of water located in the southeast corner, and separate from the main lake, shall be designated for nonmotorized and electric motors only. The city of West Des Moines will designate the area with regulatory buoys and signs.

571—37.89(462A) Rathbun Lake, Appanoose County. Areas may be specifically designated for swimming and wading, restricted speed, “no anchoring,” and “no boating” areas.

571—37.90(462A) Red Rock Lake, Marion County. Areas may be specifically designated for swimming and wading, restricted speed, and “no anchoring” areas.

571—37.91(462A) Shell Rock River (Greene Impoundment), Floyd County. No motorboat shall be operated at a speed exceeding 5 miles per hour in the two zoned areas of the Greene Impoundment designated by buoys or other approved uniform waterway markers. The first zoned area extends from the dam in the city of Greene, upstream approximately one-quarter mile to the north boundary of the city park in which the lower boat ramp is located. The second zoned area extends from the county bridge over the Shell Rock River on the north side of section 28 of Union Township in Floyd County, downstream approximately one-quarter mile to the south boundary of Gates Bridge County Park. The city of Greene and Floyd County shall designate their respective speed zones with uniform waterway markers (buoys) approved by the commission.

571—37.92(462A) Saylorville Lake, Polk County. Areas may be specifically designated for swimming, wading, and restricted speed.

571—37.93(462A) Silver Lake, Delaware County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.94(462A) Snyder Bend Lake, Woodbury County. All vessels shall be operated at a speed not greater than 5 miles per hour within the zoned area 400 yards from the boat ramp south to the regulatory sign and buoys. Areas may be specifically designated for swimming by the use of regulatory buoys.

571—37.95(462A) Storm Lake, Buena Vista County. Areas may be specifically designated for swimming by the use of regulatory buoys.

571—37.96(462A) Thayer Lake, Union County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.97(462A) Three Mile Lake, Union County. Motorboats not to exceed 200 horsepower shall be permitted on Three Mile Lake. All vessels shall be operated at a speed not greater than 5 miles per hour when within 50 feet of another vessel that is not underway or is operating at a speed not greater than 5 miles per hour.

37.97(1) No vessel, except authorized emergency vessels, shall be permitted in areas specifically designated for swimming and wading which are plainly marked by use of regulatory buoys. The Union County conservation board shall designate and maintain a swimming area(s) by the use of regulatory buoys approved by the commission.

37.97(2) No motorboats, except authorized emergency vessels, shall be operated in marked bay areas at a speed greater than the limit designated by buoys or signs marking said bay. No motorboats, except authorized emergency vessels, shall be operated other than at a speed not greater than 5 miles per hour above a line of buoys placed across the lake at the point where County Road H33 intersects the lake.

37.97(3) No motorboats, except authorized emergency vessels, shall be operated in restricted speed areas between the nearest shore and a line designated by regulatory buoys or signs at a speed greater than the limit designated on the buoys or signs marking the area. Such zoned areas shall be not less than 50 feet nor more than 400 feet from shore.

571—37.98(462A) Wapsipinicon River in Pinicon Ridge Park, Linn County. No motorboat shall be operated at a speed greater than 5 miles per hour within the zoned area designated by regulatory buoys or signs on the off-channel waters of the Wapsipinicon River above the dam at Central City, Linn County. The zoned area will be the off-channel waters created in and adjacent to the developed recreation areas of the Pinicon Ridge Park on the west and south bank of the Wapsipinicon River above the dam at Central City, Linn County.

571—37.99(462A) Williamson Pond, Lucas County. Unrestricted-horsepower vessels may be operated at a speed not greater than 5 miles per hour.

571—37.100(462A) Artificial marshes. A motorboat equipped with any power unit mounted or carried aboard the vessel may be operated on the following listed artificial marshes under the jurisdiction of the department at a speed not greater than 5 miles per hour between January 1 and August 31 and with no speed restrictions between September 1 and December 31:

- Bays Branch, Guthrie County
- Big Marsh, Butler County
- Brown's Slough, Lucas County
- Cardinal Marsh, Winneshiek County
- Dudgeon Lake, Benton County
- Elk Creek Marsh, Worth County
- Green Island, Jackson County
- Hendrickson Marsh, Story County
- Hooper Pond, Warren County
- North Colyn, Lucas County
- Otter Creek Marsh, Tama County
- Princeton Area, Scott County
- Riverton, Fremont County
- Round Pond, Johnson County
- South Colyn, Lucas County
- Sweet Marsh, Bremer County
- Walnut Creek Marsh, Ringgold County
- Willow Slough, Mills County
- Woodpecker Marsh, Wayne County
- Coal Creek Marsh, Warren County—restricted to boats with electric motors not to exceed 5 miles per hour.

571—37.101(462A) Natural marshes. There shall be no horsepower limitations on vessels operated on natural marshes, except Shimon Marsh Wetland Complex, Pocahontas County, which is restricted to nonmotorized vessels only.

571—37.102(462A) Waterway markers. Waterway markers used on the waters of this state shall be as follows:

37.102(1) Aids to navigation.

- a.* A red buoy or sign that indicates that side of the channel to be kept to the right side of the vessel when entering the channel from the main water body or when proceeding upstream.
- b.* A green buoy or sign that indicates that side of the channel to be kept to the left of a vessel when entering the channel from the main water body or when proceeding upstream.
- c.* Buoys or signs described in 37.102 "a" and "b" above shall normally be used in pairs and only for the purpose of marking a clearly defined channel.
- d.* Red buoys and signs marking channels shall be identified with even numbers, and green buoys and signs marking channels shall be identified with odd numbers, the numbers increasing from the main water body or proceeding upstream.

e. Letters and numerals used with aids to navigation shall be white, in block characters of good proportion, and spaced in a manner which will provide maximum legibility. Such letters and numerals shall be at least six inches in height.

f. The shapes of aids to navigation shall be compatible with the shapes established by U.S. Coast Guard regulations for the equivalent U.S. Coast Guard aids to navigation. Where reflectorized materials are used, a red reflector will be used on a red buoy, and a green reflector on a green buoy.

37.102(2) Regulatory markers.

a. A diamond shape of international orange with white center indicates danger. The nature of the danger may be indicated by words or well-known abbreviations in black letters inside the diamond shape, or above or below it, or both, on white background.

b. A diamond shape of international orange with a cross of the same color within it against a white center without qualifying explanation indicates a zone from which all vessels are excluded.

c. A circle of international orange with white center indicates a control or restriction. The nature of the control or restriction shall be indicated by words, numerals, or well-known abbreviations in black letters inside the circle. Additional explanation may be given above or below it in black letters on white background.

d. A rectangular shape of international orange with white center indicates information, other than a danger, control or restriction, which may contribute to health, safety or well-being. The message will be presented within the rectangle in black letters.

e. Letters or numerals used with regulatory markers shall be black, in block characters of good proportion, spaced in a manner which will provide maximum legibility, and of a size which will provide the necessary degree of visibility.

571—37.103(462A) Authority to place markers.

37.103(1) No waterway marker shall be placed on, in, or near the waters of the state unless such placement is authorized by the agency or political subdivision of the state exercising jurisdiction, with respect to regulation of boating, over the area where placed, except that the provisions of this section shall not apply to private aids to navigation under the jurisdiction of the U.S. Coast Guard.

37.103(2) Such agency or political subdivision of the state will, prior to authorizing placement, obtain the necessary clearances of federal and state agencies exercising regulatory authority over the area concerned.

37.103(3) The agency or political subdivision of the state authorizing the placement of a waterway marker will inform the department of the following:

a. Exact location of the marker, expressed in distance and direction from one or more fixed objects whose precise location is known.

b. The description and purpose of the marker including its identifying number, if any.

571—37.104(462A) Maintenance of waterway markers.

37.104(1) Waterway markers will be maintained in proper condition or be replaced or removed.

37.104(2) Zoned areas shall extend not less than 50 feet nor more than 400 feet from shore.

37.104(3) Buoys delineating the restricted speed zone shall be placed no more than 400 feet apart through the length of the affected portion of the channel.

571—37.105(462A) Display of waterway markers.

37.105(1) A waterway marker may be displayed as a sign or a fixed support, as a buoy bearing a symbol on its surface, or as a sign mounted on a buoy.

37.105(2) When a buoy is used to carry a symbol on its surface, it will be white, with bands of international orange on the top, and at the bottom above the water line.

37.105(3) A buoy whose sole purpose is to carry a sign above it will be marked with three bands of international orange alternating with two bands of white, each band occupying approximately one-fifth of the total area of the buoy above the water line, except where the sign itself carries orange bands; however, nothing in these rules shall be construed to prohibit the mounting of a sign on a buoy which has been placed for a purpose other than that of carrying a sign.

37.105(4) When symbols are placed on signs, a suitable white background may be used outside the symbol.

571—37.106(462A) Specifications for waterway markers.

37.106(1) The size of a display area shall be as required by circumstances, except that no display area shall be smaller than 1 foot in height. The size shall increase in increments of 6 inches; provided, however, that this specification for increase in increments shall not apply to markers in existence prior to the adoption of this rule.

37.106(2) The thickness of the symbol outline shall be one-tenth of the height of the display area.

37.106(3) The outside width of the diamond, the inner diameter of the circle, and the average of the inside and outside widths of a square shall be two-thirds of the display area height.

37.106(4) The sides of the diamond shall slope at a 35-degree angle from the vertical on a plane surface. Appropriate adjustments for curvature may be made when applied to a cylindrical surface.

37.106(5) Waterway markers shall be made of materials which will retain, despite weather and other exposures, the characteristics essential to their basic significance, such as color, shape, legibility and position. Reflectorized materials may be used.

571—37.107(462A) Mooring buoys and race course markers. For all waters under the jurisdiction of the commission, the following apply:

37.107(1) Mooring buoys shall be white with a 2-inch blue reflectorized band clearly visible above the water, extend a minimum of 12 inches above the surface of the water, and have at least 1 square foot of surface visible from any direction.

37.107(2) Placement of mooring buoys shall be within 250 feet of shore, except under certain circumstances the commission may require them to be placed at a lesser distance. Requirements for mooring buoys may be waived by the director under special circumstances.

37.107(3) Permanent race course marker buoys shall be white with a ball of international orange of at least 12 inches in diameter, extend a minimum of 2 feet above the surface of the water, be at least 16 inches in diameter, and be lighted during periods of low visibility and during the hours of darkness.

37.107(4) Markers such as mooring buoys and race course markers will be processed in the same manner as waterway markers, and authorization for their placement will be obtained from the agency or political subdivision of the state exercising jurisdiction with respect to regulation of boating, and such agency or political subdivision will ensure that proper clearances for their placement are obtained from state and federal agencies exercising regulatory authority over the area concerned.

37.107(5) Such markers shall not be of a color, shape, configuration or marking which could result in their confusion with any federal or state aid to navigation or any state regulatory marker, and shall not be placed where they will obstruct navigation, cause confusion or constitute a hazard.

571—37.108(462A) Diver's flag.

37.108(1) A diver's flag shall, when displayed on the water, indicate the presence of a diver in the water in the immediate area.

37.108(2) Recognition of this flag by regulation will not be construed as conferring any rights or privileges on its users, and its presence in a water area will not be construed in itself as restricting the use of the water area so marked.

37.108(3) Operators of vessels will, however, exercise precaution commensurate with conditions indicated.

37.108(4) This flag shall be displayed only when diver activities are in progress, and its display in a water area when no diver activities are in progress in that area will constitute a violation of this rule and of Iowa Code chapter 462A.

571—37.109(462A) Accident report. In addition to provisions in Iowa Code section 462A.7, a written report is required in the case of loss of consciousness, disability in excess of 24 hours, and the disappearance of any person from onboard a vessel under circumstances that suggest any possibility of death or injury.

571—37.110(462A) Procedure. These reports shall be filed in writing within 48 hours of the accident with the department using forms provided by the department.

571—37.111(462A) Contents. The report shall include the information required in 33 CFR 173.57 (June 1, 2024).

These rules are intended to implement Iowa Code sections 321G.2, 321I.2, 462A.3, 462A.5, 462A.6A, 462A.7, 462A.9, 462A.11, 462A.12, 462A.13, 462A.15, 462A.16, 462A.17, 462A.19, 462A.20, 462A.24, 462A.26, 462A.31, 462A.32, 462A.36, and 456A.24.

- Item 3. Rescind and reserve **571—Chapter 38.**
- Item 4. Rescind and reserve **571—Chapter 39.**
- Item 5. Rescind and reserve **571—Chapter 40.**
- Item 6. Rescind and reserve **571—Chapter 41.**
- Item 7. Rescind and reserve **571—Chapter 42.**
- Item 8. Rescind and reserve **571—Chapter 43.**
- Item 9. Rescind and reserve **571—Chapter 45.**

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

22. Chapter 56, “Shooting Sports Program Grants” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 56. This Notice of Intended Action is the result of the Communication, Outreach, and Marketing Bureau’s Executive Order 10 rule review.

Proposed Chapter 56 establishes a target shooting sports program to promote recreational target shooting sports. The purpose of the program is to introduce more lowans to target shooting sports, promote existing target shooting programs, provide more target shooting facilities, and improve existing target shooting facilities. Chapter 56 also establishes a grant program and provides clear requirements to lowans on how to apply for the grants.

Chapter 56 is will be rescinded and replaced. The chapter has been revised to recognize that the two grant programs (the shooting sports development grant program and the shooting sports equipment grant program) follow the same process with just a few differences. Instead of separate subsections for each grant program, the chapter was streamlined to recognize the same process applies to both programs, with the few differences between the programs identified as appropriate.

Tammie Krausman, Communication, Outreach, and Marketing Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 56 – NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 56, "Shooting Sports Program Grants," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 456A.30 and 481A.17.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 456A.30 and 481A.17.

Purpose and Summary

Proposed Chapter 56 establishes a target shooting sports program to promote recreational target shooting sports. The purpose of the program is to introduce more Iowans to target shooting sports, promote existing target shooting programs, provide more target shooting facilities, and improve existing target shooting facilities. Chapter 56 also establishes a grant program and provides clear requirements to Iowans on how to apply for the grants.

Consistent with Executive Order 10, Iowa Administrative Bulletin Vol. XLV, No. 16 (Feb. 8, 2023), p. 2145, and Iowa Code section 17A.7(2)'s five-year rule review, this chapter was edited for length and clarity. Specifically, the chapter was revised to recognize that the two grant programs (the shooting sports development grant program and the shooting sports equipment grant program) follow the same process with just a few differences. Instead of separate subsections for each grant program, the chapter was streamlined to recognize the same

process applies to both programs, with the few differences between the programs identified as appropriate.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rulemaking must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 16, 2025. Comments should be directed to:

Megan Wisecup
6200 Park Avenue. Ste. 200
Des Moines, IA 50321
515-238-4968
Megan.wisecup@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Megan.wisecup@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al Megan.wisecup@dnr.iowa.gov.

Public Hearing

Two public hearing at which persons may present their views orally via video/conference call will be held as follows:

January 14, 2025 at 10 am via video/conference call

January 16, 2025 at 10 am via video/conference call

Persons who wish to make oral comments at the conference call public hearings must submit a request to Megan Wisecup prior to the hearings to receive a Google Meet and conference call number. 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 Commission and advise of specific needs.

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Megan.wisecup@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-238-4968 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al Megan.wisecup@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-238-4968 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

Item 1. Rescind 571—Chapter 56 and adopt the following **new** chapter in lieu thereof:

CHAPTER 56
SHOOTING SPORTS GRANT PROGRAM

571—56.1(456A,481A) Purpose. The purpose of the shooting sports development grant is to provide state cost sharing to eligible applicants for the creation of new shooting ranges and improvement of existing shooting ranges and facilities. The purpose of the shooting sports equipment grant is to provide state cost sharing to eligible applicants for the purchase or improvement of shooting range equipment. The department of natural resources shall administer this program.

571—56.2(462A) Definitions.

“*Commission*” means the same as defined in Iowa Code section 481A.1.

“*Committee*” means the review and selection committee established in 56.6(1).

“*Department*” means the same as defined in Iowa Code section 481A.1.

“*Director*” means the same as defined in Iowa Code section 481A.1.

571—56.3(456A,481A) Eligibility requirements. The applicant must submit an application and all supporting documents in a timely manner.

56.3(1) Applicant requirements. The entity submitting the application must meet the requirements of this subrule. The entity must:

- a. Allow public access;
- b. Be free of any unresolved close-out issues on prior grant projects;
- c. Ensure that the shooting range will be located on property owned by the applicant or that the property is enrolled in a long-term lease of at least 25 years;
- d. Have liability insurance unless not required by law; and
- e. Make the range available for department hunter education courses, department hunter and recreational shooter recruitment efforts, department archery programs, and Scholastic Clay Target Program and Scholastic Action Shooting Program activities.

56.3(2) Eligible entities. The following entities are eligible to apply for development grants:

- a. Iowa-based shooting sports organizations.
- b. Iowa primary and secondary public and private schools.
- c. Iowa public and private colleges and universities.
- d. Iowa nonprofit corporations.
- e. Public ranges not owned by the state.
- f. City park and recreation agencies, or county governments.

56.3(3) *Ineligible entities.* Privately owned for-profit ranges and state-owned-and-operated public ranges are not eligible for development grants.

571—56.4(456A,481A) Maximum grant amounts. The following are the maximum grant request amounts established for the development and equipment grant programs:

56.4(1) The maximum grant request amount for development grants is \$50,000 per project with at least a 25 percent match as described in 56.5(3).

56.4(2) There is no maximum grant request amount for equipment grants, but a 50 percent match is required as described in 56.5(3).

571—56.5(456A,481A) Grant application submissions.

56.5(1) *Form of application.* Grant applications shall be on forms provided by the department and shall follow guidelines provided by the department.

56.5(2) *Application deadline.* Grant applications (one original and five copies) must be received by the department by February 1.

56.5(3) *Match and local funding.* Applicants are expected to finance 25 percent of development grant projects or 50 percent of equipment grant projects, either through cash, donated materials and labor, or another preapproved in-kind match. An applicant shall certify that it has committed its match before the 90 percent up-front grant payment will be made pursuant to 571—56.11(456A,481A). A letter of intent signed by the mayor, the chairperson of the board of supervisors, the chairperson of the county conservation board, or the CEO or chief financial officer of an agency, organization, or corporation and submitted with the application showing intent to include matching funds in finalized budgets will be accepted as proof of commitment. Applicants must forward proof of local funding to the department by June 1. If proof of local funding is not submitted, the application will be removed from the list of approved projects.

56.5(4) *Competitive bids.* Any development or equipment grant expense of more than \$15,000 that is funded by grant dollars must be purchased through a competitive bid or quotation process. Records of such processes must be submitted with close-out documentation. Items purchased by any other means are not reimbursable under the grant.

571—56.6(456A,481A) Grant project review and selection.

56.6(1) *Review and selection committee.* The review and selection committee shall be comprised of six members appointed by the director. The committee shall review and evaluate grant applications and determine final project approval to be recommended to the commission. Three members shall be department staff, and three members shall be from the public/private sector and shall be appointed based upon their expertise and interest in one of the three shooting sports of rifle/handgun, shotgun, and archery.

56.6(2) *Conflict of interest.* If a grant project is submitted to the committee by an entity with a member or employee on the committee, that committee member shall not participate in discussion and shall not vote on that particular project.

56.6(3) *Consideration withheld.* The committee will not consider any application that, on the date of the selection session, is not complete or for which additional pertinent information has been requested and not received. The committee will not consider any application from an entity that, on the date of the selection session, has not demonstrated compliance with or does not have a reasonable plan for achieving compliance with the requirements of Iowa Code section 657.9.

56.6(4) *Application rating system.* The committee will apply a numerical rating system to each grant application that is considered for funding. The criteria and maximum number of points are as follows:

- a. Overall program strength and feasibility—30 points.
- b. Education—30 points.
- c. Proximity to other public ranges—25 points.
- d. Range capacity—15 points.
- e. Project type—10 points.

56.6(5) Rating of scores for tiebreakers. If two or more projects receive the same score, the committee shall use the points awarded for overall program strength and feasibility (56.6(4)“a”) to determine which project has a higher rank.

571—56.7(456A,481A) Commission review. The commission will review and act upon all committee recommendations at the next scheduled commission meeting. The commission may reject any grant application selected for funding. Applicants shall be notified of their grant status in writing within 30 days after the commission meeting.

571—56.8(456A,481A) Appeals. Unfunded applicants may appeal the commission’s decision to the director within five days of receipt of the commission’s decision. A letter of appeal shall be sent to the director of the department. Before making a final decision as to the grant award, the director shall review the application, committee score sheets and commission minutes.

571—56.9(456A,481A) Grant amendments. Grant amendments may be made upon request by the applicant, subject to the availability of funds and approval by the director or the director’s designee.

571—56.10(456A,481A) Timely commencement of projects. Grant recipients are expected to carry out their projects in an expeditious manner. Projects shall be initiated no later than two months following their approval by the committee and shall be completed no later than June 30 of the year following the grant award. Failure to initiate projects in a timely manner may be cause for termination of the agreement and cancellation of the grant.

571—56.11(456A,481A) Payments. Ninety percent of approved grant funding may be paid to project grantees when requested, but no earlier than the start-up date of the project. Ten percent of the grant total shall be withheld by the department, pending successful completion of the project and final site inspection, or until any irregularities discovered as a result of the final site inspection have been resolved.

56.11(1) Expense documentation, balance payment or reimbursement. Documentation of expenditures eligible for prepayment or reimbursement shall be submitted on forms provided by the department and shall be accompanied by applicable receipts showing evidence that the expense is necessary and reasonably related to the creation of a new shooting range or to the improvement of an existing shooting range or facility. The grantee shall sign a certification stating that all expenses for which reimbursement is requested are related to the project and have been paid by the grantee prior to requesting reimbursement. The grantee shall provide copies of evidence or documents to verify that expenses were made.

56.11(2) Reasonable costs. For purposes of this rule, expenses that are necessary and reasonably related to the creation of a new shooting range or to the improvement of an existing shooting range or facility include, without limitation: (1) costs associated with the lease or acquisition of real property used for the project; (2) personal property acquired for use in the project; (3) management and maintenance costs associated with the project; and (4) if applicable, costs of the actual equipment approved as the funded project and associated delivery costs, as well as the management and maintenance costs associated with such equipment. However, in no event shall funds awarded under this program be used to cover costs associated with employment or personnel costs of the grant recipient, including salaries and benefits. Those costs, however, may be used to meet the match requirement described in 56.5(3).

571—56.12(456A,481A) Recordkeeping and retention. Grant recipients shall keep adequate records relating to the administration of the project, particularly relating to all incurred expenses. These records shall be available for audit by representatives of the department and the state auditor’s office for a period of three years following the close of the grant. All records shall be retained in accordance with state laws.

56.12(1) Definition of records. Records include but are not necessarily limited to invoices, canceled checks, bank statements, and bid and quote documentation.

56.12(2) Annual reports. Grant recipients shall submit on forms provided by the department an annual report for five years following the close of the grant.

56.12(3) Final performance reports. At the conclusion of the project agreement, grant recipients shall submit on forms provided by the department a final performance report.

571—56.13(456A,481A) Project life and recovery of grant funds. Applicants shall state an expected project life of at least ten years, which will become part of the project agreement. Should the funded project cease to be used for public recreation before the end of the stated project life, the director may seek to recover the remaining value of the grant award.

571—56.14(456A,481A) Unlawful use of grant funds. Unlawful use of grant funds includes whenever any property, real or personal, acquired or developed with grant funds under this program passes from the control of the grantee or is used for purposes other than the approved project.

571—56.15(456A,481A) Remedy. Grant funds used without authorization for purposes other than the approved project, or unlawfully, must be returned to the department for deposit in the account supporting this program. In the case of diversion of personal property, the grantee shall remit to the department funds in the amount of the original purchase price of the property. The grantee shall have a period of three months after notification from the department in which to correct the unlawful use of funds. The remedy provided in this rule is in addition to others provided by law.

571—56.16(456A,481A) Ineligibility. Whenever the director determines that a grantee is in violation of these rules, that grantee shall be ineligible for further assistance until the matter has been resolved to the satisfaction of the director.

These rules are intended to implement Iowa Code sections 456A.30 and 481A.17.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

23. Chapter 44, “Special Events and Fireworks Displays” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 44. This Notice of Intended Action is the result of the Fisheries Bureau’s Executive Order 10 rule review.

Proposed Chapter 44 provide rules on the issuance of permits for special events and firework displays held on public land, waters, and ice of the state. The rule allows for a balance with all user groups when scheduling special events and firework displays. Additionally, this chapter prevents the overuse, and potentially damaging use, of Iowa’s natural resources, including depleted fisheries. Excessive events on the water would create a safety hazard and harm to the public with increased boating accidents. Unmanaged firework displays would create excess debris in the water and on public lands and are potentially fire and public safety hazards.

Susan Stocker, Boating Law Admin/Education Coordinator
Conservation and Recreation Division
Meeting Date: November 14, 2024

Attached: Chapter 44 – NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind Chapter 44, “Special Events and Fireworks Displays,” Iowa Administrative Code, and adopt a new Chapter 44 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 321G.16, 321I.17, 461A.42, 462A.16, and 481A.38.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321G.16, 321I.17, 461A.3, 461A.4, 461A.42, 462A.16, 481A.22, and 481A.38.

Purpose and Summary

Proposed Chapter 44 provide rules on the issuance of permits for special events and firework displays held on public land, waters, and ice of the state. The rule allows for a balance with all user groups when scheduling special events and firework displays. Additionally, this chapter prevents the overuse, and potentially damaging use, of Iowa’s natural resources, including depleted fisheries. Excessive events on the water would create a safety hazard and harm to the public with increased boating accidents. Unmanaged firework displays would create excess debris in the water and on public lands and are potentially fire and public safety hazards. This chapter has been reviewed and edited consistent with Executive Order 10 (2023).

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on January 16, 2025. Comments should be directed to:

Susan Stocker
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: susan.stocker@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Susan.Stocker@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al Susan.Stocker@dnr.iowa.gov.

Public Hearing

Two public hearings at which persons may present their views orally via video/conference call will be held as follows:

January 14, 2025, at 10:00 a.m. via video/conference call

January 16, 2025, at 10:00 a.m. via video/conference call.

Persons who wish to make oral comments at the conference call public hearings must submit a request to Susan Stocker prior to the hearings to receive a Google Meet and conference call number. 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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Susan.Stocker@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-313-6439 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al Susan.Stocker@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-313-6439 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

- Item 1. Rescind 571—Chapter 44 and adopt the following **new** chapter in lieu thereof:

CHAPTER 44
SPECIAL EVENTS AND FIREWORKS DISPLAYS

571—44.1(321G,321I,461A,462A,481A) Scope. The purpose of this chapter is to provide rules on the issuance of permits for special events and fireworks displays held on public land, waters, and ice of the state.

571—44.2(321G,321I,461A,462A,481A) Definitions. For the purposes of this chapter, the following definitions apply:

“Accredited postsecondary institution or program” means an institution or program listed in the

U.S. Department of Education’s database of accredited postsecondary institutions and programs.

“Administrative processing fee” means the fee collected for the processing of each special event application that is submitted.

“All-terrain vehicle” or *“ATV”* means the same as defined in Iowa Code section 321I.1(1)“a.” *“Bass fishing tournament”* means the same as defined in Iowa Code section 483A.39. For purposes of this chapter, “bass fishing tournament” is included in the definition of “special event” unless otherwise specified.

“Catfish fishing tournament” means an event with the purpose of fishing for catfish from boats that meets the definition of “fishing tournament.” For purposes of this chapter, “catfish fishing tournament” is included in the definition of “special event” unless otherwise specified.

“Centralized special events application system” means the web-based system used by applicants to submit applications for special events as permitted under this chapter. Approved applications will be placed on a calendar of events web page, accessible from the department’s homepage, to inform the general public of scheduled events on public, or when applicable, private, land, water, and ice.

“Department” means the Iowa department of natural resources.

“Field and retriever meet or trial” means the same as described in Iowa Code section 481A.22. For purposes of this chapter, “field and retriever meet or trial” is included in the definition of “special event” unless otherwise specified.

“Fishing tournament” means any organized fishing event, except for department-sponsored fishing events held for educational purposes, involving any of the following: (1) six or more boats or 12 or more participants, except for waters of the Mississippi River, where the number of boats shall be 20 or more and the number of participants shall be 40 or more; (2) an entry fee is charged; or (3) prizes or other inducements are awarded. Additionally, a “virtual fishing tournament,” also known as a “catch-photo-release” tournament, is a fishing tournament where fish are not possessed (i.e., not placed in a live well) by the angler but instead are photographed and released upon catching. An “aggregated virtual fishing tournament” occurs when all participants are present on one body of water simultaneously. A “distributed virtual fishing tournament” occurs when participants are present on two or more bodies of water. Additionally, only five or fewer participants may be present on any one body of water simultaneously, and the tournament may occur over an extended time frame. For purposes of this chapter, “fishing tournament” is included in the definition of “special event” unless otherwise specified. “Friends group” means an organization incorporated under Iowa Code chapter 504 or prior statutory authority as a not-for-profit group which has been formed solely for the purpose of promoting and enhancing a particular state park, recreation area, or the Iowa state park system, or any combination of the three.

“Off-road motorcycle” or *“ORM”* means the same as defined in Iowa Code section 321I.1(16).

“Off-road utility vehicle” or *“OHV”* means the same as defined in Iowa Code section 321I.1(17).

“Permit” means a document issued by the department that enumerates all stipulations, requirements, and contingencies that the applicant must accept and adhere to throughout the duration of the approved special event.

“Public land” means land under the jurisdiction of the natural resource commission.

“Public water” means the same as “navigable waters” as defined in Iowa Code section 462A.2(22) and “waters of this state under the jurisdiction of the commission” as defined in Iowa Code section 462A.2(45).

“Sailing school” means an organization that provides basic and advanced sailing instruction by U.S. Sailing-certified instructors and is affiliated with a yacht club, an accredited postsecondary institution or program, a private or public primary or secondary school, a scouting organization, or a religious institution.

“Snowmobile” means the same as defined in Iowa Code section 321G.1(26).

“Special event” means either of the following occurring on public land, water, or ice:

1. An organized race, tournament, exhibition, demonstration, or other planned event in which an

admission fee is charged, prizes are awarded, or competition occurs between participants;

2. A planned event that, due to its nature, potential or actual size, or length, would likely adversely impact the use of the area by the public.

“*Vessel*” means the same as defined in Iowa Code section 462A.2(40).

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EVENTS

571—44.3(321G,321I,461,462A,481A) Permit required. A permit is required in order to conduct a special event on any public land, water, or ice. A permit is also required for a field and retriever meet or trial held on private land.

571—44.4(321G,321I,461A,462A,481A) Permit conditions. The department may impose permit conditions not specifically covered herein as deemed necessary to protect the resource or to ensure public safety. Such conditions shall be included in the permit issued by the department.

44.4(1) *Use of concessionaire.* If the state park or recreation area where a special event is being held has a concessionaire, the sale of food or drinks shall be governed pursuant to 571—subrule 14.5(3). If a concessionaire chooses not to provide services during the special event, the event sponsor may bring in other concession operations as approved by the department.

44.4(2) *Special permit conditions for fishing tournaments.* In addition to permit conditions deemed necessary by rule 571—44.4(321G,321I,461A,462A,481A), the department may include some or all of the following permit conditions for fishing tournaments:

- a. Release of live fish.
- b. Fish measured to length and released from boat.
- c. Multiple weigh-ins when water temperatures exceed 70°F.
- d. Aerated live wells.
- e. Designated release areas.
- f. Designated release persons.

44.4(3) *Catfish fishing tournaments.* The daily catch limit for a catch and release catfish fishing tournament permitted under this chapter is five catfish per boat regardless of the number of tournament participants on the boat.

44.4(4) *Bass fishing tournaments.* In addition to permit conditions deemed necessary under the introductory paragraph of 571—44.4(321G,321I,461A,462A,481A) or under 44.4(2), the permit conditions for bass fishing tournaments shall include those listed in Iowa Code section 483A.39(2).

571—44.5(321G,321I,461A,462A,481A) Application procedures. The following procedures shall be used to apply for a special event permit:

44.5(1) Applications are made and submitted through the department’s centralized special events application system.

44.5(2) Applications—when submitted.

a. *Events for the current year.* Applications may be submitted anytime during the calendar year in which the special event is to begin but no later than 30 days prior to the special event.

b. *Events for the next year.* Applications for a special event that will start in the next calendar year shall not be submitted until 7 p.m. on September 1 of the current year.

44.5(3) The number of special events to be held at any area on the same day may be restricted if deemed necessary to avoid congestion within the area or to protect the resource.

44.5(4) One application form may be submitted for all events of the same type being held at the same location within a nine-day period and will be processed as a single application. A distributed virtual fishing tournament may extend beyond the nine-day period and need not be at a single location.

44.5(5) Submission of an application does not guarantee issuance of a permit.

44.5(6) Permits are nontransferable.

571—44.6(321G,321I,462A) Alternate dates for snowmobile, boating, all-terrain vehicle, off- highway

vehicle, and off-road motorcycle special events. An applicant may submit and the department may approve both a primary date and an alternate date for snowmobile, boating, ATV, ORM, and OHV special events. However, if both a primary date and an alternate date are approved, the primary date shall be used unless circumstances beyond the control of the applicant prevent its use. If the alternate date must be used for the event, the applicant shall contact the department representative at least one week in advance of the event date to obtain final approval to use the alternate date. The department representative shall document this approval in writing. Upon approval of an alternate date, the applicant shall notify the local conservation officer, and the department representative will update the calendar of events.

571—44.7(321G,321I,461A,462A,481A) Insurance coverage. The applicant shall secure liability insurance for the special event that names the department as an additional insured. Insurance information shall be available at the time the application is submitted. The applicant shall have a copy of the insurance policy available at the event location to present to department personnel if requested. These requirements do not apply to events sponsored by a friends group. The department reserves the right to waive these requirements on a case-by-case basis.

571—44.8(321G,321I,461A,462A,481A) Fees and exceptions.

44.8(1) The administrative fee for each special event application is \$25 plus a processing fee, except applications for field and retriever meets and trials, which are subject to the fee described in Iowa Code section 481A.22(1) “c.” The fees are nonrefundable.

44.8(2) The department will waive the administrative fee for processing special event applications for sailing schools; accredited postsecondary institutions and programs; private and public primary and secondary schools; all department-approved watercraft education courses, ATV education courses, and snowmobile education courses; fishing clinics; friends groups; department-sponsored youth fishing days; and distributed virtual fishing tournaments.

571—44.9(321G,461A) Structures placed on ice during a special event. The following requirements apply to the placement, construction, or erection of structures on ice during a special event:

44.9(1) Vendor information provided on application. The applicant shall identify the names and addresses of any vendors who will be on site during the special event.

44.9(2) Owner information. The full name, street address, and city of the structure’s owner shall be displayed legibly on all sides of the structure, in block letters at least four inches in height, and in a color contrasting to the background.

44.9(3) Accessibility. Structures cannot be locked when in use.

44.9(4) Reflectors. Reflectors shall be attached to all sides of the structure in such a manner to enable them to reflect light at all times from sunrise to sunset.

571—44.10(462A) Boating special events—registration exemptions.

44.10(1) A vessel entered in a boating special event shall not be required to be registered pursuant to Iowa Code sections 462A.4 and 462A.5 but shall be labeled with an identifying number or letter that is at least four inches high and is in a color contrasting to the vessel. The identifying number or letter shall be located in a prominent spot on the exterior of the vessel, other than on the bow.

44.10(2) The sponsor of the boating special event shall maintain a list containing:

a. The names and addresses of all persons participating in the event.

b. A description of and identifying number for each vessel in the event.

571—44.11(462A) Mississippi River or Missouri River. Upon notification and proof that a United States Coast Guard (U.S.C.G.) permit has been secured, the department shall not require a special event application for fireworks displays or boating special events on the Mississippi River or the Missouri River. The regional U.S.C.G. office issuing permits for Mississippi River and Missouri River events is located in St. Louis, Missouri. This rule does not apply to fishing tournaments.

571—44.12(321G,321I,461A,462A,481A) Other requirements and permits. The applicant for a permit is responsible for ensuring full compliance with the requirements of Iowa Code chapters 321G, 321I, 461A, 462A, and 481A and any other Iowa Code chapters and rules promulgated under those chapters that may be applicable to special events. The applicant shall also acquire and comply with all applicable state and local permits issued by other state and local agencies necessary to hold the special event.

571—44.13(321G,321I,461A,462A,481A) Authority to cancel or stop a special event. If a peace officer or any department employee determines that a permit is being violated or that safety concerns warrant canceling or stopping the special event, the peace officer or department employee has the authority to cancel or stop the special event.

571—44.14(321G,321I,461A,462A,481A) Nonexclusive use of area. Issuance of a permit does not grant the applicant exclusive use of the public land, water, or ice that is the subject of the permit unless the permit explicitly provides otherwise.

DIVISION II FIREWORKS
DISPLAYS

571—44.15(461A) Entities eligible for permits. Permits for fireworks displays shall be issued only to qualified entities, such as political subdivisions of the state of Iowa, and to community or civic organizations. Permits shall not be issued to individuals. Permits are not transferable to another entity and do not relieve the sponsoring entity from obtaining any other permits required by the state or its political subdivisions.

571—44.16(461A) Permit conditions. The department may impose permit conditions not specifically required in these rules for any fireworks display special event as deemed necessary to protect the resource or ensure public safety. Conditions shall be included in the permit that the applicant or sponsoring organization receives if the event is approved.

571—44.17(461A) Application procedures. The following procedures shall be used to apply for a permit:

44.17(1) Applications shall be made and submitted through the department's centralized special events application system.

44.17(2) Applications—when submitted.

a. Events for current year. Applications may be submitted anytime during the calendar year in which the fireworks display is to begin but no later than 30 days prior to the display.

b. Events for the next year. Applications for a fireworks display that will start in the next calendar year may be submitted beginning at 7 p.m. on September 1 of the current year.

44.17(3) The number of fireworks displays or other special events at any one public land, water or ice location during a given day may be restricted if deemed necessary to avoid congestion with the public or competing events and to protect the resource.

44.17(4) The applicant shall certify in the application that the fireworks display shall be conducted by a competent operator. The location of the display shall be determined by the department representative in charge of the area.

44.17(5) Submission of an application does not guarantee issuance of a permit by the department.

571—44.18(461A) Fireworks display procedures.

44.18(1) The sponsoring entity shall take adequate safety precautions to ensure that persons not actively involved in conducting the display remain a safe distance from the firing area and any areas containing set pieces.

44.18(2) The department representative in charge of the area in which the display is conducted or any state peace officer may halt any display when the character, location, weather, or firing of the display makes it hazardous to property or dangerous to any person.

44.18(3) Any fireworks that remain unfired after the display is concluded shall be immediately disposed

of by the operator or the sponsoring entity in a manner that is safe for the particular type of fireworks.

44.18(4)

The sponsoring entity shall make arrangements for firefighting equipment and emergency medical services to be on the scene at all times during the firing of the display.

44.18(5) The sponsoring entity is totally responsible for cleanup of the fireworks display site at the conclusion of the display.

571—44.19(461A) Fees. A nonrefundable administrative fee of \$25 plus a processing fee shall be charged for each fireworks display application.

571—44.20(461A) Insurance. The sponsoring entity for a fireworks display shall provide proof of liability insurance naming the applicant and the department as an additional insured in the sum of not less than \$1 million. The department may, at its discretion, require a greater amount. Insurance information shall be available at the time the application is submitted.

571—44.21(461A) Concessions. If the state park or recreation area has a concessionaire on site, sales of food and other items during the display shall be governed pursuant to 571—subrule 14.5(3). If a concessionaire chooses not to provide services during the event, the sponsoring entity may then bring in other concession operations as approved by the department.

These rules are intended to implement Iowa Code sections 321G.16, 321I.17, 461A.3, 461A.4, 461A.42, 461A.47, 461A.57, 462A.16, 481A.22, and 481A.38.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

24. Chapter 48, “Inspection of Permanently Moored Vessels,” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 48. This Notice of Intended Action is the result of Law Enforcement Bureau’s Executive Order 10 rule review.

Proposed Chapter 48 establishes procedures to inspect excursion boats used for gambling that have been removed from navigation and designated as permanently-moored vessels by the United States Coast Guard. This inspection oversight ensures a high-level of safety for the public on these vessels, which are moored on the dynamic and ever-changing waters of the Mississippi and Missouri Rivers. Proposed changes seek to improve clarity and remove language that is redundant to Iowa Code. It is proposed to rescind and replace this chapter.

Craig Cutts, Chief
Conservation and Recreation Division
Meeting Date: November 14, 2024

Attached: Chapter 48 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 48, “Inspection of Permanently Moored Vessels,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 99F.7 and 462A.20.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 99F.7 and 462A.20.

Purpose and Summary

Proposed Chapter 48 establishes procedures to inspect excursion boats used for gambling that have been removed from navigation and designated as permanently moored vessels by the United States Coast Guard. This inspection oversight ensures a high-level of safety for the public on these vessels, which are moored on the dynamic and ever-changing waters of the Mississippi and Missouri Rivers. This chapter has been reviewed and edited consistent with Executive Order 10 (2023).

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on January 16, 2025. Comments should be directed to:

Craig Cutts
Iowa Department of Natural Resources
6200 Park Ave, Ste 200
Des Moines, IA 50321
515-971-8136
Craig.cutts@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at craig.cutts@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al craig.cutts@dnr.iowa.gov.

Public Hearing

Two public hearings at which persons may present their views orally will be held as follows:

January 14, 2025 at 10 a.m. via video/conference call

January 16, 2025 at 10 a.m. via video/conference call

Persons who wish to attend the public hearing or make oral comments at the public hearing should contact Craig Cutts via email prior to the hearing to receive a conference call number.

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

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at craig.cutts@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-971-8136 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al craig.cutts@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-971-8136 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

Item 1. Rescind 571—Chapter 48 and adopt the following **new** chapter in lieu thereof:

CHAPTER 48
INSPECTION OF PERMANENTLY MOORED
VESSELS

571—48.1(462A) Purpose. This chapter is intended to establish the procedures for compliance with the inspection requirements of Iowa Code sections 99F.7(14) and 462A.20.

571—48.2(462A) Definitions.

“Commission” means the Iowa racing and gaming commission.

“*Critical systems*” on a PMV means fire safety systems, systems that protect against flooding and progressive flooding, emergency power systems, emergency lighting systems, emergency ventilation shutdown systems, and fuel and sewage discharge prevention systems.

“*Permanently moored vessel*” or “*PMV*” means an excursion boat used for gambling that is removed from navigation and defined as a vessel under 46 CFR, Subchapter K or H (June 1, 2024), that would have previously required a United States Coast Guard Certificate of Inspection.

571—48.3(462A) Inspection requirements. All PMVs shall be inspected by a qualified inspector to determine compliance with the “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005, as adopted by reference herein.

571—48.4(462A) Inspectors. Inspections of PMVs shall be conducted by a person or persons meeting the criteria set forth in this rule.

48.4(1) Qualifications. An inspector shall:

- a. Have prior experience as a U.S. Coast Guard marine inspector or as a classification society (recognized by the U.S. Coast Guard) surveyor; or
- b. Be a classification surveyor acting on behalf of a classification society; or
- c. Be a professional engineer licensed by one of the 50 states; or
- d. Be a professional naval architect or marine engineer.

48.4(2) Minimum documented work experience. An inspector shall:

- a. Have obtained three years’ experience in the examination of steel or aluminum vessels of similar design; and
- b. Be familiar with the regulations and standards under which the PMV was built; and
- c. Be familiar with permanent mooring arrangements and ship structures supporting the same;

and

- d. Have experience in marine emergency response operations and planning that is sufficient for the individual to competently review emergency action plans required by these rules; and
- e. Have experience in the investigation of reportable occurrences as described in the “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005.

571—48.5(462A) Statewide inspection contract. If the department determines that the administration of this chapter could best be effectuated through a contract with one or more third parties, the state may award such a contract or contracts pursuant to the provisions of 561—Chapter 8, as adopted by reference in 571—8.1(17A).

48.5(1) A statewide inspection contract shall authorize an inspection program coordinator to conduct the inspections required by this chapter, prepare and submit the required reports, and engage in such other activities as may be necessary for the administration of the PMV inspection program.

48.5(2) A contract entered into pursuant to this rule shall establish fees to be paid by PMV operators to the inspection program coordinator for the inspection of PMVs. There shall be a fixed fee established by contract for inspections and administration of the program by the inspection program coordinator. The contract may establish additional fees to be charged by the inspection program coordinator for work related to addressing deficiencies or other noncompliance by a PMV operator. Said fees shall be the sole source of payment to the inspection program coordinator.

48.5(3) In the event that a statewide inspection contract is executed by the department, all submissions required by these rules shall be sent to the inspection program coordinator established by the contract.

571—48.6(462A) Submission. Any person making application to the commission for the licensing of a PMV shall submit proof to the department that the PMV has been inspected by a qualified inspector and that the PMV satisfies all of the requirements of the “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005. All PMVs licensed pursuant to Iowa Code chapter 99F shall submit to the department quarterly and annual reports in compliance with all of the requirements of the “State of Iowa Permanently Moored Vessel Inspection Requirements,” 2005.

571—48.7(462A) Notification to the commission. If a PMV operator fails to cure an inadequacy in an inspection report or to comply with a correction report for a critical system or maritime security deficiency within the applicable time period, a determination of inadequacy shall be forwarded to the commission and shall be subject to the appeal and contested case procedures of the department as established by 561—Chapter 7 and adopted by reference at 571—7.1(17A).

48.7(1) *Inspection reports.* The department shall, within 60 days of receipt of an initial inspection, quarterly or annual report, determine the adequacy of the report and shall notify the submitting party of such determination. The submitting party shall be given a minimum of 60 days to cure any inadequacy not involving critical systems or maritime security.

48.7(2) *Correction reports.* To minimize safety and maritime security risks to the public, the environment and the PMV itself, deficiencies found in critical systems or security systems shall be immediately reported to the department. After consulting with the PMV operator, the department may issue a correction report if the deficiency was not immediately corrected. The correction report will direct the PMV operator to take corrective action within a specific period of time that is based on the nature and severity of the deficiency.

These rules are intended to implement Iowa Code sections 99F.7(14) and 462A.20.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

25. Chapter 49, “Operation of Motor Vehicles in Meandered Streams, Navigable Streams and Trout Streams” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 49. This Notice of Intended Action is the result of the Law Enforcement Bureau’s Executive Order 10 rule review.

Proposed Chapter 49 creates a process to identify meandered streams, navigable streams, and trout streams and listing the streams in which operation of motor vehicles is prohibited. This rule is required by statute. The benefit of the rule is to protect aquatic organisms and water quality from erosion and disruption by restricting motor vehicle access. The increase in aquatic organisms and water quality is a benefit to the public participating in fishing and water sports on these waters. The prior rule chapter has an extensive internal process to identify the list of meandered streams, navigable streams, and trout streams; that process has been simplified in this proposed new chapter.

Craig Cutts, Law Enforcement Bureau Chief
Conservation and Recreation Division
Meeting Date: November 14, 2024

Attached: Chapter 49 – NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind Chapter 49, “Operation of Motor Vehicles in Meandered Streams, Navigable Streams and Trout Streams” Iowa Administrative Code, and adopt a new Chapter 49 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 62A.34A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 462A.34A.

Purpose and Summary

Proposed Chapter 49 creates a process to identify meandered streams, navigable streams, and trout streams and listing the streams in which operation of motor vehicles is prohibited. This rule is required by statute. The benefit of the rule is to protect aquatic organisms and water quality from erosion and disruption by restricting motor vehicle access. The increase in aquatic organisms and water quality is a benefit to the public participating in fishing and water sports on these waters. This chapter has been reviewed and edited consistent with Executive Order 10 (2023).

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rulemaking must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 16, 2025. Comments should be directed to:

Craig Cutts
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: craig.cutts@dnr.iowa.gov

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Public Hearing

Two public hearings at which persons may present their views orally will be held as follows:

January 14, 2025 at 10 a.m. via video/conference call

January 16, 2025 at 10 a.m. via video/conference call

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Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

Item 1. Rescind 571—Chapter 49 and adopt the following **new** chapter in lieu thereof:

CHAPTER 49

OPERATION OF MOTOR VEHICLES IN MEANDERED
STREAMS, NAVIGABLE STREAMS AND TROUT STREAMS

571—49.1(462A) Purpose and intent. This chapter implements Iowa Code section 462A.34A and identifies meandered streams, trout streams, and navigable streams in which motor vehicles may not be operated.

571—49.2(462A) Definitions.

“*Department*” means the department of natural resources.

“*Meandered stream*” means a lake or stream that, at the time of the original government survey, was surveyed as a navigable and important water body and was transferred to the state upon admission to the union to be transferred or retained by the public in accordance with the laws of the state upon admission to the union.

“*Motor vehicle*” means a vehicle that is self-propelled and not operated upon rails. A motor vehicle is not a watercraft as defined in Iowa Code section 462A.2(43).

“*Navigable stream*” means all streams that can support a vessel capable of carrying one or more persons during a total of a six-month period in one out of every ten years.

“*Trout stream*” means a stream that, by natural or artificial methods, supports trout fish species.

571—49.3(462A) Motor vehicle prohibition in meandered streams, trout streams and navigable streams and identification of streams.

49.3(1) Motor vehicles shall not be operated in the following locations, except as provided for in Iowa Code section 462A.34A(2):

- a. Any portion of the bed of a navigable stream when covered by water.
- b. Any portion of a trout stream or meandered stream, including the dry bed and sandbars.

49.3(2) A vessel operating on any of the streams listed in this rule must be operating by floating on the water as a result of the buoyant force of the water. A vessel propelled by tires in contact with the bed of the stream is not a watercraft for the purpose of this rule.

49.3(3) For the purpose of this rule, meandered streams, trout streams and navigable streams include the following:

COUNTY	RIVER/STREAM	LOCATION
Adair	Middle Nodaway River	Adams/Adair line to Hwy. 92
	Middle River	All
	West Fork-Middle Nodaway	Mouth to County Road N51
Adams	East Nodaway River	Adams/Taylor line to County Road H24
	Middle Nodaway River	All
Allamakee	Bear Creek	Mouth, S1,T99N,R6W to West Line S30,T100N,R6W
	Clear Creek	Mouth, S35,T100,R5W to North Line S15,T100N,R5W
	Clear Creek	Mouth, S29,T99N,R3W to West Line S25,T99N,R4W
	Cota Creek	Mouth, S26,T97N,R3W to West Line S10,T97N,R3W
	Dousman Creek	Mouth, S33,T96N,R3W to South Line S36,T96N,R3W
	French Creek	Mouth, S1,T99N,R5W to East Line S23,T99N,R5W
	Hickory Creek	Mouth, S23,R96N,R5W to South Line S28,T96N,R5W
	Irish Hollow Creek	Mouth, S21,T100N,R4W to North Line S17,T100N,R4W
	Little Paint Creek	Mouth, S32,T97N,R3W to North Line S30,T97N,R3W
	Mississippi River	All
	Norfolk Creek	Mouth, S6,T96,R5W to Conf. w/Teepie Creek, S24,T97N,R6W
	Paint Creek	Conf. w/Little Paint Creek, S32,T97N,R3W to Road Crossing, S18,T97N,R4W
	Patterson Creek	Mouth, S29,T99N,R6W to East Line S3,T98N,R6W
	Silver Creek	Mouth, S4,T99N,R5W to South Line S31,T99N,R5W

	Suttle Creek	Mouth, S18,T96N,R4W to South Line S31,T96N,R4W
	Teuple Creek	Mouth, S24,T97N,R6W to West Line S11,T97N,R6W
	Trout Run a/k/a Erickson's Brook	Mouth, S16,T98N,R4W to North Line S8,T98N,R4W
	Unnamed Creek	Mouth, S12,T99N,R4W to West Line S12,T99N,R4W
	Unnamed Tributary to Village Creek	Mouth, S23,T98N,R4W to West Line S23,T98N,R4W
	Unnamed Tributary to Yellow River	Mouth, S13,T96N,R5W to North Line S12,T96N,R5W
	Upper Iowa River	Mouth, S36,T100N,R4W to West Line S31,T100N,R6W
	Village Creek	Mouth, S33,T99N,R3W to West Line S19,T98N,R4W
	Waterloo Creek	Conf. w/Bear Creek, S35,T100N,R6W to North Line S8,T100N,R6W
	Wexford Creek	Mouth, S5,T98N,R2W to West Line S25,T98N,R3W
	Yellow River	Mouth, S34,T96N,R3W to West Line S24,T96N,R5W
Appanoose	Chariton River	Missouri Line to Rathbun Dam
	North Chariton River	Rathbun Lake to Hwy. 14
	South Chariton River	Appanoose/Wayne Line to Rathbun Lake
Benton	Bear Creek	Benton County Line to Mouth at Cedar River
	Cedar River	All
	Iowa River	All
	Mud Creek	Road Crossing W½ S13,T84N,R11W to Mouth at Cedar River
	Opossum Creek	SE¼ S5,T84N,R9W to Benton/Linn Line
	Prairie Creek 2	Road Crossing N½ S24,T83N,R12W to Benton/Linn Line
	Wolf Creek	All
Black Hawk	Beaver Creek	Mouth, S34,T90N,R14W to West County Line, S31,T90N,R14W
	Black Hawk Creek	Mouth, S22,T89N,R13W to West County Line, S6,T87N,R14W
	Cedar River	All
	Shell Rock River	Mouth, S4,T90N,R14W to North County Line, S4,T90N,R14W
	Wapsipinicon River	All
	West Fork Cedar River	All
	Wolf Creek	Mouth, S19,T87N,R11W to South County Line
Boone	Beaver Creek	West Line of S10,T82N,R28W to South County Line
	Des Moines River	All
Bremer	Cedar River	All
	Shell Rock River	All

	Wapsipinicon River	All
Buchanan	Wapsipinicon River	All
Buena Vista	Little Sioux River	All
	North Raccoon River	South County Line to North Line of S15,T91N,R36W
	Beaver Creek	All
	Hartgraves Creek	West County Line to Mouth at West Fork of Cedar River
Butler	Maynes Creek	West County Line to Mouth at West Fork of Cedar River
	Shell Rock River	All
	West Fork Cedar River	All
Calhoun	Cedar Creek	South County Line to S31,T87N,R31W
	North Raccoon River	All
Carroll	Middle Raccoon River	South County Line to West Line of S23,T84N,R35W
	North Raccoon River	All
Cass	East Nishnabotna River	All
Cedar	Cedar River	All
	Clear Creek	East Line of S21,T82N,R4W to Mouth at Cedar River
	Rock Creek	Road Crossing North Line Section 1, T81N,R3W to Mouth at Cedar River
	Sugar Creek	Road Crossing North Line Section 29, T81N,R2W to South County Line
	Wapsipinicon River	All
Cerro Gordo	Beaverdam Creek	I-35 to Franklin County Line
	E Branch-Beaverdam Creek	Hwy. 65 to Mouth at Beaverdam Creek
	Shell Rock River	All
	Spring Creek	County Road B15 to Mouth at Winnebago River
	Willow Creek	Hwy. 18 to Mouth at Winnebago River
	Winnebago River	All
Cherokee	Grey Creek	North Line of S22,T93N,R40W to Mouth at Mill Creek
	Little Sioux River	All
	Maple River	North Line of S5,T90N,R39W to Ida County Line
	Mill Creek	North Line S13,T93N,R41W to Mouth at Little Sioux River
	Perry Creek	North Line of S5,T91N,R40W to Mouth at Little Sioux River
	Rock Creek	East Line of S4,T91N,R41W to Mouth at Little Sioux River
	West Fork, Little Sioux River	North Line of S12,T92N,R42W to Plymouth County Line
	Willow Creek	North Line S30,T91N,R41W to Mouth at Little Sioux River

Chickasaw	Cedar River	All
	Little Cedar River	All
	Little Turkey River	All
	Wapsipinicon River	All
Clay	Little Sioux River	All
	Ocheyedan River	All
Clayton	Bear Creek	South Line S18,T91N,R4W to South Line S26,T91N,R5W
	Bloody Run Creek	Mouth, S15,T95N,R3W to South Line S21,T95N,R4W
	Brownfield Creek	Mouth, S25,T91N,R4W to Source, S31,T91N,R3W
	Buck Creek	Mouth, S32,T92N,R2W to West Line S9,T93N,R3W
	Cox Creek	Conf. w/Spring Creek, S25,T92N,R6W to South Line S12,T91N,R6W
	Dry Mill Creek	Mouth, S25,T93N,R5W to West Line S9,T93N,R4W
	Hewett Creek	Mouth, S11,T92N,R6W to South Line S29,T92N,R6W
	Maquoketa River	South Line S32,T91N,R6W to West Line S19,T91N,R6W
	Miners Creek	Mouth, S20,T92N,R2W to West Line S1,T92N,R3W
	Mink Creek	Mouth, S30,T93N,R6W to West Line S19,T93N,R6W
	Mossy Glen Creek	Mouth, S3,T91N,R5W to South Line S3,T91N,R5W
	Mississippi River	All
	North Cedar Creek	Mouth, S8,T94N,R3W to Source, S24,T94N,R4W
	Pecks Creek	Mouth, S1,T91N,R3W to South Line S15,T91N,R3W
	Pine Creek	Mouth, S26,T91N,R4W to Conf. w/Brownfield Creek, S25,T91N,R4W
	Sny-Magill Creek a/k/a Magill	Mouth, S23,T94N,R3W to West Line S6,T94N,R3W
	South Cedar Creek a/k/a Cedar	North Line S7,T92N,R3W to North Line S24,T93N,R4W
	Spring Creek	Mouth, S25,T92N,R6W to Source, S10,T91N,R6W
	a/k/a Kleinlein Creek	
	Steeles Brook	Mouth, S26,T91N,R4W to South Line S34,T91N,R4W
Turkey River	All	
Unnamed Tributary to Sny-Magill a/k/a West Fork	Mouth, S7,T94N,R3W to West Line S7,T94N,R3W	
Volga River	All	
Clinton	Brophys Creek	South Line of S4,T81N,R5E to Mouth at the Wapsipinicon River
	Drainage Ditch 12	South Line of S30,T82N,R2E to Mouth at the Wapsipinicon River
	Elk River	South Line of S5,T83N,R6E to Mouth at the Mississippi River
	Harts Mill Creek	South Line of S8,T81N,R6E to Mouth at Mill Creek

	Mill Creek	South Line of S14,T81N,R6E to Mouth with Mississippi River
	Mississippi River	All
	Silver Creek	South Line of S22,T82N,R3E to S6,T80N,R4E
	Wapsipinicon River	All
Crawford	Boyer River	All
	Soldier River	All
Dallas	Beaver Creek	All
	Des Moines River	All
	Middle Raccoon River	All
	Raccoon River	All
	South Raccoon River	All
Davis	Des Moines River	All
Decatur	Long Creek	DeKalb Wildlife Area to Mouth at the Thompson River
	Thompson River	All
	Weldon River	Missouri Border to Hwy. 2
Delaware	Fenichel Creek	Mouth, S5,T90N,R6W to Richmond Springs, S4,T90N,R6W
	Fountain Spring Creek a/k/a Odell Branch	Mouth, S10,T90N,R4W to West Line S9,T90N,R4W
	Little Turkey River	North County Line, S1,T90N,R3W to South Line S11,T90N,R3W
	Maquoketa River	All
	Schechtman Branch	Mouth, S14,T90N,R4W to South Line S14,T90N,R4W
	South Branch Fountain Spring Creek	Mouth, S10,T90N,R4W to West Line S16,T90N,R4W
	Spring Branch	Mouth, S10,T88N,R5W to Spring Source, S35,T89N,R5W
	Steeles Branch	North County Line, S4,T90N,R4W to West Line S5,T90N,R4W
	Twin Springs Creek	Mouth, S2,T90N,R4W to Spring Source S12,T90N,R4W
Des Moines	Brush Creek	South Line of S5,T69N,R3W to Mouth at the Skunk River
	Cedar Fork Creek	West Line of S31,T72N,R3W to Mouth at the Flint River
	Dolbee Creek	East Line of S24,T72N,R2W to S31,T71N,R1W
	Flint River	County Line to Mouth at the Mississippi River
	Hawkeye Creek	North Line of S30,T72N,R3W to Mouth at the Mississippi River
	Knotty Creek	East Line of S25,T71N,R3W to the Mouth at the Flint River
	Long Creek	South Line of S3,T69N,R4W to the Mouth at the Skunk River
	Mississippi River	All
	Skunk River	All

	Spring Creek	South Line of S15,T69N,R3W to Mouth at the Mississippi River
	Tributary to Flint River	South Line of S27,T71N,R3W to Mouth at the Flint River
Dickinson	Little Sioux River	All
	Milford Creek	S12,T98N,R37W to Mouth at Little Sioux River
	West Branch, Little Sioux River	South Line of S27,T100N,R38W to Mouth at West Fork of Little Sioux River
	West Fork, Little Sioux River	South Line of S24,T100N,R38W to Mouth at Little Sioux River
Dubuque	Bloody Run	Mouth, S34,T90N,R2E to West Line S21,T90N,R2E
	Catfish Creek	South Line S9,T88N,R2E to Source S36,T88N,R1E
	Cloie Branch	Mouth, S5,T89N,R2E to West Line S5,T89N,R2E
	Hogans Branch	Mouth, S35,T89N,R1W to Gravel Road West Line
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		S9,T88N,R1W
	Little Maquoketa River	S5,T88N,R1W to Mouth at Mississippi River
	Middle Fork, Little Maquoketa River a/k/a Bankston Creek	West Line S31,T90N,R1E to North Line S33,T90N,R1W
	Mississippi River	All
	North Fork, Maquoketa River	All
Emmet	Paint Hollow Creek a/k/a White Pine Creek	North County Line, S6,T90N,R2W to Spring Source S8,T90N,R2W
	East Fork, Des Moines River	Tuttle Lake Outlet to East County Line
	West Fork, Des Moines River	All
Fayette	Bass Creek a/k/a Turners	Mouth, S3,T95N,R9W to West Line S3,T95N,R9W
	Bear Creek	Mouth, S25,T93N,R7W to West Line S6,T92N,R7W
	Bell Creek	Mouth, S10,T94N,R7W to West Line S8,T94N,R7W
	Brush Creek	Mouth, S8,T92N,R7W to Road Crossing S20,T92N,R7W
	Little Turkey River	Mouth, S18,T95N,R8W to North Line S5,T95N,R10W
	Maquoketa River	East Line S24,T91N,R7W to Conf. w/Hwy. 3
	Mink Creek	East Line S24,T93N,R7W to West Line S15,T93N,R7W
	Otter Creek	Mouth, S13,T94N,R7W to S22,T94N,R8W
	Turkey River	All
	Unnamed Creek a/k/a Glovers Creek	Mouth, S22,T94N,R8W to West Line S15,T94N,R8W
	Unnamed Creek a/k/a Grannis Creek	Mouth, S30,T93N,R7W to Source, E ¹ / ₄ S36,T93N,R8W
	Volga River	East County Line to South Line S22,T93N,R8W

Floyd	Cedar River	All
	Little Cedar River	All
	Shell Rock River	All
	Winnebago River	All
Franklin	Bailey Creek	South Line of S13,T93N,R20W to Mouth at the West Fork, Cedar River
	Beaverdam Creek	North County Line to Mouth at the West Fork, Cedar River
	Hartgraves Creek	South Line of S28,T92N,R19W to East County Line
	Iowa River	All
	Maynes Creek	East Line of S30,T91N,R20W to East County Line
	Otter Creek	East Line of S31,T93N,R20W to Mouth at Hartgraves Creek
	Spring Creek	Beeds Lake Outlet to Mouth at Otter Creek
	West Fork, Cedar River	East Line of S19,T93N,R19W to East County Line
Fremont	East Nishnabotna River	Mouth at Nishnabotna River to East County Line
	Missouri River	All
	Nishnabotna River	Missouri/Iowa Line to South Line of S25,T68N,R41W
	West Nishnabotna River	Mouth at Nishnabotna River to North County Line
Greene	Cedar Creek	Mouth at North Raccoon River to North County Line
	North Raccoon River	All
Grundy	Black Hawk Creek	East Line of S35,T88N,R17W to Black Hawk County Line
	North Black Hawk Creek	NE $\frac{1}{4}$ S8,T88N,R15W to Black Hawk County Line
	South Beaver Creek	E $\frac{1}{2}$ S3,T88N,R18W to Butler County Line
	Wolf Creek	N $\frac{1}{2}$ of S31,T86N,R17W to Black Hawk County Line
Guthrie	Middle Raccoon River	All
	South Raccoon River	East County Line to County Road F32
Hamilton	Boone River	All
	Brewers Creek	Mouth at Boone River to County Road R27
	Eagle Creek	Mouth at Boone River to Wright County Line
	Skunk River	County Line to Hwy. 175
	White Fox Creek	Mouth at Boone River to Wright County Line
Hancock	East Fork, Iowa River	South County Line to Hwy. 18
	West Fork, Iowa River	South County Line to County Road B55
	Winnebago River	All
Hardin	Elk Creek	Mouth at Iowa River to County Road D35
	Honey Creek	South County Line to County Road D65
	Iowa River	All

	South Fork, Iowa River	Mouth at Iowa River to Hwy. 359
Harrison	Boyer River	All
	Little Sioux River	All
	Missouri River	All
	Soldier River	All
Henry	Big Creek	North Line of S31,T72N,R5W to S19,T70N,R5W
	Cedar Creek	County Line to Mouth at the Skunk River
	Crooked Creek	Mouth at S31,T73N,R7W to East Section Line
	East Fork, Crooked Creek	All
	Little Cedar Creek	South County Line to Mouth at Cedar Creek
	Mud Creek	South Line of S15,T70N,R5W to Mouth at the Skunk River
	Skunk River	All
	Howard	Beaver Creek
Bohemian Creek		East Line S13,T97N,R11W to West Line S2,T97N,R11W
Chialk Creek		Mouth, S1,T98N,R11W to Road Crossing, S36,T99N,R11W
Nichols Creek		East Line S13,T100N,R11W to County Road V58
Staff Creek		Mouth, S7,T100N,R13W to County Road V10
Turkey River		East Line S12,T98N,R11W to Hwy. 9
Upper Iowa River		East Line S12,T100N,R11W to North Line S11,T100N,R14W
Wapsipinicon River		South Line S17,T97N,R14W to West Line S19,T98N,R14W
Humboldt	Des Moines River	South County Line to Conf. of East and West Fork of Des Moines River
	East Fork, Des Moines River	Mouth at the Des Moines River to North County Line
	West Fork, Des Moines River	Mouth at the Des Moines River to West County Line
Ida	Little Sioux River	All
	Maple River	All
Iowa	Bear Creek	West County Line to Mouth at the Iowa River
	Iowa River	All
	North Fork, English River	All
	Old Man Creek	West Line of S35,T79N,R10W to East County Line
Jackson	Brush Creek	North Line S23,T85N,R3E to North Line S1,T85N,R3E
	Cedar Creek	Mouth, S30,T85N,R3E to East Line S29,T85N,R3E
	Little Mill Creek	Mouth, S13,T86N,R4E to West Line S29,T86N,R4E
	Maquoketa River	All

	Mill Creek a/k/a Big Mill Creek	Conf. w/Little Mill Creek S13,T86N,R4E to West Line S1,T86N,R3E
	Mississippi River	All
	North Fork, Maquoketa River	West County Line to Mouth at the Maquoketa River
	Ozark Spring Run	Mouth, S32,T86N,R1E to Spring Source S32,T86N,R1E
	Pleasant Creek	East Line S11,T85N,R4E to West Line S15,T85N,R4E
	Unnamed Creek	Mouth, S7,T86N,R2E to West Line S11,T86N,R1E
	South Fork, Big Mill	Mouth, S8,T86N,R4E to West Line S17,T86N,R4E
	Storybook Hollow	Mouth, S7,T86N,R4E to South Line S12,T86N,R3E
	Unnamed Creek	Mouth, S1,T86N,R3E to West Line S2,T86N,R3E
Jasper	Indian Creek	All
	North Skunk River	All
	South Skunk River	All
Jefferson	Brush Creek	South Line of S18,T72N,R8W to the East County Line
	Cedar Creek	All
	Competine Creek	West County Line to Mouth at Cedar Creek
	Skunk River	All
	Walnut Creek	East Line of S22,T73N,R9W to the Mouth at the Skunk River
Johnson	Cedar River	All
	Clear Creek	West County Line to Mouth at the Iowa River
	Iowa River	All
	Old Mans Creek	West County Line to Mouth at the Iowa River
Jones	Buffalo Creek	West County Line to Mouth at the Wapsipinicon River
	Maquoketa River	All
	North Fork, Maquoketa River	All
	Wapsipinicon River	All
Keokuk	Bridge Creek	South Line of S23,T76N,R12W to the Mouth at the North Skunk River
	Cedar Creek	East Line of S19,T76N,R13W to the Mouth at the North Skunk River
	North Skunk River	West County Line to Mouth at the Skunk River
	Rock Creek	South Line of S21,T76N,R12W to Mouth at Cedar Creek
	South Fork, English River	West County Line to Mouth at the English River
	Skunk River	All
	South Skunk River	West County Line to Mouth at the Skunk River
Kossuth	Buffalo Creek	West Line of S4,T97N,R27W to Mouth at the East Fork, Des Moines River

	East Fork, Des Moines River	All
Lee	Big Sugar Creek	South Line of S26,T69N,R6W to Mouth at the Mississippi River
	Des Moines River	All
	Little Sugar Creek	South Line of S24,T68N,R7W to Mouth at the Des Moines River
	Lost Creek	South Line of S32,T69N,R4W to Mouth at the Mississippi River
	Mississippi River	All
	Pitman Creek	South Line of S10,T68N,R5W to Mouth at the Mississippi River
	Skunk River	All
Linn	Cedar River	All
	Prairie Creek	West County Line to Mouth at Cedar River
	Wapsipinicon River	All
Louisa	Big Slough Creek	East Line of S7,T74N,R5W to Mouth at Long Creek
	Cedar River	All
	Goose Creek	West County Line to Mouth at the Iowa River
	Iowa River	All
	Long Creek	South Line of S30,T75N,R5W to the Mouth at the Iowa River
	Mississippi River	All
	Muscatine Slough	North County Line to County Road Bridge in S31,T75N,R3W
	Muskrat Lake	S16,T74N,R3W to Mouth at the Iowa River
Lucas	Chariton River	Rathbun Lake to Hwy. 14
Lyon	Big Sioux River	All
	Little Rock River	East County Line to Mouth at Rock River
	Rock River	All
Madison	Clanton Creek	South Line of S32,T75N,R26W to the East County Line
	Middle River	All
	Thompson River	All
Mahaska	Cedar Creek	West County Line to Mouth at Des Moines River
	Des Moines River	All
	North Skunk River	All
	Skunk River	All
Marion	Des Moines River	All
	Skunk River	All
	Whitebreast Creek	West County Line to Mouth at Des Moines River

Marshall	Honey Creek	North County Line to Mouth at Iowa River
	Iowa River	All
	Minerva Creek	NW¼ S9,T85N,R20W to Mouth at Iowa River
	Timber Creek	County Road Bridge in S24,T83N,R18W to Mouth at Iowa River
Mills	Missouri River	All
	West Nishnabotna River	All
Mitchell	Beaver Creek	Mouth at S1,T98N,R16W to North Line S8,T99N,R15W
	Burr Oak Creek	County Road T46 to North Line S5,T98N,R16W
	Cedar River	South Line S13,T97N,R17W to North Line S8,T100N,R18W
	Little Cedar River	South Line S13,T97N,R15W to North Line S7,T100N,R16W
	Otter Creek	Mouth at S21,T100N,R18W to North Line S11,T100N,R18W
	Rock Creek	Conf. w/Goose Creek S35,T98N,R18W to Hwy. 9
	Spring Creek	Mouth at S13,T97N,R17W to North Line S8,T97N,R16W
	Turtle Creek	Mouth at S23,T99N,R18W to East Line S7,T99N,R17W
	Wapsipinicon River	East County Line to North Line of S20,T100N,R15W
Monona	Little Sioux River	All
	Maple River	Mouth at Little Sioux River to North County Line
	Missouri River	All
	Soldier River	All
	West Fork, Little Sioux River	Mouth at Little Sioux River to North County Line
Montgomery	East Nishnabotna River	All
	Middle Nodaway River	Mouth at Nodaway River to East County Line
	Nodaway River	All
Muscatine	Cedar River	All
	Mississippi River	All
	Mud Creek	West Line of S5,T78N,R1E to Mouth at Mississippi River
	Muscatine Slough	South Line of S4,T76N,R2W to South County Line
	Pike Run	South Line of S34,T78N,R3W to S19,T77N,R3W
	Pine Creek	Wildcat Den State Park to Mouth at Mississippi River
	Sugar Creek	North County Line to Mouth at the Cedar River
	Wapsinoc Creek	North County Line to Mouth at the Cedar River
	Weise Slough	S19,T78N,R3W
O'Brien	Little Sioux River	All
Osceola	Little Rock River	All

	Ocheyedan River	All
Page	East Nishnabotna River	All
	East Nodaway River	East County Line to Mouth at the Nodaway River
	Nodaway River	All
	Tarkio River	Hwy. 2 to South County Line
Palo Alto	West Fork, Des Moines River	All
Plymouth	Big Sioux River	All
	Floyd River	All
	West Fork,	All
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	Little Sioux River	
Pocahontas	Lizard Creek	West Line of S2,T90N,R31W to East County Line
	North Branch, Lizard Creek	North Line of S6,T91N,R31W to Mouth with Lizard Creek
	Pilot Creek	West Line of S9,T92N,R31W to Mouth with the West Fork, Des Moines River
	West Fork, Des Moines River	All
Polk	Beaver Creek	All
	Des Moines River	All
	North River	All
	Raccoon River	All
	South Skunk River	All
	Walnut Creek	All
Pottawattamie	East Nishnabotna River	All
	Missouri River	All
	West Nishnabotna River	All
Poweshiek	Bear Creek	NW¼ S8,T80N,R14W to the East County Line
	North Fork, English River	North Line of S23,T79N,R14W to East County Line
	North Skunk River	All
Ringgold	East Fork, Grand River	South County Line to Hwy. 2
	Grand River	South County Line to Hwy. 66
	Platte River	All
	Thompson River	All
Sac	Big Cedar Creek	West Line of S10,T88N,R35W to the Mouth at the North Raccoon River
	Boyer River	West Line of S5,T89N,R37W to South County Line

	Indian Creek	North Line of S7,T87N,R36W to Mouth at the North Raccoon River
	North Raccoon River	All
	Outlet Creek	East Line of S35,T87N,R36W to Mouth at Indian Creek
Scott	Lost Creek	North Line of S32,T80N,R5E to Mouth at the Wapsipinicon River
	Mississippi River	All
	Mud Creek	County Road Bridge in S11,T79N,R1E to Mouth at the Wapsipinicon River
	Wapsipinicon River	All
Sioux	Big Sioux River	All
	Floyd River	Hwy. 18 to South County Line
	Rock River	All
Story	Skunk River	All
Tama	Iowa River	All
	Salt Creek	West Line of S28,T84N,R13W to Mouth at the Iowa River
	Wolf Creek	All
Taylor	East Fork, 102 River	Hwy. 49 to South County Line
	Platte River	All
	West Fork, 102 River	Hwy. 2 to South County Line
Union	Platte River	All
	Thompson River	All
Van Buren	Cedar Creek	All
	Des Moines River	All
Wapello	Des Moines River	All
Warren	Clanton Creek	West County Line to Mouth at Des Moines River
	Middle River	West County Line to Mouth at Des Moines River
	North River	All
	South River	All
	Whitebreast Creek	All
Washington	Camp Creek	North Line of S33,T77N,R7W to the Mouth at English River
	Clemons Creek	West Line of S9,T75N,R8W to the South Line S14,T75N,R8W
	Crooked Creek	East Line of S28,T76N,R9W to Henry County Line
	Dutch Creek	South Line of S21,T75N,R9W to the Mouth at the Skunk River
	East Fork, Crooked Creek	All
	English River	All
	Goose Creek	East County Line to East Line of S22,T76N,R6W

	Honey Creek	Lake Darling to Mouth at the Skunk River
	Iowa River	All
	Long Creek	East County Line to West Line of S26,T75N,R6W
	North Fork, Long Creek	East Line of S3,T75N,R7W to Mouth at Long Creek
	Skunk River	All
	Smith Creek	West County Line to Mouth at the English River
	South Fork, Long Creek	County Road W61 to Mouth at Long Creek
	Williams Creek	South County Line to Mouth at East Fork, Crooked Creek
Wayne	North Chariton River	Rathbun Lake to Hwy. 14
	South Chariton River	Rathbun Lake to County Road S56
Webster	Brushy Creek	North Line of S8,T88N,R27W to Mouth at the Des Moines River
	Deer Creek	North Line of S16,T90N,R29W to Mouth at the Des Moines River
	Des Moines River	All
	North Branch, Lizard Creek	West County Line to Mouth at Des Moines River
	Prairie Creek	West Line of S29,T88N,R28W to Mouth at the Des Moines River
Winnebago	Winnebago River	All
Winneshiek	Bear Creek	East Line, S25,T100N,R7W to East Line of S29,T100N,R7W
	Bohemian Creek	Mouth at Turkey River to West Line S18,T97N,R10W
	Canoe Creek	County Road W38 to West Line S8,T99N,R8W
	Casey Spring	Mouth in S25,T99N,R9W to West line S26,T99N,R9W
	Coldwater Creek	Mouth S32,T100N,R9W to North Line S11,T100N,R10W
	Coon Creek	Mouth S2,T98N,R7W to NW¼ S13,T98N,R7W
	Dry Run Creek	Mouth S17,T98N,R8W to West Line S36,T98N,R9W
	East Pine Creek	Mouth S28,T100N,R9W to North Line of S9,T100N,R9W
	Martha Creek	Mouth S6,T99N,R9W to West Line of S13,T99N,R10W
	Middle Bear Creek	Mouth S14,T100N,R7W to North Line S16,T100N,R7W
	Nichols Creek	Mouth S18,T100N,R10W to West Line S18,T100N,R10W
	North Bear Creek	Conf. w/South Bear Creek, S25,T100N,R7W to East Line of S10,T100N,R7W
	North Canoe Creek	Mouth S22,T99N,R8W to North Line S1,T99N,R8W
	Pine Creek	Mouth at Upper Iowa River to the North Line S7,T100N,R9W
	Pine Creek	Mouth at Canoe Creek to the North Line S21,T99N,R7W
	Paint Creek	East Line S13,T99N,R7W to West Line S11,T99N,R7W

	Silver Creek	Mouth at Upper Iowa River to North Line S26,T100N,R9W
	Smith Creek	Conf. w/Trout Creek in S21,T98N,R7W to South Line S33,T98N,R7W
	Ten Mile Creek	Mouth at Upper Iowa River to Conf. w/Walnut Creek at S18,T98N,R9W
	Trout Creek	Mouth at Upper Iowa River to Conf. w/Smith Creek at S21,T98N,R7W
	Trout Creek	Mouth at Upper Iowa River to East Line of S27,T98N,R8W
	Trout Run Creek	Road Crossing at NW¼ S1,T97N,R8W to Mouth at Trout Creek
	Twin Springs Creek	West Line of S17,T98N,R8W to Mouth at Upper Iowa River
	Upper Iowa River	All
Woodbury	Big Sioux River	All
	Floyd River	All
	Little Sioux River	All
	Maple River	All
	Missouri River	All
	West Fork,	All
	Little Sioux River	
Worth	Beaver Creek	Hwy. 9 to Mouth at Winnebago River
	Deer Creek	County Road S56 to East County Line
	Elk Creek	Hwy. 105 to Mouth at Shell Rock River
	Shell Rock River	All
	Willow Creek	Hwy. 9 to Mouth at Winnebago River
	Winans Creek	Hwy. 9 to Mouth at Winnebago River
Wright	Boone River	All
	Eagle Creek	County Road R33 to South County Line
	East Fork, Iowa River	North County Line to Mouth at Iowa River
	Iowa River	South Line of S19,T93N,R23W to East County Line
	West Fork, Iowa River	North County Line to Mouth at Iowa River
	White Fox Creek	County Road R38 to South County Line

571—49.4(462A) Motor vehicle prohibition in meandered streams. Motor vehicles shall not be operated in any part of the beds of meandered streams, including dry sandbars. Meandered streams are the following:

1. Des Moines River. From Mississippi River to west line of T95N, R32W, Palo Alto County, west branch, and north line of T95N, R29W, Kossuth County, east branch at a point near Algona.
2. Iowa River. From Mississippi River to west line T81N, R11W, Iowa County, due north of Ladora.
3. Cedar River. From Iowa River to west line T89N, R13W, Black Hawk County, at the east edge of Cedar Falls.
4. Raccoon River. From Des Moines River to west line of Polk County.

5. Wapsipinicon River. From Mississippi River to west line T86N, R6W, Linn County, northwest of Central City.
 6. Maquoketa River. From Mississippi River to west line T84N, R3E, Jackson County, due north of Maquoketa.
 7. Skunk River. From Mississippi River to north line of Jefferson County, at the southwest edge of Coppock.
 8. Turkey River. From Mississippi River to west line T95N, R7W, Fayette County, northwest of Clermont.
 9. Nishnabotna River. From Missouri River to north line T67N, R42W, Fremont County, northeast of Hamburg.
 10. Upper Iowa River. From Mississippi River to west line Section 28, T100N, R4W, Allamakee County, about two and one-half miles upstream from its mouth.
 11. Little Maquoketa River. From Mississippi River to west line Section 35, T90N, R2E, Dubuque County, about one mile upstream from its mouth.
- These rules are intended to implement Iowa Code chapter 462A.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

26. Chapter 55, “Nonpermanent Structures”– Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 55. This Notice of Intended Action is the result of the Law Enforcement Bureau Executive Order 10 rule review.

Proposed Chapter 55 governs the placement, construction, or erection of ice fishing shelters placed on or over lands or waters under the jurisdiction of the natural resource commission. It sets removal dates, owner identification requirements, accessibility requirements, and reflector requirements for shelters left on the ice overnight. Changes include setting a permanent removal date of March 1st or prior to ice melt and reducing the owner-identification minimum requirement to just one side of shelter and DNR number. This chapter is being rescinded and replaced.

Matt Bruner, Captain - Law Enforcement Bureau
Conservation and Recreation Division
Meeting Date: November 14, 2024

Attached: Chapter 55 – NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 55, “Nonpermanent Structures,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 461A.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 461A.4.

Purpose and Summary

Proposed Chapter 55 regulates the placement, visibility, and identification of ice fishing shelters on public waters. This chapter ensures increased safety on the ice, prevents accidents, and reduces the risk of shelters falling through melting ice. This chapter has been reviewed and edited consistent with Executive Order 10 (2023).

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rulemaking must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 14, 2024. Comments should be directed to:

Matt Bruner, Captain, Law Enforcement Bureau
6200 Park Ave, Suite 200
Des Moines, IA 50321
Phone: 515-336-5456
Email: matt.bruner@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at matt.bruner@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al matt.bruner@dnr.iowa.gov.

Public Hearing

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

January 14, 2024	10:00AM	Virtual
January 16, 2024	10:00AM	Virtual

Any person who wishes to attend may contact Matt Bruner at matt.bruner@dnr.iowa.gov for the hearing link. 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 rulemaking.

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.

Free Language Assistance: if you need assistance in a language other than English, contact DNR at matt.bruner@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-336-5456 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al matt.bruner@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-336-5456 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

Item 1. Rescind 571—Chapter 55 and adopt the following **new** chapter in lieu thereof:

CHAPTER 55
NONPERMANENT STRUCTURES

571—55.1(461A) Ice fishing shelters.

55.1(1) General. The following rules govern the placement, construction, or erection of ice fishing shelters placed on or over lands or waters under the jurisdiction of the natural resource commission.

55.1(2) Removal. Unattended ice fishing shelters and all material used in their construction shall be removed from on or over lands or waters under the jurisdiction of the natural resource commission before ice melt or March 1 of each year, whichever comes first.

55.1(3) Owner information. All unattended shelters left on the ice or state-owned land shall display the owner's assigned department number; or full name, street address and city; in clearly visible three inch high block letters in a color contrasting to the background.

55.1(4) Permit. The owner information displayed in accordance with the provisions of this rule will act as the permit for the placement of ice fishing shelters on or over lands or waters under the jurisdiction of the natural resource commission.

55.1(5) Accessibility. Ice fishing shelters shall not be locked when in use.

55.1(6) Reflectors. All shelters on the ice after sunset shall display reflectors on all external sides in such a manner to enable them to reflect light at all times between the hours of sunset and sunrise.

55.1(7) Shelter prohibited. No person shall own or use any shelter placed on or over lands or waters under the jurisdiction of the natural resource commission in violation of any of the provisions of this rule.

This rule is intended to implement Iowa Code section 461A.4.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

27. Chapter 46, “All-Terrain Vehicles, Off-Road Motorcycles, and Off-Road Utility Vehicles”– Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 46. This Notice of Intended Action is the result of the Parks, Forests and Preserves Bureau’s Executive Order 10 rule review.

Proposed Chapter 46 describes the requirements for registration, permits, renewals, and accident reporting for all-terrain vehicles, off-road utility vehicles, and off-road motorcycles. The chapter also regulates dealers that sell off-road vehicles and describes the regulation of designated riding areas. The chapter will be rescinded and replaced with proposed changes to remove outdated and redundant language and to better align rules with underlying statutory authority.

Sherry Arntzen, Parks, Forests and Preserves Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 46 - NOIA

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 46, “All-Terrain Vehicles, Off-Road Motorcycles, and Off-Road Utility Vehicles,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 321I.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 321I.

Purpose and Summary

Proposed Chapter 46 describes the requirements for registration, renewal, operation, and accident reporting for all-terrain vehicles, off-road utility vehicles, and off-road motorcycles. The chapter also regulates dealers that sell off-highway vehicles and describes regulations for designated riding areas. This chapter has been reviewed and edited consistent with Executive Order 10.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

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 Department of Natural Resources (Department) no later than 4:30 p.m. on January 30, 2025. Comments should be directed to: Jessica Flatt at jessica.flatt@dnr.iowa.gov.

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at jessica.flatt@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al jessica.flatt@dnr.iowa.gov.

Public Hearing

Two public hearing at which persons may present their views orally or in writing will be held on January 29, 2025, from 12:00 p.m. to 1:00 p.m. and January 30, 2025, from 4:00 p.m. to 5:00 p.m. The hearings will be held via video/conference call. A Google meets and conference call number will be provided prior to each of the hearings to those who make a request to take part in the hearing. The request for the hearing link / conference number shall be submitted to Ms. Flatt no later than 8:00 am on January 29 or January 30.

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.

Free Language Assistance: if you need assistance in a language other than English, contact DNR at jessica.flatt@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-975-8569 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al jessica.flatt@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-975-8569 al menos siete días antes del evento.

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. Rescind 571 —Chapter 46 and adopt the following **new** chapter in lieu thereof:

CHAPTER 46

ALL-TERRAIN VEHICLES, OFF-ROAD MOTORCYCLES AND
OFF-ROAD UTILITY VEHICLES

DIVISION I
REGISTRATION, RENEWAL, TITLING, DECAL PLACEMENT
AND ACCIDENT REPORTS

571—46.1(321I) Definitions. For purposes of this chapter, the following definitions shall apply:

“*All-terrain vehicle*” means the same as defined in Iowa Code section 321I.1.

“*A scale*” means the physical scale marked “A” and graduated in decibels on a sound level meter which meets the requirements of the American National Standards Institute, Incorporated, publication S1.4-2014, Electroacoustics - Sound Level Meters.

“*Commission*” means the same as defined in Iowa Code section 321I.1.

“*Department*” means the same as defined in Iowa Code section 321I.1.

“*Designated riding area*” means the same as defined in Iowa Code section 321I.1.

“*Designated riding trail*” means the same as defined in Iowa Code section 321I.1.

“*Off-road motorcycle*” means the same as defined in Iowa Code section 321I.1.

“*Off-road utility vehicle*” means the same as defined in Iowa Code section 321I.1.

“*Operator*” means the same as defined in Iowa Code section 321I.1.

“*Owner*” means the same as defined in Iowa Code section 321I.1.

“*Public land*” means the same as defined in Iowa Code section 321I.1.

“*Regulated vehicle*” means all-terrain vehicles, off-road motorcycles, and off-road utility vehicles, either collectively or individually.

“*Roadway*” means the same as defined in Iowa Code section 321I.1.

571—46.2(321I) Off-road motorcycles.

46.2(1) Off-road motorcycles shall be subject to the following:

- a. Registration requirements of this chapter; and
- b. Titling requirements of this chapter, if a title has not previously been issued under Iowa Code chapter 321.

46.2(2) An operator of an off-road motorcycle is subject to the provisions of Iowa Code chapter 321I and this chapter, except that the operator is exempt from the safety instruction and certification program requirements of Iowa Code chapter 321I.

571—46.3(321I) Off-road utility vehicles.

46.3(1) An owner of an off-road utility vehicle operating the off-road utility vehicle on public land or ice, a designated riding area, or a designated riding trail shall register the off-road utility vehicle in accordance with Iowa Code chapter 321I and this chapter.

46.3(2) An operator of an off-road utility vehicle is subject to the provisions of Iowa Code section 321.234A and chapter 321I and this chapter, except that the operator is exempt from the safety instruction and certification program requirements of Iowa Code chapter 321I.

571—46.4(321I) Operation on roadways, highways, streets, and snowmobile trails. A person shall not operate a regulated vehicle upon roadways, highways, streets, or snowmobile trails except as provided in Iowa Code sections 321.234A and 321I.10.

NOTE: Additional driving and operation limitations are listed in Iowa Code section 321I.14.

571—46.5(321I) Registration for regulated vehicles.

46.5(1) *General.* A person shall not operate, maintain, or give permission for the operation or maintenance of a regulated vehicle on public land, a designated riding area, a designated riding trail, or ice unless the regulated vehicle:

- a. Is registered in accordance with the requirements of Iowa Code chapter 321I and this chapter;
- b. Displays a current nonresident user permit decal issued as provided in 571—46.6(321I); or
- c. Is exempt from registration pursuant to Iowa Code section 321I.9.

46.5(2) *Registration requirements.*

a. The owner of each regulated vehicle required to be registered shall file an application for registration with the department through a county recorder and pay all applicable fees pursuant to Iowa Code section 321I.4 and these rules, except that a dealer of regulated vehicles shall make application and pay all applicable registration and title fees on behalf of a purchaser of a regulated vehicle.

(1) Application forms. Applications for registration shall be made on forms provided by the department. In the event the applicant does not have required documentation, the applicant may be required to secure a bond consistent with the requirements of 571—Chapter 50.

(2) Fees. The applicant shall pay the following fees: \$15 for the permit fee; \$1 for the writing fee; and \$1.50 for the administrative fee. In addition, a county recorder may collect an additional 25 cents for the writing fee if the county recorder issues the registration.

b. At such time the department or the county recorder is satisfied with the application and has received the required fees, the department or county recorder shall issue to the applicant a registration certificate and registration decal.

46.5(3) Preregistration grace period.

a. *Dealer purchases.* An unregistered regulated vehicle sold by a dealer to an Iowa resident for use in Iowa shall bear a card that includes the words “registration applied for” and the date of purchase. Such card shall entitle the purchaser to operate the regulated vehicle for 45 days immediately following the purchase. The purchaser shall place this card on the rear of the all-terrain vehicle or off-road utility vehicle and the steering yoke of an off-road motorcycle in a position so as to be clearly visible at all times and maintained in a legible manner. The operator of any regulated vehicle displaying a “registration applied for” card described in this paragraph shall carry and provide upon request to any peace officer a valid bill of sale for the regulated vehicle.

b. *Nondealer purchases.* Regulated vehicles may be sold by nondealers, and the registration grace period may apply depending on the current registration of the vehicle.

(1) A regulated vehicle that is currently registered in the state of Iowa may be legally operated for 30 days before it is registered under the purchaser’s name.

(2) A regulated vehicle not currently registered in the state of Iowa shall not be operated until it is titled and registered in the purchaser’s name. Valid registration in another state does not authorize preregistration operation.

46.5(4) Registration—renewals. Every regulated vehicle registration certificate and registration decal expires at midnight December 31 of the year issued or at the time specified on the registration decal. Applications for renewal shall be completed pursuant to Iowa Code section 321I.7.

571—46.6(321I) Nonresident user permits.

46.6(1) A nonresident wishing to operate a regulated vehicle, other than such vehicle owned by a resident and registered pursuant to Iowa Code chapter 321I, on public land, a designated riding area, a designated riding trail, or ice of this state must first obtain a user permit from the department.

46.6(2) The department, a county recorder or license agent designated by the director may issue nonresident user permits. The applicant shall pay the following fees for a user permit: \$15 for the permit fee; \$1 for a writing fee; and \$1.50 for an administrative fee. In the event the county recorder issues such a permit, the county recorder may charge an additional 25 cents for the writing fee.

46.6(3) A nonresident user permit issued under this rule shall be valid for the calendar year or time period specified in the permit and be limited to the vehicle specified at the time of application.

46.6(4) Nonresident user permits are issued to a vehicle and are not transferable.

571—46.7(321I) Display of registration and nonresident user permit decals. The owner shall display the registration decal or nonresident user permit decal as follows:

46.7(1) *All-terrain vehicle.* The decal shall be affixed to the rear of the all-terrain vehicle so that the decal is clearly visible.

46.7(2) *Off-road motorcycle.* The decal shall be affixed to the steering yoke in such a manner that the decal does not cover up the vehicle identification number and is clearly visible.

46.7(3) *Off-road utility vehicle.* The decal shall be affixed to the rear of the vehicle so that the decal is clearly visible.

571—46.8(321I) Registration certificate.

46.8(1) An operator of a regulated vehicle shall carry the registration certificate either in such vehicle or on the person of the operator when the regulated vehicle is in use.

46.8(2) The operator of a regulated vehicle shall exhibit the registration certificate to all of the following:

- a. To peace officer or department personnel upon request;
- b. To a person injured in an accident involving the regulated vehicle, or that person's agent;
- c. To the owner or operator of another regulated vehicle when the regulated vehicle is involved in a collision or accident with the other regulated vehicle, or that person's agent;
- d. To the owner of personal or real property when the regulated vehicle is involved in a collision or accident with the property of the other person, or that person's agent; and
- e. To the property owner or tenant when the regulated vehicle is being operated on private property without permission from the property owner or tenant, or that person's agent.

571—46.9(321I) Owner's certificate of title. The owner of a regulated vehicle acquired on or after January 1, 2000, other than an all-terrain vehicle or an off-road utility vehicle used exclusively as a farm implement or an off-road motorcycle previously issued a title pursuant to Iowa Code chapter 321, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the regulated vehicle. The owner shall make application within 30 days after acquisition of the regulated vehicle, using forms provided by the department, and shall include the required fees set out in Iowa Code section 321I.32.

571—46.10(321I) Procedures for application and for issuance of a vehicle identification number (VIN) for homebuilt regulated vehicles.

46.10(1) A person, other than a manufacturer, who constructs or rebuilds a regulated vehicle for which there is no legible VIN may make application to the department on forms provided by the department for the issuance of a new VIN. The application process shall include an inspection of the regulated vehicle by the department. If the application is approved, the VIN shall be affixed to the vehicle by a peace officer. The completed application shall then be surrendered to the county recorder.

46.10(2) The peace officer shall permanently affix the VIN as follows:

- a. *All-terrain vehicle.* The VIN shall be affixed to the frame under the seat.
- b. *Off-road motorcycle.* The VIN shall be affixed to the steering yoke.
- c. *Off-road utility vehicle.* The VIN shall be affixed to the frame under the seat.

571—46.11(321I) Accident report.

46.11(1) Whenever any regulated vehicle is involved in an accident resulting in injury or death to any person or property damage amounting to \$1,500 or more, the operator or a person acting

for the operator shall immediately notify the county sheriff or another law enforcement agency in the state.

46.11(2) If the accident occurred on public land, a designated riding area, a designated riding trail, or ice under the jurisdiction of the commission, the operator shall file a report of the accident with the department within 72 hours. The report shall be on forms provided by the department.

46.11(3) Accidents other than those specified in 46.11(2) shall be reported as required in Iowa Code section 321.266.

571—46.12(321I) Sound level limitation. No person shall operate an all-terrain vehicle or off-road motorcycle that is constructed or altered in a manner that noise emitted from the all-terrain vehicle or off-road motorcycle exceeds 96 decibels on the A scale when measured in the manner prescribed in the revised 2017-04, Society of Automotive Engineers Standard J1287, titled “Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles.”

DIVISION II ALL-TERRAIN VEHICLE DEALERS

571—46.13(321I) Purpose. The rules in this division apply to registered regulated vehicle dealers, manufacturers, and distributors. These rules establish minimum standards for dealers as authorized under Iowa Code section 321I.22(9).

571—46.14(321I) Definitions. For purposes of this division, the following definitions shall apply:

“*Dealer*” means the same as defined in Iowa Code section 321I.1.

“*Distributor*” means the same as defined in Iowa Code section 321I.1.

“*Engaged in the business*,” or similar wording, means doing any of the following acts for the purpose of selling all-terrain vehicles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment or conducting a retail auction, or acting as an agent for the purpose of doing any of these acts. A person selling at retail more than five regulated vehicles during a 12-month period may be presumed to be engaged in the business.

“*Established place of business*” means the same as defined in Iowa Code section 321I.1.

“*Manufacturer*” means the same as defined in Iowa Code section 321I.1.

“*Manufacturer’s certificate of origin*” means a certification signed by the manufacturer, distributor or importer that the regulated vehicle described has been transferred to the person or dealer named, and that the transfer is the first transfer of the vehicle in ordinary trade and commerce. A manufacturer’s certificate of origin may also be referred to as a manufacturer’s statement of origin.

571—46.15(321I) Dealer’s established place of business. A dealer’s established place of business shall include phone service and an adequate office area for keeping business records, manufacturers’ certificates of origin, certificates of title or other evidence of ownership for regulated vehicles offered for sale.

571—46.16(321I) Zoning. Dealers licensed under these rules must comply with applicable local zoning ordinances. Upon request by the department, a dealer shall provide to the department written evidence, issued by the office responsible for the enforcement of zoning ordinances in the

city or county where the dealer's established place of business is located, that the dealer's established place of business complies with all applicable zoning provisions.

571—46.17(321I) Sales tax permit. A dealer shall provide to the department written evidence that the dealer has obtained a sales tax permit issued by the department of revenue.

571—46.18(321I) Special registration certificates for manufacturers, distributors, and dealers.

46.18(1) A manufacturer, distributor, or dealer owning a regulated vehicle required to be registered under Iowa Code chapter 321I and this chapter may operate the unregistered regulated vehicle for purposes of transporting, testing, demonstrating, or selling it if both of the following requirements are met:

a. The manufacturer, distributor, or dealer obtains from the department a special registration certificate containing a general identification number in accordance with Iowa Code section 321I.22. An application for a special registration certificate shall be submitted on forms provided by the department; and

b. The manufacturer, distributor, or dealer has the assigned identification number printed upon or attached to a removable sign which is temporarily but firmly attached to the regulated vehicle being used.

46.18(2) If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall obtain from the department a separate and distinct special registration certificate and general identification number for each place of business.

46.18(3) Duplicate special registration certificates may be obtained pursuant to the conditions set forth in Iowa Code section 321I.22.

571—46.19(321I) Information provided to purchaser. At the time of sale, a dealer shall provide all purchasers of all-terrain vehicles with information on how to access the department's website. The department shall provide regulations related to regulated vehicle use. Information provided on the department's website shall be deemed current information for purposes of this rule.

571—46.20(321I) Right of inspection. The department or any peace officer has the authority to inspect the following at any dealer location: (1) regulated vehicles or component parts of vehicles, (2) business records, and (3) manufacturers' certificates of origin, certificates of title and other evidence of ownership for regulated vehicles offered for sale. The department has the right at any time to verify compliance with all statutory and regulatory requirements by a dealer registered under Iowa Code chapter 321I.

571—46.21(321I) Denial or revocation. The department may deny a dealer application or revoke a dealer registration certificate when the director determines the applicant or dealer has violated any rule of this chapter or Iowa Code chapter 321I or when continuation of the permit is not in the public interest. Such denial or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the denial or revocation and the reasons for the action. Within 30 days following receipt of the notice of a revocation or denial, the applicant or dealer, whichever is applicable, may file a notice of appeal, requesting a contested case pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the permit be issued or reinstated.

DIVISION III
REGULATION OF DESIGNATED RIDING AREAS

571—46.22(321I) Definitions. In addition to the definitions in division I and division II of this chapter, the following definitions shall apply:

“*Direct supervision*” means the same as defined in Iowa Code section 321I.1.

“*Local sponsor*” means the entity that owns the designated riding area or is otherwise responsible for the day-to-day operations of the designated riding area. A local sponsor may or may not be a unit of government.

“*Operate*” means the same as defined in Iowa Code section 321I.1.

571—46.23(321I) Designated riding areas.

46.23(1) Designated riding areas shall be considered to be public land, available and open to the public to use consistent with these rules.

46.23(2) The following areas are hereby established as designated riding areas:

- a. Bluff Creek OHV Park, Mahaska County.
- b. Lakeview OHV Park, Johnson County.
- c. Gypsum City OHV Park, Webster County.
- d. Nicholson-Ford OHV Park, Marshall County.
- e. Rathbun OHV Park, Appanoose County.
- f. River Valley OHV Park, Pottawattamie County.
- g. Riverview OHV Park, Black Hawk County.
- h. Tama County OHV Park, Tama County.

46.23(3) A local sponsor may request that the commission adopt the local sponsor’s riding area as a designated riding area by contacting the department in writing and providing information, as requested by the department, that demonstrates that the local sponsor’s proposed designated riding area meets the minimum qualifications described in these rules. All studies or surveys required by these rules shall be at the local sponsor’s expense. The department may require additional surveys or studies and conduct an on-site evaluation for each proposed designated riding area to determine whether the department should recommend that the commission adopt the proposed area as a designated riding area. The commission may adopt additional designated riding areas that meet the following minimum qualifications:

a. The site and plan for development and management is suitable for off-highway vehicle recreation. The department shall consider sites that were previously disturbed areas, such as agricultural lands, mining operations, road surfaces or other intensive land uses that have resulted in the elimination of high-quality natural areas, native plant communities, critical habitats and cultural resources.

b. There is demand for the proposed designated riding area. Consideration shall be given to nearby populations, distance to other OHV facilities, partnership possibilities and local support.

c. The local sponsor, through a letter of support, demonstrates a willingness and ability to maintain the proposed designated riding area consistent with these rules.

d. There is evidence that adjacent property owners, including those within the viewshed and within earshot of the proposed designated riding area, that exist at the time of establishment have been notified of the plan and their concerns have been addressed.

e. The proposed development and management of the proposed designated riding area comply with local, state or federal laws.

f. Any federal- or state-listed threatened or endangered species are identified and a plan to ensure that the development and management of the proposed designated riding area would not negatively impact those species is included.

g. Any cultural, historical or high-quality natural resources on the site are identified and a plan to ensure that the development and management of the proposed designated riding area would not negatively impact those resources is included. High-quality areas include those areas of high-quality native plant communities, highly restorable native plant communities or other areas which provide critical wildlife habitat. In addition, if a site contains fragments of high-quality areas, but has been determined by the commission as suitable for use as a designated riding area, the local sponsor shall include in the plan how it will protect and enhance those fragments.

46.23(4) Designated riding areas approved by the commission shall be subject to these rules and shall be managed according to the plan approved by the commission. Major modifications to the plan, including expansions, must be approved by the commission for the designated riding area to continue to be a recognized designated riding area under these rules.

571—46.24(321I) Department law enforcement at designated riding areas. A local sponsor may request that the department provide law enforcement and other management assistance and oversight at the designated riding area, including adjacent parking and unloading areas, and at camping areas if applicable. The department, in its sole discretion, may provide such law enforcement and other management assistance and oversight it deems appropriate, provided that the local sponsor and the department enter into a written agreement describing what role and responsibilities the department shall have at the designated riding area and affording the department the right to terminate such agreement at any time, for any reason.

571—46.25(321I) General rules for regulated vehicle operation in designated riding areas. Operation on designated riding areas is limited to regulated vehicles as defined in this chapter and as described below:

46.25(1) Allowable vehicles. Persons shall operate only the vehicles allowed at a designated riding area that is signed as open for the specified vehicle.

46.25(2) Compliance with signs. Persons at designated riding areas shall comply with all signs erected and maintained by the local sponsor or the department consistent with its relationship to the local sponsor under 571—46.53(321I).

46.25(3) Hours of operation. Designated riding areas shall be open from sunrise to sunset. There may be instances when operating regulated vehicles in dark conditions is permissible. In those instances, persons operating regulated vehicles between sunset and sunrise, or in otherwise dark conditions, in designated riding areas must have headlights and taillights equipped on their regulated vehicles and use such lights.

46.25(4) Registration required. A person shall not operate, maintain, or give permission for the operation or maintenance of a regulated vehicle in a designated riding area unless the regulated vehicle is registered and such registration is displayed in accordance with Iowa Code chapter 321I and these rules. This requirement includes nonresidents operating regulated vehicles in a designated riding area who are required to have nonresident user permits for their regulated vehicles.

46.25(5) Safety equipment required. All operators and their passengers shall wear helmets while operating a regulated vehicle on a designated riding area, including parking and unloading areas. The local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), may post signs that require operators to wear additional safety gear depending on conditions.

46.25(6) Working brakes. Every regulated vehicle operated in a designated riding area, including parking and unloading areas, shall be equipped with working brakes.

46.25(7) Minors—supervision. A person under 12 years of age shall not operate an all-terrain vehicle or an off-road motorcycle on a designated riding area unless one of the following applies:

a. The person is taking an education training course, and the operation of the vehicle is under the direct supervision of a certified education instructor.

b. The operation is under the direct supervision of a parent or guardian of at least 18 years of age who is experienced in all-terrain vehicle or off-road motorcycle operation and who possesses a valid driver's license as defined in Iowa Code section 321.1.

571—46.26(321I) Unauthorized vehicles. The local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), may tow unauthorized vehicles, including hauling equipment. Towing shall be at the owner's expense.

571—46.27(321I) Parking and unloading areas. All vehicles, other than regulated vehicles, and trailers shall be parked in designated parking areas. No such vehicles, other than regulated vehicles, shall be left unattended in any park drive access point, unloading area, road or highway, except in the case of an emergency.

571—46.28(321I) Operation with passengers.

46.28(1) Persons shall not operate regulated vehicles on designated riding areas with a passenger unless the regulated vehicle is designed and constructed according to the manufacturer's specifications to carry a passenger. Passengers shall not ride on regulated vehicles that have been modified from the manufacturer's original design and construction to carry a passenger.

46.28(2) A person shall not operate a regulated vehicle in a designated riding area with a passenger without possession of a valid driver's license as defined in Iowa Code section 321.1.

46.28(3) The number of passengers on a regulated vehicle in a designated riding area shall not exceed the manufacturer's capacity recommendation and shall not exceed the number of passenger restraints originally installed by the manufacturer.

46.28(4) A passenger on an all-terrain vehicle or off-road motorcycle must be seated behind the operator and have the physical ability to securely hold on to the operator or passenger handles.

46.28(5) Passengers on an off-road utility vehicle must be able to place both feet flat on the floor boards with their backs resting against the seat back.

571—46.29(321I) Off-road utility vehicle requirements. The following additional restrictions apply to the operation of off-road utility vehicle operation in designated riding areas signed open to such use:

46.29(1) Driver's license required. A person shall not operate an off-road utility vehicle in a designated riding area without possession of a valid driver's license as defined in Iowa Code section 321.1.

46.29(2) Vehicles shall not be homebuilt or substantially modified from the manufacturer's specifications in the sole opinion of a peace officer.

46.29(3) Vehicles must be equipped with a roll-over protection system (ROPS) installed by the manufacturer.

46.29(4) Vehicles must be equipped with manufacturer seat belts or equivalent that are in good working order. The operator and all passengers must wear seat belts at all times the vehicle is in motion.

46.29(5) The operator and all passengers must keep their hands, arms, legs, and feet inside the vehicle at all times the vehicle is in motion.

46.29(6) The vehicle must be no wider than 65 inches.

571—46.30(321I) Youth operational areas. The local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), may establish areas for youth all-terrain vehicle and off-road motorcycle operation on designated riding areas; may restrict the age of the operator and the size of the all-terrain vehicle; may limit the engine displacement for both all-terrain vehicles and off-road motorcycles; and shall post such restrictions.

571—46.31(321I) Unlawful operation. A person shall not operate a regulated vehicle in any of the following instances:

46.31(1) At a rate of speed greater than reasonable or proper under all existing circumstances or greater than the posted speed, whichever is less. In no event shall a person operate any vehicle in a parking area of or adjacent to a designated riding area in excess of five miles per hour.

46.31(2) In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

46.31(3) While under the influence of intoxicating substances or narcotics or habit-forming drugs.

46.31(4) Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead.

46.31(5) Off established or marked trails or in prohibited areas.

46.31(6) In violation of official signs posted by the local sponsor or by the department consistent with its relationship to the local sponsor under 571—46.53(321I).

46.31(7) If the person's license to operate a motor vehicle is under suspension, revocation, bar, disqualification, cancellation or denial by this state or any other state.

571—46.32(321I) Alcohol prohibited. Persons shall not consume or possess alcohol in designated riding areas, except that the consumption and possession of alcohol shall be permitted at designated camping areas.

571—46.33(321I) Pets. Pets shall not be permitted in designated riding areas, except for parking and camping areas, if any.

571—46.34(321I) Camping. Camping shall not be permitted in designated riding areas, except for areas specifically designed for and identified by the local sponsor, or the department consistent with its relationship to the local sponsor under 571—46.53(321I), for such use. In such instances, camping rules shall be posted in such areas.

These rules are intended to implement Iowa Code chapter 321I.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

28. Chapter 47, “Snowmobiles”– Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 47, “Snowmobiles.” This Notice of Intended Action is the result of the Parks, Forests and Preserves Bureau’s Executive Order 10 rule review.

Proposed Chapter 47 sets forth the rules for registration, permits, renewal, titling, decal placement, and accident reporting for snowmobiles. The chapter also describes dealer registration. The chapter will be rescinded and replaced with proposed changes to remove outdated and redundant language and to better align rules with underlying statutory authority. In addition, this rulemaking also implements 2024 Iowa Acts, Senate File 2423, which altered the permit requirements and registration fee structure for snowmobiles operated in Iowa.

Sherry Arntzen, Parks, Forests and Preserves Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 47 - NOIA

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 47, “Snowmobiles,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 321G.2 and 321G.21.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code Chapter 321G and 2024 Iowa Acts, Senate File 2423.

Purpose and Summary

Proposed Chapter 47 sets forth the rules for registration, renewal, titling, decal placement and accident reporting for snowmobiles. It also describes the process for dealer registration. This chapter has been reviewed and edited consistent with Executive Order 10 (2023). In addition, this rulemaking also implements 2024 Iowa Acts, Senate File 2423, which requires nonresidents to obtain a nonresident user permit prior to engaging in recreational snowmobile activities on public land, snow, or designated trails in this state.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

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 Department of Natural Resources (Department) no later than 4:30 p.m. on January 30, 2025. Comments should be directed to: Jessica Flatt at jessica.flatt@dnr.iowa.gov.

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at jessica.flatt@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al jessica.flatt@dnr.iowa.gov.

Public Hearing

Two public hearing at which persons may present their views orally or in writing will be held on January 29, 2025, from 12:00 p.m. to 1:00 p.m. and January 30, 2025, from 4:00 p.m. to 5:00 p.m. The hearings will be held via video/confer4ence call. A Google meets and conference call number will be provided prior to each of the hearings to those who make a request to take part in the hearing. The request for the hearing link / conference number shall be submitted to Ms. Flatt no later than 8:00 am on January 29 or January 30.

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.

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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. Rescind 571—Chapter 47 and adopt the following **new** chapter in lieu thereof:

CHAPTER 47

SNOWMOBILES

DIVISION I

REGISTRATION, RENEWAL, TITLING,

DECAL PLACEMENT AND ACCIDENT REPORTS

571—47.1(321G) Definitions. For purposes of this chapter, the following terms shall mean the same as defined in Iowa Code section 321G.1:

“*Commission,*”

“Department,”
“Operator,”
“Public Land,”
“Roadway,”
“Snowmobile”

571—47.2(321G) Operation on roadways, highways, streets and snowmobile trails. A person shall not operate a snowmobile upon roadways, highways, streets, or designated snowmobile trails except as provided in Iowa Code section 321G.9.

NOTE: Additional driving and operation limitations are listed in Iowa Code section 321G.13.

571—47.3(321G) Registration for snowmobiles.

47.3(1) General. A person shall not operate, maintain, or give permission for the operation or maintenance of a snowmobile on public land, a designated snowmobile trail, or ice unless the snowmobile:

- a. Is registered in accordance with the requirements of Iowa Code chapter 321G and this chapter;
- b. Displays a current nonresident user permit decal issued as provided in rule 571—47.4(321G); or
- c. Is exempt from registration pursuant to Iowa Code section 321G.8.

47.3(2) Registration requirements.

a. The owner of each snowmobile required to be registered shall file an application for registration with the department through a county recorder and pay all applicable fees pursuant to Iowa Code section 321G.4 and these rules, except that a snowmobile dealer shall make application and pay all applicable registration and title fees on behalf of a purchaser of a snowmobile.

(1) Application forms. Applications for registration shall be made on forms provided by the department. In the event the applicant does not have the required documentation, the applicant may be required to secure a bond consistent with the requirements of 571—Chapter 50.

(2) Fees. The applicant shall pay the following fees: \$ 30 for the registration fee; \$1 for the writing fee; and \$1.50 for the administrative fee. In addition, a county recorder may collect an additional 25 cents for the writing fee if the county recorder issues the registration.

b. At such time the department or the county recorder is satisfied with the application and has received the required fees, the department or county recorder shall issue to the applicant a registration certificate and registration decal.

47.3(3) Preregistration grace period.

a. *Dealer purchases.* An unregistered snowmobile sold by a dealer to an Iowa resident for use in Iowa shall bear a card made of cardstock or other similar material that includes the words “registration applied for” and the date of purchase. Such card shall entitle the purchaser to operate the snowmobile for 45 days immediately following the purchase. The purchaser shall place this card on the windshield area of the snowmobile in a position so as to be clearly visible at all times and maintained in a legible manner. The operator of any snowmobile displaying a “registration applied for” card described in this paragraph shall carry and provide upon request to any peace officer a valid bill of sale for the snowmobile.

b. *Nondealer purchases.* Snowmobiles may be sold by nondealers, and the registration grace period may apply depending on the current registration of the vehicle.

(1) A snowmobile that is currently registered in the state of Iowa may be legally operated for 30 days before it is registered under the purchaser’s name.

(2) A snowmobile not currently registered in the state of Iowa shall not be operated until it is titled and registered in the purchaser’s name. Valid registration in another state does not authorize preregistration operation.

47.3(4) Registration—renewals. Every snowmobile registration certificate and registration decal expires at midnight December 31 of the year issued or at the time specified on the registration decal. Applications for renewal shall be completed pursuant to Iowa Code section 321G.6.

571—47.4(321G) Nonresident user permits.

47.4(1) A nonresident wishing to operate a snowmobile, other than such vehicle owned by a resident and registered pursuant to Iowa Code chapter 321G, on public land, a designated snowmobile trail, or ice of this state must first obtain a nonresident user permit from the department.

47.4(2) The department, a county recorder or license agent designated by the director may issue nonresident user permits. The applicant shall pay the following fees for a user permit: \$15 for the permit fee; \$1 for a writing fee; and \$1.50 for an administrative fee. In the event the county recorder issues such a permit, the county recorder may charge an additional 25 cents for the writing fee.

47.4(3) A user permit issued under this rule shall be valid for the calendar year or time period specified in the permit and shall be limited to the vehicle specified at the time of application.

47.4(4) Nonresident user permits are issued to a vehicle and are not transferable.

571—47.5(321G) Display of registration and nonresident user permit decals. The owner of a snowmobile shall display the registration decal or nonresident user permit decal on the windshield of the snowmobile so that the decal is clearly visible. If the snowmobile does not have a windshield, then the decal shall be affixed to the area of the hood near the headlamp so that the decal is clearly visible.

571—47.6(321G) Registration certificate.

47.6(1) An operator of a snowmobile shall carry the registration certificate either in such vehicle or on the person of the operator when the snowmobile is in use.

47.6(2) The operator of a snowmobile shall exhibit the registration certificate to all of the following:

- a. To peace a officer or department personnel upon request;
- b. To a person injured in an accident involving the snowmobile, or that person's agent;
- c. To the owner or operator of another snowmobile when the snowmobile is involved in a collision or accident with the other snowmobile, or that person's agent;
- d. To the owner of personal or real property when the snowmobile is involved in a collision or accident with the property of the other person, or that person's agent; and To the property owner or tenant when the snowmobile is being operated on private property without permission from the property owner or tenant, or that person's agent.

571—47.7(321G) Owner's certificate of title.

47.7(1) The owner of a snowmobile acquired on or after January 28, 1998, other than a snowmobile used exclusively as a farm implement or a previously registered snowmobile that is more than 30 years old, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile. The owner shall make application within 30 days after acquisition of the snowmobile, using forms provided by the department, and shall include the required fees set out in Iowa Code section 321G.30.

47.7(2) A certificate of title issued by the county recorder shall be on forms provided by the department.

571—47.8(321G) Procedures for application and for issuance of a vehicle identification number (VIN) for homebuilt snowmobiles.

47.8(1) A person, other than a manufacturer, who constructs or rebuilds a snowmobile for which there is no legible VIN may make application to the department on forms provided by the department for the issuance of a new VIN. The application process shall include an inspection of the snowmobile by the department. If the application is approved, the VIN shall be affixed to the vehicle by a peace officer. The completed application shall then be surrendered to the county recorder.

47.8(2) The peace officer shall permanently affix the VIN to the frame under the seat of the snowmobile.

571—47.9(321G) Accident report.

47.9(1) Whenever any snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500 or more, the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency of the state.

47.9(2) If the accident occurred on public land, a designated snowmobile trail, or ice under the jurisdiction of the commission, the operator shall file a report of the accident with the department within 72 hours. The report shall be on forms provided by the department.

47.9(3) Accidents other than those specified in 47.9(2) shall be reported as required in Iowa Code section 321.266.

571—47.10(321G) Snowmobile fee grants, cost-share programs, and contracts. The department shall transfer, via contract, at least 70 percent of snowmobile fees to a political subdivision or an incorporated private organization for distribution through snowmobile-related grants, cost-share agreements, or contracts consistent with Iowa Code section 321G.7(2). Terms of this contract shall, at a minimum, direct the receiving party to identify and make publicly available grant, cost-share program, and contract eligibility and selection criteria; accounting, auditing, and reporting requirements; termination terms; and unspent money repayment processes. Any contract entered into pursuant to this rule shall be available upon request from department snowmobile program staff.

DIVISION II SNOWMOBILE DEALERS

571—47.11(321G) Purpose. The rules in this division apply to registered snowmobile dealers, manufacturers, and distributors. These rules establish minimal standards for snowmobile dealers as authorized under Iowa Code section 321G.21.

571—47.12(321G) Definitions. For purposes of this division, the following definitions shall apply:

“*Dealer*” means the same as defined in Iowa Code section 321G.1.

“*Distributor*” means the same as defined in Iowa Code section 321G.1.

“*Engaged in the business,*” or similar wording, means doing any of the following acts for the purpose of selling snowmobiles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment or conducting a retail auction, or acting as an agent for the purpose of doing any of these acts. A person selling at retail more than five snowmobiles during a 12-month period may be presumed to be engaged in the business.

“*Established place of business*” means the same as defined in Iowa Code section 321G.1.

“*Manufacturer*” means the same as defined in Iowa Code section 321G.1.

“*Manufacturer’s certificate of origin*” means a certification signed by the manufacturer, distributor or importer that the snowmobile described has been transferred to the person or dealer named, and that the transfer is the first transfer of the vehicle in ordinary trade and commerce. A manufacturer’s certificate of origin may also be referred to as a manufacturer’s statement of origin.

571—47.13(321G) Dealer’s established place of business. A dealer’s established place of business shall include phone service and an adequate office area for keeping business records, manufacturers’ certificates of origin, certificates of title or other evidence of ownership for all snowmobiles offered for sale.

571—47.14(321G) Zoning. Dealers licensed under these rules must comply with applicable local zoning ordinances. Upon request by the department, a dealer shall provide to the department written evidence issued by the office responsible for the enforcement of zoning ordinances in the city or county where the dealer’s established place of business is located that the dealer’s established place of business complies with all applicable zoning provisions.

571—47.15(321G) Sales tax permit. A dealer shall provide to the department written evidence that the dealer has obtained a sales tax permit issued by the department of revenue.

571—47.16(321G) Special registration certificates for manufacturers, distributors and dealers.

47.16(1) A manufacturer, distributor, or dealer owning a snowmobile required to be registered under Iowa Code chapter 321G and this chapter may operate the unregistered snowmobile for purposes of transporting, testing, demonstrating, or selling it if both of the following requirements are met:

a. The manufacturer, distributor, or dealer obtains from the department a special registration certificate and decal containing a general identification number in accordance with Iowa Code section 321G.21. An application for a special registration certificate shall be submitted on forms provided by the department; and

b. The manufacturer, distributor, or dealer has the assigned decal attached to a removable sign which is temporarily but firmly attached to the snowmobile being used.

47.16(2) If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall obtain from the department a separate and distinct special registration certificate, decal and general identification number for each place of business.

47.16(3) Duplicate special registration certificates and decals may be obtained pursuant to the conditions set forth in Iowa Code section 321G.21.

571—47.17(321G) Information provided to purchasers. At the time of sale, a dealer shall provide all purchasers of snowmobiles with information on how to access the department’s website. The department shall provide regulations related to snowmobile use. Information provided on the department’s website shall be deemed current information for purposes of this rule.

571—47.18(321G) Right of inspection. The department or any peace officer has the authority to inspect the following at any dealer location: (1) snowmobiles or component parts of vehicles, (2) business records, and (3) manufacturers’ certificates of origin, certificates of title and other evidence of ownership for snowmobiles offered for sale. The department has the right at any time to verify compliance with all statutory and regulatory requirements by a dealer registered under Iowa Code chapter 321G.

571—47.19(321G) Denial or revocation. The department may deny a dealer application or revoke a dealer registration certificate when the director determines the applicant or dealer has violated any rule of this chapter or Iowa Code chapter 321G or when continuation of the permit is not in the public interest. Such denial or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the denial or revocation and the reasons for the action. Within 30 days following receipt of the notice of a revocation or denial, the applicant or dealer, whichever is applicable, may file a notice of appeal, requesting a contested case pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the permit be issued or reinstated.

These rules are intended to implement Iowa Code chapter 321G.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

29. Chapter 61, “State Parks, Recreation Areas, and State Forest Camping” and Chapter 63, “Keg Beer Rules” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapters 61 and 63. This Notice of Intended Action is the result of Parks, Forests, and Preserves Bureau’s Executive Order 10 rule review.

Chapter 63 provides guidance on consumption of beer dispensed from a keg in state parks and recreation areas, and designated state forest campgrounds. In compliance with Executive Order 10 (2023), Chapter 63 on gatherings involving keg beer is proposed to be rescinded and reserved due to outdated and unnecessary language. This chapter is unnecessarily burdensome in light of other existing processes for gatherings within state parks, recreation areas, and designated state forests.

However, one rule from chapter 63 is proposed to be re-promulgated in Chapter 61, and an existing reference in Chapter 61 to Chapter 63 is proposed to be removed. Chapter 61 provides the citizens of Iowa and other visitors who use state parks, recreation areas, and state forest campgrounds with guidance with using these areas. Additionally, during review it was determined that certain definitions needed updated. The phrase “Boy Scouts of America” was no longer accurate and has been modified to “Scouts of America.” The phrases “recreation areas,” “state parks,” and “state park managed by another governmental entity” have also been modified to add sentences that were inadvertently removed during a prior rulemaking.

Sherry Arntzen, Parks, Forests, and Preserves Bureau Chief
Conservation and Recreation Division
Meeting Date: November 14, 2024

Attached: Chapters 61 and 63 – NOIA

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

The Natural Resources Commission (Commission) hereby proposes to rescind and reserve Chapter 63, “Keg Beer Rules,” and amend Chapter 61, “State Parks, Recreation Areas, and State Forest Camping,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 461A.3 and 461A.35.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 461A.3 and 461A.35.

Purpose and Summary

Chapter 63 provides guidance on consumption of beer dispensed from a keg in state parks and recreation areas, and designated state forest campgrounds. In compliance with Executive Order 10 (2023), Chapter 63 on gatherings involving keg beer is proposed to be rescinded due to outdated and unnecessary language. This chapter is unnecessarily burdensome in light of other existing processes for gatherings within state parks, recreation areas, and designated state forests.

However, one rule from chapter 63 is proposed to be re-promulgated in Chapter 61, and an existing reference in Chapter 61 to Chapter 63 is proposed to be removed. Chapter 61 provides the citizens of Iowa and other visitors who use state parks, recreation areas, and state forest campgrounds with guidance with using these areas. Additionally, during review it was determined that certain definitions needed updated. The phrase “Boy Scouts of America” was no longer accurate and has been modified to “Scouts of America.” The phrases “recreation areas,” “state

parks,” and “state park managed by another governmental entity” have also been modified to add sentences that were inadvertently removed during a prior rulemaking.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

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 rulemaking. Written comments in response to this rule making must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 29, 2025. Comments should be directed to Jessica Manken at jessica.manken@dnr.iowa.gov

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Public Hearing

Two public hearing at which persons may present their views orally or in writing will be held on January 29, 2025, from 12:00 p.m. to 1:00 p.m. and January 30, 2025, from 4:00 p.m. to

5:00 p.m. The hearings will be held via video/conference call. A Google meets and conference call number will be provided prior to each of the hearings to those who make a request to take part in the hearing. The request for the hearing link / conference number shall be submitted to Ms. Manken no later than 8:00 am on January 29 or January 30.

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 rulemaking.

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.

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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 is proposed:

- Item 1. Amend rule **571—61.1(461A)** as follows:
“*Chaperoned, organized youth group*” means a group of persons 17 years of age and under, which is sponsored by and accompanied by adult representatives of a formal organization, including, but not limited to, the Boy Scouts of America or Girl Scouts of America, a church, or a Young Men's or Young Women's

Christian Association. “Chaperoned, organized youth group” does not include family members of a formal organization.

“*Recreation areas*” means the following areas that have been designated by action of the commission:

<u>Area</u>	<u>County</u>
Badger Creek Recreation Area	Madison
Brushy Creek Recreation Area	Webster
Clair Wilson Park	Dickinson
Emerson Bay and Lighthouse	Dickinson
Fairport Recreation Area	Muscatine
Lower Gar Access	Dickinson
Marble Beach	Dickinson
Mines of Spain Recreation Area	Dubuque
Pilot Knob State Recreation Area	Winnebago
Pleasant Creek Recreation Area	Linn
Templar Park	Dickinson
Volga River Recreation Area	Fayette
Wilson Island Recreation Area	Pottawattamie

These areas are managed for multiple uses, including public hunting, and are governed by rules established in this chapter as well as in 571—Chapters 51 and 105.

“*State park*” means areas managed by the state and designated by action of the commission and listed on the department’s website at www.iowadnr.gov. Use and management of these areas are governed by Iowa Code chapter 461A and by other restrictions prescribed on area signs pursuant to Iowa Code section 461A.44.

“*State park managed by another governmental entity*” means areas designated by action of the commission and listed on the department’s website at www.iowadnr.gov. Use and management of these areas are governed by Iowa Code chapter 461A, by this chapter, and by rules adopted by the managing entity.

Item 2. Amend paragraph **61.8(2)“a”** as follows:

a. Renters shall pay in full a damage deposit equal to the weekend daily or nightly rental fee for the facility or \$50, whichever is greater, by the established deadline for the facility. ~~If a gathering with keg beer takes place in a lodge or open shelter with kitchenette, the damage deposit shall be waived in lieu of a keg damage deposit as specified in 571—subrule 63.5(3) if the keg damage deposit is greater than the lodge or open shelter with kitchenette damage deposit.~~

Item 3. Adopt the following **new** subrule 61.10(15):

61.10(15) *Prohibited areas for kegs.* Gatherings at which keg beer is served shall not be conducted in beach areas, campgrounds, or parking areas or in areas immediately adjacent to those areas. Kegs are permitted in day-use lodges and open-air shelters with a kitchenette.

Item 4. Rescind and reserve **571—Chapter 63**.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

30. Chapter 64, “Metal Detector Use in State Areas”– Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 64. This Notice of Intended Action is the result of Parks, Forests, and Preserves Bureau’s Executive Order 10 rule review.

Proposed Chapter 64 regulates the use of metal detectors in state areas. Chapter 64 allows members of the public to engage in metal detecting in areas that will be least disruptive to the natural environment and to other members of the public.

Proposed changes include updating cross-references to other rule chapters, amending requirements for the permit to use a metal detector in support of an archaeological or scientific study, and removing the requirement that persons using metal detectors shall wear or carry a litter apron or bag. This chapter will be rescinded and replaced.

Sherry Arntzen, Parks, Forests, and Preserves Bureau Chief
Conservation and Recreation Division
Meeting Date: November 14, 2024

Attached: Chapter 64 - NOIA

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 64, “Metal Detector Use in State Areas,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 461A.35.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 461A.35.

Purpose and Summary

Proposed Chapter 64 regulates the use of metal detectors in state areas. This chapter allows members of the public to engage in metal detecting in areas that will be least disruptive to the natural environment and to other members of the public. This chapter has been reviewed and edited consistent with Executive Order 10 (2023).

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

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 Department of Natural Resources (Department) no later than 4:30 p.m. on January 29, 2025. Comments should be directed to: Jessica.Manken@dnr.iowa.gov.

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at jessica.manken@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al jessica.manken@dnr.iowa.gov.

Public Hearing

Two public hearing at which persons may present their views orally or in writing will be held on January 29, 2025, from 12:00 p.m. to 1:00 p.m. and January 30, 2025, from 4:00 p.m. to 5:00 p.m. The hearings will be held via video/conference call. A Google meets and conference call number will be provided prior to each of the hearings to those who make a request to take part in the hearing. The request for the hearing link / conference number shall be submitted to Ms. Manken no later than 8:00 am on January 29 or January 30.

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.

Free Language Assistance: if you need assistance in a language other than English, contact DNR at jessica.manken@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-571-4010 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al jessica.manken@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-571-4010 al menos siete días antes del evento.

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. Rescind 571—Chapter 64 and adopt the following **new** chapter in lieu thereof:

CHAPTER 64
METAL DETECTOR USE IN STATE AREAS

571—64.1(461A) Definitions.

“*Beach*” or “*beach area*” means that portion of state parks or recreation areas designated for swimming activity including the sand, a 200-foot buffer of land surrounding the sand or a designated area which is fenced in, and the water area contiguous to the beach as marked by swim buoys or swim lines.

“*Metal detector*” means a portable electronic device carried by an individual used only for detecting metal above or below the surface of the ground.

571—64.2(461A) Use areas. Metal detector use in state parks and recreation areas is prohibited except in the following areas:

64.2(1) *Designated beach areas.* From May 22 to September 7 each year, metal detectors may be used on designated beach areas from 4 a.m. to 11 a.m. each day. From September 8 to May 21 each year, metal detectors may be used on designated beach areas during the hours established in 571—subrule 61.10(10).

64.2(2) *Drained lakes.* When an artificial lake has been drained or the water level lowered for any reason, metal detector use may be allowed during the hours established in 571—subrule 61.10(10) only after the lake bed has been thoroughly surveyed for archaeological resources and a survey report has been completed and approved by the state historic preservation office.

571—64.3(461A) Archaeological/scientific studies. When the use of a metal detector may support an archaeological or scientific study, a sovereign lands construction permit may be issued. Review of all sovereign lands construction permit applications shall be coordinated with the state historic preservation office.

571—64.4(461A) Found items. All items found are subject to the provisions of Iowa Code chapter 556F.

571—64.5(461A) Lost item search by owner. An owner of lost property may use a metal detector to search for that item in an area where such use is prohibited under the following conditions:

64.5(1) Written approval has been granted by the director of the department of natural resources or designee.

64.5(2) The search is confined to a reasonable area within the park or recreation area.

64.5(3) The search is limited to 12 hours or less in length.

571—64.6(461A) Tools used. Tools used to recover items detected beneath the ground level shall be limited to the following:

64.6(1) Probes not over 12 inches long, 1-inch wide, and ¼-inch thick.

64.6(2) A sand scoop or sieve not over 10 inches in diameter.

571—64.7(461A) Digging limitations and restoration.

64.7(1) In recovering items located below the ground, a person shall not unduly disturb the earth and shall limit all excavations to less than three inches square when using probes and ten inches in diameter when using sand scoops or sieves.

64.7(2) When digging is done to search for an object, the metal detector operator shall restore the disturbed area as nearly as possible to its original condition.

571—64.8(461A) Disposal of litter. All litter that is recovered shall be disposed of in approved trash receptacles.

These rules are intended to implement Iowa Code section 461A.35.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

31. Chapter 66, "Saylorville Multiuse Trail" – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 66. This Notice of Intended Action is the result of the Parks, Forests and Preserves Bureau's Executive Order 10 rule review.

Proposed Chapter 66 establishes rules regarding the Saylorville Multiuse Trail. The chapter identifies hunting, trapping, and area-use restrictions to decrease instances of noncompliance and to ensure the trail and surrounding areas are used in an authorized manner. Proposed changes seek to remove outdated and redundant language. The current chapter is being rescinded and replaced.

Sherry Arntzen, Parks, Forests and Preserves Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 66 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 66, “Saylorville Multiuse Trail,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 461A.35, 481A.5 and 481A.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 461A.35, 481A.5 and 481A.6.

Purpose and Summary

Proposed Chapter 66 establishes the rules regarding the Saylorville Multiuse Trail. The chapter identifies hunting, trapping, and area-use restrictions to decrease instances of non-compliance and to ensure the trail and surrounding areas are used in an authorized manner. This chapter has been reviewed and edited consistent with Executive Order 10 (2023).

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

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 Department of Natural Resources (Department) no later than 4:30 p.m. on January 30, 2025. Comments should be directed to: Kim Bohlen at kim.bohlen@dnr.iowa.gov.

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at kim.bohlen@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al kim.bohlen@dnr.iowa.gov.

Public Hearing

Two public hearing at which persons may present their views orally or in writing will be held on January 29, 2025, from 12:00 p.m. to 1:00 p.m. and January 30, 2025, from 4:00 p.m. to 5:00 p.m. The hearings will be held via video/conference call. A Google meets and conference call number will be provided prior to each of the hearings to those who make a request to take part in the hearing. The request for the hearing link / conference number shall be submitted to Ms. Bohlen no later than 8:00 am on January 29 or January 30.

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.

Free Language Assistance: if you need assistance in a language other than English, contact DNR at kim.bohlen@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-360-3682] at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al kim.bohlen@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-360-3682 al menos siete días antes del evento.

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. Rescind 571—Chapter 66 and adopt the following **new** chapter in lieu thereof:

CHAPTER 66
SAYLORVILLE MULTIUSE TRAIL

571—66.1(461A,481A) Applicability. This chapter governs activity in the following described areas, all in Polk County, Iowa:

66.1(1) The parking area and trailhead facility located adjacent to the Des Moines River on the north side of Kempton Road (NW 66th Street) locally known as Sycamore Access.

66.1(2) All federally owned property on the east side of the Des Moines River from Sycamore Access south to the north corporate limits of the city of Des Moines. This area is bounded on the west by the ordinary high water line of the Des Moines River and on the east by Morningstar Drive and NW 26th Street.

66.1(3) Federally owned property in Sections 15 and 22, Township 79N, Range 24W, located east of Morningstar Drive and north of the north corporate limits of the city of Des Moines.

571—66.2(456A,481A) Wildlife refuge. The following described areas are established as game refuges and shall be posted with signs designating the boundaries other than the river.

66.2(1) An area along and adjacent to the surfaced multiuse trail from the ordinary high water line of the Des Moines River to a point 50 yards east of the east edge of that trail extending from Sycamore Access to the north boundary of the right-of-way of Interstates 80-35.

66.2(2) All federally owned land on the east side of the Des Moines River from the north right-of-way boundary of Interstates 80-35 south to the north corporate limits of the city of Des Moines.

571—66.3(481A) Hunting and trapping restrictions.

66.3(1) *Hunting.* Hunting in those areas not designated as wildlife refuge shall be confined to the use of shotguns shooting shot only and use of bow and arrow. The use of any other method is prohibited. All laws and regulations governing hunting and trapping seasons and limits on possession are applicable on these areas.

66.3(2) *Trapping.*

- a.* The use of snares is prohibited on the area covered by this rule.
- b.* Any traps used on the area, including foothold, leghold, body gripping or conibear type must be set completely underwater.

571—66.4(461A) Area use restrictions.

66.4(1) The use of motor vehicles and snowmobiles is prohibited on the hard-surfaced multiuse trail except where signs authorize such use.

66.4(2) Snowmobile use is restricted to the area posted with signs permitting their use.

66.4(3) The use of equine animals is restricted to areas other than the hard-surfaced multiuse trail.

66.4(4) Permits may be issued by the director for special events on specific dates utilizing golf carts or similar transportation along the trail for elderly or handicapped persons.

These rules are intended to implement Iowa Code sections 461A.35, 481A.5 and 481A.6.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

32. Chapter 67, “Development and Management of Recreational Trails on State Forests, Parks, Preserves and Recreation Areas” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 67. This Notice of Intended Action is the result of the Parks, Forests and Preserves Bureau’s Executive Order 10 rule review.

Proposed Chapter 67 identifies the guidelines for the development and proper management of recreational trails in state forests, parks, preserves and recreational areas. The chapter ensures that the trails are designated, constructed, and used in a safe and compliant manner. The proposed changes aim to eliminate outdated provisions or redundant clauses from statute. Additional proposed changes seek to remove the process to request an equestrian hunting permit. This permit has not been requested by the public in the last decade, and the existing special events permit process provides similar benefits on certain state land. The current chapter is being rescinded and replaced.

Sherry Arntzen, Parks, Forests and Preserves Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 67 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 67, “Development and Management of Recreational Trails on State Forests, Parks, Preserves and Recreation Areas,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455A.5, 456A.24 and 461A.35.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455A.5, 456A.24 and 461A.35.

Purpose and Summary

Proposed Chapter 67 identifies the guidelines for the development and proper management of recreational trails in state forests, parks, preserves and recreational areas. This chapter ensures that trails are designated, constructed, and used in a safe and compliant manner.

Consistent with Executive Order 10, IOWA ADMINISTRATIVE BULLETIN Vol. XLV, No. 16 (Feb. 8, 2023), p. 2145, and Iowa Code section 17A.7(2)’s five-year rule review, this chapter was edited for length and clarity. Specifically, there were provisions in this chapter that were outdated or repetitive to statute. These provisions have been removed from the new version.

In addition, this chapter removes the process to request an equestrian hunting permit. This permit has not been requested by the public in the last decade, and the existing special events permit process provides similar benefits on certain state land.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

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 Department of Natural Resources (Department) no later than 4:30 p.m. on January 30, 2025. Comments should be directed to: Kim Bohlen at kim.bohlen@dnr.iowa.gov.

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at kim.bohlen@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al kim.bohlen@dnr.iowa.gov.

Public Hearing

Two public hearing at which persons may present their views orally or in writing will be held on January 29, 2025, from 12:00 p.m. to 1:00 p.m. and January 30, 2025, from 4:00 p.m. to 5:00 p.m. The hearings will be held via video/conference call. A Google meets and conference call number will be provided prior to each of the hearings to those who make a request to take part in

the hearing. The request for the hearing link / conference number shall be submitted to Ms. Bohlen no later than 8:00 am on January 29 or January 30.

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.

Free Language Assistance: if you need assistance in a language other than English, contact DNR at kim.bohlen@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-360-3682 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al kim.bohlen@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-360-3682 al menos siete días antes del evento.

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. Rescind 571—Chapter 67 and adopt the following **new** chapter in lieu thereof:

CHAPTER 67
DEVELOPMENT AND MANAGEMENT OF RECREATION TRAILS ON
STATE FORESTS, PARKS, PRESERVES AND RECREATION AREAS

571—67.1(456A,461A) Applicability. This chapter is applicable to all state-owned parks, recreation areas, forests and preserves under the jurisdiction of the department of natural resources, except those areas under management by a local government entity.

571—67.2(456A,461A) Definitions.

“*All-terrain vehicle*” means the same as defined in Iowa Code section 321I.1.

“*Area*” means any park, recreation area, forest, or preserve under the jurisdiction of the department of natural resources.

“*Department*” means the same as defined in Iowa Code section 461A.1(2).

“*Director*” means the same as defined in Iowa Code section 461A.1(3).

“*Division administrator*” means the division administrator of the department division responsible for managing the area in question.

“*Equestrian*” means a horserider or a person who is horseback riding.

“*Horse*” means any equine animal, including horses, mules, burros, donkeys, and all llamas or alpaca-like animals.

“*Snowmobile*” means the same as defined in Iowa Code section 321G.1.

571—67.3(456A,461A) Purpose. The purpose of this chapter is to establish guidelines for developing and properly managing the use of recreation trails on state parks, recreation areas, forests and preserves.

571—67.4(456A,461A) Establishment of trails. Establishment and designation of recreation trails shall not be undertaken until after a plan showing the basic design, location and designated use for any such trail has been prepared. The director shall approve all trail plans for areas, and trails shall follow only those routes designated on the plan.

571—67.5(456A,461A) Designation of recreation trails. All trails shall be designated by the department. Designation shall include an assignment of the use or uses for which each trail is intended. Uses shall be classified as follows: foot traffic, horseback riding, snowmobiling, cross-country skiing, bicycling and multiple-use trails. The intended uses of trails shall be described on signs at appropriate locations within the area, in informational brochures about the area, or on posted notice at the area’s headquarters.

571—67.6(456A,461A) Guidelines for trail location. No new trail shall be designated or constructed:

1. On any slope where erosion will occur unless measures are taken to permanently control erosion. The measures may include, but not be limited to: water bars, steps, vegetative or crushed stone surfacing and terraces;

2. Through rare or sensitive plant communities, except for trails intended for interpretive purposes and designed for foot traffic only;

3. In locations where wildlife management practices are being carried out that would be negatively affected by trail activity;

4. To pass over archaeological sites or adversely affect known archaeological sites eligible for the National Register of Historic Places or known sites not yet evaluated;

5. Where past trail use has resulted in erosion or other environmental damage that would be exacerbated by continued trail use;

6. So as to allow travel through a river, stream or wetland or waterway except at designated crossings.

571—67.7(456A,461A) Control of trail use.

67.7(1) Use of trails may be temporarily limited or suspended by the area manager when use or any natural event has created conditions that will cause the trail to degrade if further use is allowed. Guidelines may include, but are not limited to, the following considerations:

a. Precipitation events (e.g., rain, thaws, or flooding that, based on the soils and topography, would present a problem for resource protection or public safety if the trail were to remain open).

b. Special events (e.g., events that are large, involve concessionaires, or would otherwise require a special event permit as described in 571—subrule 61.7(16) and would interfere with the safety or enjoyment of other trail users).

c. Ecosystem management activities (e.g., scheduled harvests, timber stand improvement, planting, or controlled burns that would temporarily disrupt trail use).

d. Trail construction or repair.

e. Off-trail use (e.g., vehicle or animal use that has created damage off the actual trail which affects the trail and needs to be corrected).

f. Conflicts between trail users.

g. Trail damage/erosion (e.g., overuse, use at the wrong time, or unauthorized vehicle use).

67.7(2) The area manager shall limit or suspend use of a trail by posting signs at appropriate trailheads and by posting notices in conspicuous locations within the area.

67.7(3) Upon suspension or limitation of trail use, the area manager shall take prompt and reasonable steps to correct the conditions that led to suspension or limitation. When, in the area manager's judgment, such conditions have been corrected, normal use of the trail may resume.

67.7(4) No trail shall be permanently closed to public use without approval of the director. Recommendations for permanent closure shall be made to the division administrator by the area manager. The division administrator shall prepare a report documenting reasons for closure and provide the report and recommendation to the director. At the request of six or more persons, the director shall direct that a public informational meeting be held in the vicinity of the area to inform the public of the planned closure and to receive public comments. A summary of the public comments made at the meeting shall be presented to the natural resource commission for review. The commission may uphold or reverse the director's decision and shall consider both public comments and staff recommendations before taking action.

571—67.8(456A,461A) Use of designated trails.

67.8(1) Bicyclists, equestrians and snowmobile operators shall use only trails officially designated and properly signed for such uses.

67.8(2) Unless otherwise prohibited by law, the use of motorized all-terrain vehicles shall be limited to roadways on all areas except as necessary to carry on authorized activities such as area management, agricultural activity, search and rescue operations and special events authorized by the department.

These rules are intended to implement Iowa Code sections 455A.5, 456A.24 and 461A.35.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

33. Chapter 50, “Regulated Vehicle, Snowmobile and Vessel Bonding” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 50, “Regulated Vehicle, Snowmobile, and Vessel Bonding.” This Notice of Intended Action is the result of Customer and Employee Services Bureau’s Executive Order 10 rule review.

Chapter 50 is proposed to be rescinded and replaced with a new chapter titled “Regulated Vehicle, Snowmobile and Vessel Bonding.” Proposed Chapter 50 contains rules on vehicle and vessel bonding. Pursuant to Iowa Code sections 321I, 321G, and 462A, customers who are unable to show ownership of their all-terrain vehicles, snowmobiles, or vessels for purposes of obtaining title or registration may file for a bond. This process allows customers to proceed with ownership documentation and use their all-terrain vehicles, snowmobiles, or vessels while also protecting prior owners in case of error or fraud.

In an attempt to reduce and simplify regulatory burdens, the new chapter proposes to implement a new bonding process similar to what the Iowa Department of Transportation recently implemented for motor vehicles. Under the proposed language, the Department may allow all-terrain vehicles, snowmobiles, or vessels that are over 15 years old and have a retail value of \$1,000 or less to be registered without obtaining a bond, provided all other statutory and rule requirements are met.

Karmin Klingenberg
Conservation and Recreation Division
Meeting Date: November 14, 2024

Attached: Chapter 50 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Iowa Administrative Code, Chapter 50, “All-Terrain Vehicle, Off-Road Motorcycle, Off-Road Utility Vehicle, Snowmobile and Vessel Bonding” and rename the chapter “Regulated Vehicle, Snowmobile and Vessel Bonding.”

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 321I.31, 321G.29, and 462A.5A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321I.31, 321G.29, and 462A.5A.

Purpose and Summary

Proposed Chapter 50 contains rules on vehicle and vessel bonding. Pursuant to Iowa Code sections 321I, 321G, and 462A, customers who are unable to show ownership of their all-terrain vehicles, snowmobiles, or vessels for purposes of obtaining title or registration may file for a bond. This process allows customers to proceed with ownership documentation and use their all-terrain vehicles, snowmobiles, or vessels while also protecting prior owners in case of error or fraud.

This chapter has been reviewed and edited consistent with Executive Order 10 (2023). In an attempt to reduce and simplify regulatory burdens, the new chapter proposes to implement a new bonding process similar to what the Iowa Department of Transportation recently implemented for motor vehicles. Under the proposed language, the Department may

allow all-terrain vehicles, snowmobiles, or vessels that are over 15 years old and have a retail value of \$1,000 to be registered without obtaining a bond, provided all other statutory and rule requirements are met.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on January 30, 2025. Comments should be directed to:

Karmin Klingenberg
6200 Park Ave Ste 200
Des Moines IA 50321
Phone: 515-326-0430
Email: Karmin.Klingenberg@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Karmin.Klingenberg@dnr.iowa.gov.

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Public Hearing

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

January 29, 2025 from 12:00 p.m. to 1:00 p.m. at 6200 Park Ave; Des Moines, Iowa
and
January 30, 2025 from 4:00 p.m. to 5:00 p.m. at 6200 Park Ave; Des Moines, Iowa.

The hearings will also be available online. A Google Meet and conference call number will be provided prior to the hearings for those who make a request to take part in the hearings virtually. Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Karmin.Klingenberg@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-326-0430 at least seven days before the event.

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Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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).

Text of Proposed Rulemaking

Item 1. Rescind 571—Chapter 50 and adopt the following **new** chapter in lieu thereof:

CHAPTER 50 REGULATED VEHICLE, SNOWMOBILE AND VESSEL BONDING

571—50.1(321G,321I) Definitions. For the purposes of this chapter, the following definitions shall apply:

"All-terrain vehicle" means the same as defined in Iowa Code section 321I.1.

"Department" means the department of natural resources.

"Off-road motorcycle" means the same as defined in Iowa Code section 321I.1.

"Off-road utility vehicle" means the same as defined in Iowa Code section 321I.1.

"Regulated vehicle" means all-terrain vehicles, off-road motorcycles, and off-road utility vehicles, either collectively or individually. For purposes of this chapter only, "regulated vehicle" shall also include a snowmobile.

"Snowmobile" means the same as defined in Iowa Code section 321G.1.

"Vessel" means the same as defined in Iowa Code section 462A.2.

"Watercraft" means the same as defined in Iowa Code section 462A.2. Docks, defined in and regulated by 571—Chapter 16, are not watercraft.

DIVISION I REGULATED VEHICLES

571—50.2(321G,321I) Bond required before issuance of title or registration.

50.2(1) Procedures. An applicant for certificate of title who cannot provide the supporting documents required in 571—Chapters 46 and 47 (implementing Iowa Code chapters 321G and 321I) shall be required to complete the following procedures as a condition to obtaining a title and registration. The procedures described are in addition to the regular procedures for titling and registering a regulated vehicle.

a. The applicant shall submit a request form to the department on a form provided by the department. The request form shall include a copy of the written proof of ownership at the time the vehicle was acquired.

b. The applicant shall contact the department and provide identifying information in regard to the regulated vehicle. The required identifying information shall include the manufacturer identification number; registration sticker (if affixed to the regulated vehicle); photographs of the regulated vehicle that show the front, rear, and one side of the regulated vehicle; and any additional information about the regulated vehicle as may be requested by the department. If no manufacturer identification number is currently affixed to the regulated vehicle, the applicant shall complete the department's procedure for obtaining such number, and the assigned number shall be affixed before the applicant may proceed with the registration application process set forth in this chapter.

50.2(2) Investigation. The department, upon receipt of sufficient identifying information from an applicant, shall:

a. Search the department's registration records to determine whether there is an owner of record for the regulated vehicle and whether the regulated vehicle has been reported stolen or embezzled;

b. If the department finds a record of prior ownership in the department's registration records, mail the release of ownership and rights to the regulated vehicle by first-class mail to the owner of record at

the owner's last-known address. The notice shall state that the owner of record may assert the owner's right to claim the regulated vehicle.

50.2(3) *Letter of release.* Upon receipt of the letter of release by the last registered owner or legal representative, the department may:

- a.* Provide approval notification to the applicant and the county recorder that there is sufficient evidence to indicate that the applicant is the rightful owner and that there is no known unsatisfied security interest, so the regulated vehicle may be registered and titled in Iowa.
- b.* Notify the appropriate authorities of the owner's claim to the regulated vehicle. No further action will be completed by the department.

50.2(4) *Letter of release.*

a. If the department receives no response from the owner of record within 30 days after the date of mailing or if the post office returns the notice to the department as undeliverable, the department will continue processing the bond request.

b. The department will determine the current retail value for the same type of regulated vehicle for which the registration is being sought with documentation from J.D. Power (formerly the National Automobile Dealers Association, or NADA) or Kelley Blue Book or through competitive pricing found on the Internet, or the applicant may submit an appraisal of the regulated vehicle by a licensed regulated vehicle dealer.

(1) If the current retail value of the regulated vehicle is \$1,000 or less as determined by the department and is over 15 years old, the department may allow the registration of the vehicle.

(2) If the current retail value of the regulated vehicle as determined by the department is more than \$1,000, the department will notify the applicant that the following requirements are needed to proceed with the bonding process:

1. A completed registration application form (as provided by the department).
2. Inspection of the regulated vehicle by a representative of the department, with a signature required on the registration application form.
3. A complete surety bond form (as provided by the department).

50.2(5) *Approval.* If the department determines that the applicant has complied with this rule, that there is sufficient evidence to indicate that the applicant is the rightful owner, and that there is no known unsatisfied security interest, the department shall forward the original application to the county recorder and notify the applicant that the regulated vehicle may be registered and titled in Iowa.

50.2(6) *Disapproval.* If the department determines that the applicant has not complied with this rule, that there is sufficient evidence to indicate that the applicant may not be the rightful owner, that there is an unsatisfied security interest, or that the owner of record asserts a claim for the regulated vehicle, the department shall not authorize issuance of a certificate of title or registration receipt and shall notify the applicant in writing of the reason(s).

DIVISION II
VESSELS

571—50.3(462A) Bond required before issuance of title or registration.

50.3(1) *Procedures.* An applicant for certificate of title who cannot provide the supporting documents required in 571—Chapters 46 and 47 (implementing Iowa Code chapters 321G and 321I) shall be required to complete the following procedures as a condition to obtaining a title and registration. The procedures described are in addition to the regular procedures for titling and registering a vessel.

a. The applicant shall submit a request form to the department on a form provided by the department. The request form shall include a copy of the written proof of ownership at the time the vessel was acquired.

b. The applicant shall contact the department and provide identifying information in regard to the vessel. The required identifying information shall include the manufacturer identification number; registration sticker (if affixed to the regulated vessel); photographs of the vessel that show the front, rear, and one side of the vessel; and any additional information about the vessel as may be requested by the department. If no manufacturer identification number is currently affixed to the vessel, the applicant shall complete the department's procedure for obtaining such number, and the assigned number

shall be affixed before the applicant may proceed with the registration application process set forth in this chapter.

50.3(2) Investigation. The department, upon receipt of sufficient identifying information from an applicant, shall:

a. Search the department's registration records to determine whether there is an owner of record for the vessel and whether the vessel has been reported stolen or embezzled;

b. If the department finds a record of prior ownership in the department's registration records, mail the release of ownership and rights to the vessel by first-class mail to the owner of record at the owner's last-known address. The notice shall state that the owner of record may assert the owner's right to claim the vessel.

50.3(3) Letter of release. Upon receipt of the letter of release by the last registered owner or legal representative, the department may:

a. Provide approval notification to the applicant and the county recorder that there is sufficient evidence to indicate that the applicant is the rightful owner and that there is no known unsatisfied security interest, so the vessel may be registered and titled in Iowa.

b. Notify the appropriate authorities of the owner's claim to the vessel. No further action will be completed by the department.

50.3(4) Letter of release.

a. If the department receives no response from the owner of record within 30 days after the date of mailing or if the post office returns the notice to the department as undeliverable, the department will continue processing the bond request.

b. The department will determine the current retail value for the same type of vessel for which the registration is being sought with documentation from J.D. Power (formerly NADA) or Kelley Blue Book or through competitive pricing found on the Internet, or the applicant may submit an appraisal of the vessel by a licensed vessel dealer.

(1) If the current retail value of the vessel is \$1,000 or less as determined by the department and is over 15 years old, the department may allow the registration of the vehicle.

(2) If the current retail value of the vessel as determined by the department is more than \$1,000, the department will notify the applicant that the following requirements are needed to proceed with the bonding process:

a. A completed registration application form (as provided by the department).

b. Inspection of the vessel by a representative of the department, with a signature required on the registration application form.

c. A complete surety bond form (as provided by the department).

50.3(5) Approval. If the department determines that the applicant has complied with this rule, that there is sufficient evidence to indicate that the applicant is the rightful owner, and that there is no known unsatisfied security interest, the department shall forward the original application to the county recorder and notify the applicant that the vessel may be registered and titled in Iowa.

50.3(6) Disapproval. If the department determines that the applicant has not complied with this rule, that there is sufficient evidence to indicate that the applicant may not be the rightful owner, that there is an unsatisfied security interest, or that the owner of record asserts a claim for the vessel, the department shall not authorize issuance of a certificate of title or registration receipt and shall notify the applicant in writing of the reason(s).

These rules are intended to implement Iowa Code sections 321I.31(9), 321G.29(9) and 462A.5A.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

34. Chapter 51, "Game Management Areas" – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 51. This Notice of Intended Action is the result of the Wildlife Bureau's Executive Order 10 rule review.

Proposed Chapter 51 establishes allowable uses of Game Management Areas. The rules are designed to ensure that Game Management Areas meet the goals of Iowa Code sections 481A.6 and 481A.39, which are to maintain biological balance and to provide for public hunting, fishing, or trapping in conformity with sound wildlife management. This chapter has been reviewed and edited consistent with Executive Order 10 (2023). Specifically, there were provisions in this chapter that were outdated or repetitive to statute; those have been removed. In addition, the new version updates and clarifies the process for power-driven mobility devices for persons with physical disabilities and removes a reference to a target shooting range at Bays Branch. This target shooting range is now closed. This rulemaking proposes to rescind Chapter 51, "Game Management Areas," Iowa Administrative Code, and adopt a new Chapter 51 with the same title.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 51 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind Chapter 51, “Game Management Areas,” Iowa Administrative Code, and adopt a new Chapter 51 with the title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 481A.6 and 456A.24(2)”a”.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.6 and 456A.24(2)”a”.

Purpose and Summary

Proposed Chapter 51 establishes allowable uses of Game Management Areas. The rules are designed to ensure that Game Management Areas meet the goals of Iowa Code section 481A.6, which are to maintain biological balance and to provide for public hunting, fishing, or trapping in conformity with sound wildlife management. This chapter has been reviewed and edited consistent with Executive Order 10 (2023). Specifically, there were provisions in this chapter that were outdated or repetitive to statute. In addition, the new version updates and clarifies the process for power-driven mobility devices for persons with physical disabilities and removes a reference to a target shooting range at Bays Branch. This target shooting range is now closed.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rule making must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 15, 2025. Comments should be directed to:

Monica Thelen
Wildlife Bureau
6200 Park Avenue
Des Moines, IA 50319
Monica.Thelen@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Monica.Thelen@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al Monica.Thelen@dnr.iowa.gov.

Public Hearing

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

January 14, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

January 15, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Monica.Thelen@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-868-2209 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al Monica.Thelen@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-868-2209 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

ITEM 1. Rescind 571—Chapter 51 and adopt the following **new** chapter in lieu thereof:

MANAGEMENT AREAS AND PRACTICES

TITLE V

CHAPTER 51

GAME MANAGEMENT AREAS

571—51.1(481A) Definitions.

“*Blind*” means a constructed place of ambush or concealment for the purpose of hunting, observing, or photographing any species of wildlife.

“*Decoy*” means a bird, or animal, or a likeness of one, used to lure game within shooting range.

“*Horse*” means any equine animal, including horses, mules, burros, donkeys, and all llamas or alpaca-like animals.

“*Motor vehicle*” means any self-propelled vehicle having at least three wheels and registered as a motor vehicle under Iowa Code chapter 321, 321G, or 321I.

“*Person with a physical disability*” means any of the following: an individual commonly termed a paraplegic or quadriplegic, with paralysis or a physical condition of the lower half of the body with the involvement of both legs, usually due to disease or injury to the spinal cord; a person who is a single or double amputee of the legs; or a person with any other physical affliction that makes it impossible to ambulate successfully without the use of a motor vehicle.

“*Target shooting*” means the discharge of a firearm for any reason other than the taking of, or attempting to take, any game birds, game animals, or furbearers.

571—51.2(481A) Jurisdiction. All lands and waters under the jurisdiction of the department are established as game management areas under the provisions of Iowa Code section 481A.6. Use restrictions are established to protect the primary purpose of game management areas, which is to provide fish and wildlife habitat and associated fish- and wildlife-dependent recreation. In addition to the restrictions in this chapter, the department may close portions of game management areas to any use if hazardous or poor conditions warrant. Use restrictions in this chapter do not apply to department personnel, law enforcement officials, or other authorized persons engaged in research, management, or enforcement when in performance of their duties.

571—51.3(481A) Use of firearms.

51.3(1) Restrictions. The use or possession of firearms on certain game management areas is restricted.

a. Target shooting with shotguns shooting shot is not restricted to a specific range, except as otherwise provided. Targetshooters using shotguns with lead shot cannot discharge the shot over water.

b. Target shooting shall occur only on the designated and posted shooting range.

c. Any person target shooting with any type of handgun or any type of rifle, or shooting shotgun slugs through a shotgun, must fire through one of the firing tubes, if provided, or at the firing points on the rifle or pistol range.

d. It is a violation of these rules to place any target on the top of the earthen backstop or to fire at any target placed on top of the backstop.

e. The shotgun range, if provided, is restricted to the use of shotguns and the shooting of shotshells only.

f. Target shooting shall occur only between the hours of sunrise and sunset, unless otherwise posted.

g. No alcoholic beverages are allowed on the shooting range or adjacent parking area.

h. Target shooting is restricted to legal firearms and shall not be done with any fully automatic pistol, rifle, or shotgun of any kind. Armor piercing and tracer ammunition is prohibited.

i. Targets are restricted to paper or cardboard targets or metal silhouette-type targets. Metal targets must be placed a minimum of 15 yards from the firing point for handguns and 100 yards away from the firing point for rifles. No glass, plastic containers, appliances, or other materials may be used. Targets must be removed from the area after use or must be disposed of in trash receptacles if provided.

j. All requirements listed in this subrule shall apply to the following shooting ranges:

(1) Brushy Creek Area—Webster County.

(2) Hawkeye Wildlife Area—Johnson County.

(3) Hull Wildlife Area—Mahaska County.

(4) Mines of Spain—Dubuque County.

(5) Ocheyedon Wildlife Area—Clay County.

(6) Spring Run Wildlife Area—Dickinson County.

(7) Oyens Shooting Range—Plymouth County. The range is closed to the public except between 9 a.m. and sunset.

(8) McIntosh Wildlife Area—Cerro Gordo County. The use or possession of firearms, except shotguns shooting shot only, is prohibited.

51.3(2) *Use of paintball guns.* The use of any item generally referred to as a paintball gun is prohibited on all game management areas.

571—51.4(481A) Use of horses on game management areas.

51.4(1) *Prohibition.* Horses are prohibited on all game management areas unless allowed by exception. This rule does not apply to state forests or state recreation areas.

51.4(2) *Exception for hunting and field trials.* Horses may be used on all game management areas for training raccoon hunting dogs from October 1 to February 1 and for hunting raccoons during open hunting seasons. Horses may be used for participating in authorized field trials, unless this activity is posted as prohibited.

51.4(3) *Exception for horseback riding.* Horseback riding is allowed on the following game management areas from May 25 to September 30 and is confined to existing roads or trails as posted:

- a. Elk Grove Wildlife Area—Guthrie County.
- b. Lennon Mills Wildlife Area—Guthrie County.
- c. Marlow Ray Wildlife Area—Guthrie County.
- d. Middle Raccoon River Wildlife Area—Guthrie County.
- e. Sand Creek Wildlife Area—Decatur and Ringgold Counties.
- f. Cardinal Marsh—Winneshiek County.
- g. Hawkeye Wildlife Area—Johnson County.
- h. Black Hawk Wildlife Area—Sac County.
- i. Turkey River Wildlife Area—Howard County.

571—51.5(481A) Dogs prohibited—exception. Dogs are prohibited on all state-owned game management areas between the dates of March 15 and July 15 each year. Training of dogs is permitted in designated training areas. Field and retriever meets are only permitted at designated sites and must have secured a permit as provided in Iowa Code section 481A.22 that shows the exact designated site of said meet, and all dogs shall be confined to that site.

571—51.6(481A) Use of blinds and decoys on game management areas.

51.6(1) *Stationary blinds.* The construction and use of stationary blinds on all game management areas, except on Pool 14 downstream of the Upper Mississippi River National Wildlife and Fish Refuge (River Mile 502) near Princeton, Iowa, and on Pools 15, 16, 17, and 18 of the Mississippi River, are restricted as follows:

a. *Construction.* Any person may construct a stationary blind using only the natural vegetation found on the area. No trees or parts of trees other than willows may be cut for use in constructing a blind. No other man-made materials of any type may be used for building or providing access to a stationary blind.

b. *Use of blinds.* The use of any stationary blind that is constructed in violation of 51.6(1)“a” is prohibited.

c. *Ownership of blinds.* Any person who constructs or uses a stationary blind does not have any proprietary right-of-ownership to the blind.

51.6(2) *Portable blinds.* The construction and use of portable blinds on game management areas is restricted as follows:

a. *Construction.* A portable blind may be constructed of any natural or man-made material, as long as it is a self-contained unit capable of being readily moved from one site to another.

b. *Prohibited use.* Portable blinds shall be prohibited from one hour after sunset until midnight each day. Portable blinds that are built on, or are part of, a boat shall be considered as removed from an area when the boat and blind are tied up or moored at an approved access site. No boat shall be anchored away from shore and left unattended unless it is attached to a legal buoy.

c. *Exception—tree blinds.* Portable blinds placed in trees and used for purposes other than hunting waterfowl may be left on an area for a continuous period of time beginning seven days prior to the open season for hunting deer or turkey and ending seven days after the final day of that open season. Portable blinds left on game management areas do not guarantee the owner exclusive use of the blind when unattended, or exclusive use of the site.

d. *Protection of trees.* The use of any spike, nail, pin, or other object that is driven or screwed into a tree is prohibited.

51.6(3) *Use of decoys.* The use of decoys on any game management area, except on Pool 14 downstream of the Upper Mississippi River National Wildlife and Fish Refuge (River Mile 502) near Princeton, Iowa, and on Pools 15, 16, 17, and 18 of the Mississippi River, is restricted as follows:

Decoys are prohibited from one hour after sunset until midnight each day, and decoys cannot be left unattended for over 30 minutes between midnight and one hour after sunset. Decoys are considered removed from an area when they are picked up and placed in a boat, vehicle or other container at an approved access site.

51.6(4) *Use of stationary blinds and waterfowl decoys on Pool 14 downstream of the Upper Mississippi River National Wildlife and Fish Refuge (River Mile 502) near Princeton, Iowa, and on Pools 15, 16, 17, and 18 of the Mississippi River.* The use of stationary blinds for waterfowl hunting on Pool 14 downstream of the Upper Mississippi River National Wildlife and Fish Refuge (River Mile 502) near Princeton, Iowa, and on Pools 15, 16, 17, and 18 of the Mississippi River is restricted as follows:

a. *Registration.* Hunters must register their blind site with the department of natural resources. Registration will be held annually in August. Registration is for a five-year period and requires payment of a fee of \$100. The blind registration number must be visibly posted at the blind's entrance.

b. *Construction.* Blinds must have minimum dimensions of 4 feet by 8 feet and not greater than 500 square feet of floor space, not including a boat hide. The blind must be constructed of biodegradable materials, including nontreated dimensional lumber and nontreated plywood, unless the blind will be removed at the end of the waterfowl season. The use of metal or nylon fasteners, including but not limited to nails, screws, lag bolts, staples and ties, is allowed. Treated lumber, treated plywood, woven wire, chicken wire, cattle panels, tin and sheet metal, vinyl and plastic, and other nonbiodegradable materials are not allowed unless those materials or the entire blind is removed within three days after the close of the waterfowl season.

c. *Tree and brush removal.* The removal of brush or trees, except willows, surrounding any blind is prohibited. Willows and annual vegetation from the blind site may be used to cover the blind.

d. *Occupation of blinds.* Registrants must occupy their blind site by the opening of shooting time each day to claim the blind site for that day. After that time, unoccupied blind sites will be available to any other hunters. No person may claim or attempt to claim a blind that is legally occupied. No person may harass, in any manner, the occupants of a blind that is legally occupied.

e. *Locking blinds.* Locking of any blind is prohibited.

f. *Decoys.* Decoys may be left out for the entire waterfowl season but must be picked up and removed from the area within three days after the close of the waterfowl season. All jugs and other floating devices used to attract waterfowl are considered decoys.

571—51.7(481A) Trapping on game management areas—marking trap sites. The placement of traps, stakes, flags, markers, or any other item or device to be used for trapping furbearers, or to mark or otherwise claim any site for trapping furbearers on game management areas, is prohibited, except during the open season for taking furbearers other than coyote or raccoon.

571—51.8(481A) Motor vehicle restrictions. The use of motor vehicles on all game management areas is restricted.

51.8(1) Roads and parking lots. Except as otherwise provided in these rules, motor vehicles are prohibited on game management areas except on constructed and designated roads and parking lots.

51.8(2) Use of motor vehicles by persons with a physical disability. Persons with a physical disability may use certain motor vehicles to access specific areas in game management areas, according to restrictions set out in this subrule or otherwise provided for by the department’s other power-driven mobility device (OPDMD) processes, in order to enjoy the same recreational opportunities available to others.

a. Reasonable accommodations. Each person with a physical disability or mobility impairment may request a reasonable accommodation to game management area staff in order to use an OPDMD within game management areas. Reasonable accommodation requests are considered on a case-by- case basis based on the facts and circumstances and considering need, protection of the permit holder, protection of other users, and protection of natural resources consistent with relevant state and federal law.

b. Permits. Persons with a physical disability or mobility impairment must have a permit issued by game management area staff in order to use a motor vehicle in specific, approved areas within game management areas. One companion may accompany the OPDMD user on the same vehicle if that vehicle is designed for more than one rider; otherwise, the companion must walk.

c. Exclusive use. The issuance of a permit does not imply that the permittee has exclusive or indiscriminate use of an area. Permittees shall take reasonable care not to unduly interfere with the use of the area by others.

d. Prohibited acts. Except as provided in 51.8(1), the use of a motor vehicle on any game management area by a person without a valid permit, or at any site not approved on a signed map, is prohibited. Permits and maps must be carried by the permittee at any time the permittee is using a motor vehicle on a game management area and must be exhibited to any department employee or law enforcement official upon request.

e. Shooting from motor vehicle. Except where prohibited by law, a person with a physical disability or mobility impairment meeting the conditions of this rule may shoot from a stationary motor vehicle.

571—51.9(481A) Use of nontoxic shot on wildlife areas. It shall be unlawful to hunt any migratory game bird or resident game or furbearers, except deer and turkeys, or target shoot with a shotgun while having in one’s possession any shot other than nontoxic shot approved by the U.S. Fish and Wildlife Service on the following wildlife areas:

County	Wildlife Area
Benton	Iowa River Corridor
Boone	Harrier Marsh
Buena Vista	All state and federal areas
Calhoun	South Twin Lake
Cerro Gordo	All state and federal areas
Clay	All state and federal areas except the Ocheyedan wildlife area target shooting range
Dickinson	All state and federal areas except the Spring Run target shooting range
Emmet	All state and federal areas
Franklin	All state and federal areas
Greene	All state and federal areas except Rippey Access and McMahon Access
Guthrie	McCord Pond, Lakin Slough and Bays Branch
Hamilton	Little Wall Lake, Gordon Marsh and Bauer Slough
Hancock	All state and federal areas
Humboldt	All state and federal areas
Iowa	Iowa River Corridor
Jasper	Chichaqua
Kossuth	All state and federal areas

Osceola	All state and federal areas
Palo Alto	All state and federal areas
Pocahontas	All state and federal areas except Kalsow Prairie
Polk	Paul Errington Marsh and Chichaqua
Sac	All state and federal areas except White Horse Access and Sac City Access
Story	Hendrickson Marsh and Colo Bog
Tama	Iowa River Corridor
Winnebago	All state and federal areas
Worth	All state and federal areas
Wright	All state and federal areas

571—51.10(481A) Rock climbing and rappelling. Rock climbing and rappelling are prohibited at all game management areas except at Indian Bluffs and Pictured Rocks wildlife management areas, Boone Forks wildlife management area only on the abandoned railroad bridge piers., and those authorized by 571—subrule 61.10(12). No one shall place bolts, pitons, or similar anchoring devices at Indian Bluffs or Pictured Rocks unless authorized to do so by the wildlife biologist in charge of the area.

571—51.11(481A) Camping restrictions. Primitive camping is allowed on all game management areas for a period not to exceed 14 days of consecutive use, unless specific restrictions are posted on site. The department may prohibit or restrict camping at any game management area by the posting of signs stating the applicable restrictions.

These rules are intended to implement Iowa Code sections 456A.24(2) and 481A.6.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

35. Chapter 52, “Wildlife Refuges” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 52. This Notice of Intended Action is the result of the Wildlife Bureau’s Executive Order 10 rule review.

Proposed Chapter 52 establishes wildlife refuges on state-owned lands and water under the jurisdiction of the Commission. 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. This rulemaking proposes to rescind and replace Chapter 52.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 52 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind Chapter 52, “Wildlife Refuges,” Iowa Administrative Code, and adopt a new Chapter 52 with the title, “Wildlife Refuges.”

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 481A.5, 481A.6, 481A.9, and 481A.39.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.5, 481A.6, and 481A.9, and 481A.39.

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.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rule making must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 15, 2025. Comments should be directed to:

Monica Thelen
Wildlife Bureau
6200 Park Avenue
Des Moines, IA 50319
Monica.Thelen@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Monica.Thelen@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al Monica.Thelen@dnr.iowa.gov.

Public Hearing

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

January 14, 2025, 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

January 15, 2025, 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Monica.Thelen@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-868-2209 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al Monica.Thelen@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-868-2209 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

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.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

36. Chapters 91, 92, 97, 102, “Migratory Game Bird Hunting” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapters 91, 92, 97, and 102. This Notice of Intended Action is the result of the Wildlife Bureau’s Executive Order 10 rule review.

Proposed Chapter 91 establishes and organizes migratory bird hunting requirements as required by law and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Covered species include waterfowl and teal, coots, geese, common snipe, Virginia rail and sora, woodcock, dove, and crow. This chapter is the result of the consolidation of several existing chapters, including Chapters 91, 92, 97, and 102. These chapters have been merged consistent with the principles of Executive Order 10 (2023). These rules ensure that the season dates are within the frameworks established by the U.S. Fish and Wildlife Service (USFWS) and compatible with current populations and habitat conditions.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapters 91, 92, 97, 102 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing to rescind and reserve and to rescind and replace chapters

The Natural Resource Commission (Commission) hereby proposes to rescind Chapter 91, “Waterfowl and Coot Hunting Seasons,” and adopt a new Chapter 91 with the title, “Migratory Game Bird Hunting” and to rescind and reserve Chapter 92, “Migratory Game Birds”; Chapter 97, “Common Snipe, Virginia Rail and Sora, Woodcock, Ruffed Grouse, and Dove Hunting Seasons”; Chapter 102, “Falconry Regulations for Hunting Game,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 481A.38, 481A.39, 481A.48(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.48, 50 CFR § 20.105; *see also* 16 U.S.C.§§ 703–712; and Preliminary Regulations in 89 Fed. Reg. 8631 (February 8, 2024) and Proposed Supplemental Regulations in 89 Fed. Reg. 41522 (May 13, 2024).

Purpose and Summary

Proposed Chapter 91 establishes and organizes migratory bird hunting requirements as required by law and includes season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Covered species include waterfowl and teal, coots, geese, common snipe, Virginia rail and sora, woodcock, dove, and crow. This chapter is the result of the consolidation of several existing chapters, including Chapters 91, 92, 97, and 102. These chapters have been merged consistent with the principles of Executive Order 10 (2023). Migratory bird hunting is an exciting recreational opportunity for licensed hunters. More importantly, though, Iowa relies upon hunters

to help manage the state’s wildlife, including migratory waterfowl, which are held in trust for the people and required by law to be managed for posterity. Approximately 30,000 individuals hold licenses to participate in migratory bird hunting in Iowa. These rules ensure that the season dates are within the frameworks established by the U.S. Fish and Wildlife Service (USFWS) and compatible with current populations and habitat conditions.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rule making must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 15, 2025. Comments should be directed to:

Orrin Jones
Wildlife Bureau
1203 North Shore Drive
Clear Lake, IA 50428
Orrin.Jones@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Orrin.Jones@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al Orrin.Jones@dnr.iowa.gov.

Public Hearing

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

January 14, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

January 15, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Orrin.Jones@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 641-231-1957 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al Orrin.Jones@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 641-231-1957 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

ITEM 1. Rescind 571—Chapter 91 and adopt the following **new** chapter in lieu thereof:

CHAPTER 91
MIGRATORY GAME BIRD HUNTING

571—91.1(481A) Duck hunting.

91.1(1) *Zone boundaries.* Zone boundaries are as specified in the November 2023 Waterfowl Hunting Map Book published on the department of natural resources' (department's) website www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 1 "Waterfowl Hunting Zones."

91.1(2) *Season dates - north zone.* Special September teal season: Will be the maximum number of days allowed by the U.S. Fish and Wildlife Service. A 16-day teal season will begin on September 1. A 9-day teal season will begin on the first Saturday in September. For all ducks: The first segment of the season will begin on the Saturday nearest September 30 and run for seven days. The second segment of the season will open on the Saturday nearest October 14 and continue for 53 consecutive days.

91.1(3) *Season dates - central zone.* Special September teal season: Will be the maximum number of days allowed by the U.S. Fish and Wildlife Service. A 16-day teal season will begin on September 1. A 9-day teal season will begin on the first Saturday in September. For all ducks: The first segment of the season will begin on the Saturday nearest October 7 and run for seven days. The second segment of the season will open on the Saturday nearest October 21 and continue for 53 consecutive days.

91.1(4) *Season dates - south zone.* Special September teal season: Will be the maximum number of days allowed by the U.S. Fish and Wildlife Service. A-16 day teal season will begin on September 1. A 9-day teal season will begin on the first Saturday in September. For all ducks: The first segment of the season will begin on the Saturday nearest October 14 and run for seven days. The second segment of the season will open on the Saturday nearest October 28 and continue for 53 consecutive days.

91.1(5) *Bag limit.* Bag limits for all species are as adopted by the U.S. Fish and Wildlife Service. The daily bag limit for scaup will be one for the first 15 days of the duck hunting season and two for the remaining 45 days.

91.1(6) *Possession limit.* For the special September teal season and for all ducks: Possession limit is three times the daily bag limit.

91.1(7) *Shooting hours.* For the special September teal season: Shooting hours are sunrise to sunset each day. For all ducks: Shooting hours are one-half hour before sunrise to sunset each day.

571—91.2(481A) Coots (split season).

91.2(1) Same as duck season dates and shooting hours.

91.2(2) Bag and possession limits. Daily bag limit is 15 and possession limit is three times the daily bag limit.

571—91.3(481A) Goose hunting.

91.3(1) Zone boundaries. Zone boundaries are as specified in the November 2023 Waterfowl Hunting Map Book published on the department’s website www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 1 “Waterfowl Hunting Zones.”

91.3(2) Season dates - north zone. 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 14 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 - 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 21 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 - south zone. For all geese: The first segment of the regular goose season will begin on the Saturday nearest October 7 and run for a 16-day period. The second segment of the goose season will open on the Saturday nearest October 28 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 five and may include no more than two Canada geese during the first segment of the statewide season and no more than three Canada geese during the remainder of the statewide season. The daily bag limit for light geese (white and blue-phase snow geese and Ross’ geese) is 20.

91.3(6) Possession limit. The possession limit is three times the daily bag limit for Canada geese, brant and white-fronted geese. There is no possession limit for light geese.

91.3(7) Shooting hours. Shooting hours are one-half hour before sunrise until sunset each day.

91.3(8) Light goose conservation order season. Only light geese (white and blue-phase snow geese and Ross’ geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service beginning the day after the regular goose season closes and continuing until May 1.

a. Zone boundaries. Statewide.

b. Shooting hours. One-half hour before sunrise to one-half hour after sunset.

c. Bag limit. No bag limit.

d. Possession limit. No possession limit.

e. Other regulations. Methods of take approved by the U.S. Fish and Wildlife Service for hunting light geese during the conservation order season shall be permitted.

91.3(9) Metropolitan goose hunting seasons and specified areas.

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

b. Bag limit. Daily bag limit is five Canada geese.

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

d. Specified areas.

- (1) Cedar Rapids/Iowa City. Areas are as specified in the November 2023 Waterfowl Hunting Map Book published on the department’s website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 2 “Metropolitan Goose Hunting Areas.”
- (2) Des Moines. Areas are as specified in the November 2023 Waterfowl Hunting Map Book published on the department’s website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 2 “Metropolitan Goose Hunting Areas.”
- (3) Cedar Falls/Waterloo. Areas are as specified in the November 2023 Waterfowl Hunting Map Book published on the department’s website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 2 “Metropolitan Goose Hunting Areas.”

571—91.4(481A) Closed areas. Waterfowl and coots may be hunted statewide except in specific areas.

91.4(1) Waterfowl and coots. There shall be no open season for ducks, coots and geese as specified in the November 2023 Waterfowl Hunting Map Book published on the department’s website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 3 “Areas Closed to Waterfowl Hunting.”

91.4(2) Canada geese. There shall be no open season on Canada geese in certain areas described as specified in the November 2023 Waterfowl Hunting Map Book published on the department’s website (www.iowadnr.gov/Hunting/Migratory-Game-Birds), chapter 4 “Areas Closed to Canada Goose Hunting.”

571—91.5(481A) Canada goose hunting within closed areas.

91.5(1) Closed areas. All areas are as described in 91.4(2).

- a. *Purpose.* The hunting of Canada geese in closed areas is being undertaken to allow landowners or tenants who farm in these closed areas to hunt Canada geese on land they own or farm in the closed area.
- b. *Criteria.*
 - (1) Landowners and tenants who own or farm land in the closed areas will be permitted to hunt Canada geese in the closed areas.
 - (2) Landowners and those individuals named on the permit according to the criteria specified in 91.5(1) “b”(9) will be permitted to hunt in the closed area. Tenants may obtain a permit instead of the landowner if the landowner transfers this privilege to the tenant. Landowners may choose, at their discretion, to include the tenant and those individuals of the tenant’s family specified in 91.5(1) “b”(9) on their permit. Assigned permits must be signed by both the permittee and the landowner assigning the permit.
 - (3) Landowners must hold title to, or tenants must farm by a rent/share/lease arrangement, at least eight acres inside the closed area to qualify for a permit.
 - (4) No more than one permit will be issued to corporations, estates, or other legal associations that jointly own land in the closed area. No individual may obtain more than two permits nor may an individual be named as a participant on more than two permits.
 - (5) Persons holding a permit can hunt with those individuals named on their permit as specified in 91.5(1) “b”(9) on any property they own (or rent/share/lease in the case of tenants) in the closed area provided their activity complies with all other regulations governing hunting. Nothing herein shall permit the hunting of Canada geese on public property within the closed area.
 - (6) Persons hunting under this permit must adhere to all municipal, county, state and federal regulations that are applicable to hunting and specifically applicable to Canada goose hunting. Hunting as authorized by this rule shall not be used to stir or rally waterfowl.
 - (7) Hunting within the closed area will be allowed through October 31.
 - (8) Permit holders will be allowed to take eight Canada geese per year in the closed area.
 - (9) Permits will be issued only to individual landowners or tenants; however, permit holders must specify, when requesting a permit, the names of all other individuals qualified to hunt on the permit. Individuals qualified to hunt on the permit shall include the landowners or tenants and their spouses, domestic partners, parents, grandparents, children, children’s spouses, grandchildren, siblings and siblings’ spouses only.
- c. *Procedures.*
 - (1) Permits can be obtained from the local conservation officer or wildlife unit headquarters within the closed area no later than 48 hours before the first Canada goose season opens. The permit will be issued to an individual landowner or tenant and must list the names of all individuals who may hunt with the permittee. The permit will also contain a description of the property covered by the permit. The permit must be carried by a member of the hunting party whose name is listed on the permit. Conservation officers will keep a record of permittees and locations of properties that are covered by permits.
 - (2) Eight consecutively numbered tags will be issued with each permit. Geese will be tagged around the leg immediately upon being reduced to possession and will remain tagged until delivered to the person’s abode.
 - (3) No one may attempt to take Canada geese under this permit unless the person possesses an unused tag for the current year.
 - (4) No landowner or tenant shall be responsible or liable for violations committed by other individuals listed on the permit issued to the landowner or tenant.

91.5(2) Reserved.

571—91.6(481A,483A) Youth waterfowl hunt. A special youth waterfowl hunt will be held the weekend before the first segment of the regular duck season in each duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 years old. 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 and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in 571— 91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

571—91.7(481A) Common snipe season. Open season for hunting common snipe shall be from the first Saturday in September through November 30. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit 8; possession limit 24. Entire state open.

571—91.8(481A) Virginia rail and sora season. Open season for hunting Virginia rail and sora shall be from the first Saturday in September and continue for 70 consecutive days. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit 12 and possession limit 36 in aggregate of both species. Entire state open.

571—91.9(481A) Woodcock season. Open season for hunting woodcock shall be from the first Saturday in October and continue for 45 consecutive days. Shooting hours shall be from sunrise to sunset each day. Daily bag limit 3; possession limit 9. Entire state open.

571—91.10(481A) Dove season. Open season for hunting mourning doves and Eurasian collared- doves shall begin on September 1 and continue for 90 consecutive days. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit 15; possession limit 45. Entire state open.

571—91.11(481A) Crow season. Open season for hunting crows shall be from October 15 through November 30 and January 14 through March 31 of each year. No bag or possession limit. Entire state open.

571—91.12(481A) General. Migratory game birds may be taken only in accordance with the daily bag and possession limits during the open season and shooting hours as prescribed annually by the natural resource commission.

571—91.13(481A) Duck stamp. It shall be unlawful for any person who has attained the age of 16 years to take any migratory waterfowl (brant, wild ducks, geese, and swans) unless at the time of such taking that person has with them an unexpired federal migratory bird hunting and conservation stamp (commonly called duck stamp), validated by the person's signature written across the face of the stamp in ink, or an unexpired e-stamp version of the federal migratory bird hunting and conservation stamp.

571—91.14(481A) Hunting methods. Migratory game birds may be taken by any method except those prohibited in this rule. No person shall take migratory game birds (brant, wild ducks, geese, rails, coots, woodcock, and snipe):

91.14(1) With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10-gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive or stupefying substance;

91.14(2) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

91.14(3) On all lands and waters of the state of Iowa while having in one's possession any shot other than nontoxic shot approved by the U.S. Fish and Wildlife Service. This subrule shall not apply to the taking of woodcock.

91.14(4) From or by means or use of a sinkbox or any other type of low-floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

91.14(5) From or by means, aid, or use of any motor vehicle, motor-drive land conveyance, or aircraft of any kind, except that paraplegics and single or double amputees of the legs may take from any stationary motor-driven land conveyance. "Paraplegic" means an individual afflicted with paralysis of the lower half of the body with the involvement of both legs, usually due to disease of or injury to the spinal cord;

91.14(6) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off or the sail furled, and its progress therefrom has ceased: Provided, that a craft under power may be used to retrieve dead or crippled birds. However, crippled birds may not be shot from such craft under power;

91.14(7) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this subrule for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of ten consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;

91.14(8) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

91.14(9) By means or aid of any motor-driven land, water, or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird; or

91.14(10) By the aid of baiting, or on or over any baited area where a person knows or reasonably should know that the area is or has been baited. As used in this subrule, "baited area" means any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered if that salt, grain, or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take them. Any such area will remain a baited area for ten days following the complete removal of all such salt, grain, or other feed. "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them. However, nothing in this subrule shall prohibit:

- a. The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and
- b. The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered solely as the result of valid agricultural operations or procedures.

91.14(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 light geese during special light goose-only seasons or light goose-only hunts.

571—91.15(481A) Restrictions applicable to possession, tagging, and record-keeping requirements.

91.15(1) No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place, where taken and either:

- a. The person's automobile or principal means of land transportation; or
- b. The person's personal abode or temporary or transient place of lodging; or
- c. A migratory bird preservation facility; or
- d. A post office; or
- e. A common carrier facility.

91.15(2) No person shall put or leave any migratory game birds at any place other than at the person's personal abode, or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating the person's address, the total number and species of birds, and the date such birds were killed. Migratory game birds being transported in

any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

91.15(3) No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required under 91.15(2).

91.15(4) No migratory bird preservation facility shall:

- a. Receive or have in custody any migratory game birds unless accurate records are maintained showing:
 - f. The number of each species;
 - g. The date such birds were received;
 - h. The name and address of the person from whom such birds were received;
 - i. The date such birds were disposed of;
 - j. The name and address of the person to whom such birds were delivered.
- b. Destroy any records required to be maintained under this rule for period of one year following the last entry on the record.
- c. No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried on.

571—91.16(481A) Transportation within the state or between states. No person shall transport or ship any migratory game birds, unless the head or one fully feathered wing remains attached to each such bird at all times while being transported or shipped from the place where taken until they have arrived at the personal abode of the possessor or a migratory bird preservation facility.

571—91.17(481A) Wounded, live migratory game birds.

91.17(1) Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit.

91.17(2) Wanton waste. No person shall kill or cripple any migratory game bird pursuant to this chapter without making a reasonable effort to retrieve the bird and include it in the daily bag limit.

571—91.18(481A) Migratory game bird hunting by falconry.

91.18(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.

91.18(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.

91.18(3) Ducks and coots. The season for taking ducks and coots by means of falconry may vary among duck hunting zones. Falconry seasons for ducks and coots shall be open whenever the conventional (gun) duck and coot hunting season is open in each zone, as described in 571— 91.1(481A) and 571— 91.2(481A), and shall also be open beginning the first Saturday in January in each zone and remain open until the combined total of the conventional hunting season days plus falconry hunting season days reaches 107 for the zone or February 28, whichever occurs first.

91.18(4) Geese. The season for taking geese by means of falconry may vary among goose hunting zones. Falconry seasons for white-fronted geese and light geese (white and blue-phase snow

geese and Ross' geese) shall begin each year on the first day of the conventional (gun) hunting season for these geese in each zone, as described in 571—91.3(481A). Falconry seasons for Canada geese and brant shall be open concurrently with the conventional (gun) hunting season for these geese.

91.18(5) Rails, snipe and woodcock. The seasons for taking rails, snipe, and woodcock by means of falconry shall begin each year on the first day of the conventional (gun) hunting seasons for these species, as described in 571—91.7(481A), 571—91.8(481A), and 571—91.9(481A), and continue for 107 consecutive days. The entire state is open for these species.

91.18(6) Hawking hours and limits. Hawking hours for migratory game birds are one-half hour before sunrise to sunset. The daily bag limit shall include no more than three migratory game birds, singly or in aggregate. The possession limit is three times the daily bag limit. There are no hawking hour restrictions for nonmigratory game during the legal season.

571—91.19(481A) Harvest information program (HIP).

91.19(1) Each licensed hunter pursuing migratory game birds (brant, wild ducks, geese, rails, coots, snipe, woodcock, doves or any other migratory game bird) shall carry proof that they have first registered with the HIP. Hunters must supply their name, address, and information on the number of migratory game birds taken during the previous year, or other information that may be requested.

91.19(2) The natural resource commission will develop methods for collecting information from hunters at the time they purchase their hunting license or prior to going hunting, either by written or electronic means, and develop a method for validating in the field that hunters have registered.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.48(2).

Item 2. Rescind and reserve **571—Chapter 92**.

Item 3. Rescind and reserve **571—Chapter 97**.

Item 4. Rescind and reserve **571—Chapter 102**.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

37. Chapters 96, 100, 107, “Small Game Hunting” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapters 96, 100, and 107. This Notice of Intended Action is the result of the Wildlife Bureau’s Executive Order 10 rule review.

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.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapters 96, 100, 107 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing to rescind and reserve and rescind and replace chapters

The Natural Resource Commission (Commission) hereby proposes to rescind and reserve Chapter 100, “Crow and Pigeon Regulations”; rescind and reserve Chapter 107, “Rabbit and Squirrel Hunting”; and to rescind Chapter 96, “Pheasant, Quail and Gray (Hungarian) Partridge,” Iowa Administrative Code, and adopt a new Chapter 96 with the title, “Small Game Hunting.”

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 481A.38, 481A.39, and 481A.48.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38, 481A.39, and 481A.48.

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.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rule making must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 15, 2025. Comments should be directed to:

Chris Ensminger
Wildlife Bureau
6200 Park Avenue
Des Moines, IA 50319
Chris.Ensminger@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Chris.Ensminger@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al Chris.Ensminger@dnr.iowa.gov.

Public Hearing

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

January 14, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

January 15, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Chris.Ensminger@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-250-6886 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al Chris.Ensminger@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-250-6886 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

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.**

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

38. Chapters 98, 99, “Wild Turkey Hunting – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapters 98 and 99. This Notice of Intended Action is the result of the Wildlife Bureau’s Executive Order 10 rule review.

Proposed Chapter 98 governs spring and fall wild turkey hunting by residents and nonresidents in the state of Iowa. This chapter regulates turkey hunting and sets forth season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. Existing Chapters 98, “Wild Turkey Spring Hunting,” and 99, “Wild Turkey Fall Hunting,” which regulate spring and fall turkey hunting, respectively, are proposed to be merged into a new Chapter 98 with the title “Wild Turkey Hunting” consistent with Executive Order 10 (2023).

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapters 98, 99 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing to rescind and reserve and to rescind and replace chapters

The Natural Resource Commission (Commission) hereby proposes to rescind and reserve Chapter 99, “Wild Turkey Fall Hunting,” and to rescind Chapter 98, “Wild Turkey Spring Hunting,” Iowa Administrative Code, and adopt a new Chapter 98 with the title, “Wild Turkey Hunting.”

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 481A.38, 481A.39, and 481A.48.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7, and 483A.24.

Purpose and Summary

Proposed Chapter 98 governs spring and fall wild turkey hunting by residents and nonresidents in the state of Iowa. This chapter regulates turkey hunting and sets forth season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. Existing Chapters 98 and 99, which regulate spring and fall turkey hunting, respectively, are proposed to be merged into a new Chapter 98 consistent with Executive Order 10 (2023).

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rule making must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 15, 2025. Comments should be directed to:

Chris Ensminger
Wildlife Bureau
6200 Park Avenue
Des Moines, IA 50319
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Public Hearing

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January 14, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

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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 rulemaking.

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Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

ITEM 1. Rescind and reserve **571—Chapter 99**.

ITEM 2. Rescind 571—Chapter 98 and adopt the following **new** chapter in lieu thereof:

CHAPTER 98
WILD TURKEY HUNTING
RESIDENT WILD TURKEY HUNTING

571—98.1(483A) General. Wild turkey may be taken during the spring or fall season subject to the following:

98.1(1) License. When hunting wild turkey, all hunters must have in possession a wild turkey hunting license valid for the current year and season, the unused transportation tag issued with that license, a hunting license, and evidence of having paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No one, while hunting wild turkey, shall carry or have in possession any license or transportation tag issued to another hunter. No one who is issued a wild turkey license and transportation tag shall allow another person to use or possess that license or transportation tag while turkey hunting or tagging a turkey. A hunter having a license valid for one of the spring turkey seasons may accompany, call for, or otherwise assist any other hunter who has a valid turkey hunting license for any of the spring seasons. The hunter who is assisting may not shoot a turkey or carry a firearm or bow unless the hunter has a valid license with an unused tag for the current season. Licenses for the fall turkey season will only be issued to Iowa residents, except as specified in 98.9(5).

- a. *Types of spring licenses.*
- b. Combination shotgun-or-archery license. Combination shotgun-or-archery licenses shall be issued by season and shall be valid statewide in the designated season only.
- c. Archery-only license. Archery-only licenses shall be valid statewide and shall be valid during all seasons open for spring turkey hunting, except the youth season.
- d. *Number of spring licenses.* No one may apply for or obtain more than two spring wild turkey hunting licenses. A hunter may obtain no more than two combination shotgun-or-archery licenses, or two archery-only licenses, or one of each. If two combination shotgun-or-archery licenses are obtained, at least one must be for season 4. If one combination shotgun-or-archery license and one archery-only license are obtained, the combination shotgun-or-archery license must be for season 4.
- e. *Types of fall licenses.*
- f. Combination shotgun-or-archery licenses. Combination shotgun-or-archery licenses shall be valid for taking turkeys of either sex in the zone designated on the license.
- g. Archery-only licenses. Archery-only licenses shall be valid statewide for taking turkeys of either sex.
- h. *Number of fall licenses.* No one may apply for or obtain more than two wild turkey fall hunting licenses. A hunter may obtain no more than two combination shotgun-or-archery licenses, or two archery-only licenses, or one of each. One license of either type may be free to eligible landowners or tenants.

98.1(2) Daily bag and possession limit. Season possession limit, including daily bag limit, is one bearded (or male) wild turkey per spring license. Season possession limit, including daily bag limit, is one turkey of either sex per fall license.

98.1(3) Shooting hours. Shooting hours for combination shotgun-archery licenses and spring archery-only licenses shall be from one-half hour before sunrise to sunset. Shooting hours for fall archery-only licenses shall be from one-half hour before sunrise to one-half hour after sunset.

571—98.2(483A) Means and method of take.

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

- i. *Combination shotgun-or-archery license.* Wild turkey may be taken by shotgun or muzzleloading shotgun not smaller than caliber .410 and shooting only shot sizes number 4 through 10 (lead or nontoxic) shot; or archery equipment as described in 98.2(1)“b.” A person shall not have shotshells containing shot of any size other than number 4 through 10 (lead or nontoxic) shot on the person while hunting wild turkey.
- j. *Archery-only license.* Except for crossbows for persons with certain afflictions of the upper body, as provided in 571—15.22(481A), only longbows, compound bows, or recurve bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. Arrows with chemical or explosive pods are not permitted.

98.2(2) Prohibited devices. The use of live decoys, dogs (except for fall licenses), horses, motorized vehicles, aircraft, bait, or crossbows, except as otherwise provided, and the use or aid of recorded or electronically amplified bird calls or sounds, or recorded or electronically amplified imitations of bird calls or sounds, are prohibited. Paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. “Paraplegic” means an individual afflicted with paralysis of the lower half of the body with the involvement of both legs, usually due to disease of or injury to the spinal cord. “Bait” means grain, fruit, vegetables, nuts or any other natural food materials; commercial products containing natural food products; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife.

98.2(3) Zones, quotas and seasons. A person with a resident wild turkey spring hunting license may take wild turkey statewide during the spring seasons. Fall resident hunting is limited to zones and permits as designated by the natural resource commission. Fall resident zones and quotas for combination shotgun-or-archery licenses will be issued by zone as follows:

- a. Zone 4: 1,500
- b. Zone 5: 650
- c. Zone 6: 1,400
- d. Zone 7: 250
- e. Zone 8: 200
- f. Zone 9: 200

98.2(4) Archery-only licenses. The number of fall archery-only licenses shall not be limited.

98.2(5) Landowner/tenant licenses. The total number of fall landowner/tenant licenses shall not be limited.

98.2(6) Additional licenses. Additional combination shotgun-or-archery licenses may be added to zone quotas if turkey surveys indicate that annual brood production and turkey populations are high enough to warrant additional hunting opportunity. The licenses will be added at the discretion of the commission upon advice from the wildlife bureau.

98.2(7) Seasons. Seasons will be established in accordance with the type of license issued.

- a. *Spring combination shotgun-or-archery licenses.* Consecutive seasons are 4, 5, 7, and 19 days, respectively, with the first season beginning on the second Monday of April. These seasons shall be designated as seasons 1, 2, 3 and 4, respectively.
- b. *Spring archery-only licenses.* The season shall be 35 days beginning on the second Monday of April.
- c. *Fall combination shotgun-or-archery licenses.* The dates for the fall combination shotgun-or- archery season shall be from the Monday following the second Saturday in October through the Friday before the first Saturday in December of the same year. Wild turkey may be taken with a combination shotgun-or-archery license only in the following zones: 4, 5, 6, 7, 8, and 9 as defined by the department of natural resources.
- d. *Fall archery-only licenses.* The dates for the fall archery-only wild turkey hunting season shall be the same as the dates for the bow season for deer as described in 571—Chapter 106.

571—98.3(483A) Procedures to obtain licenses. All wild turkey hunting licenses will be issued using the electronic licensing system for Iowa (ELSI). Licenses may be purchased through ELSI license agents, by calling the ELSI telephone ordering system, or through the ELSI Internet license sales website.

98.3(1) Spring wild turkey hunting licenses will be sold beginning December 15 through the last day of the season for which the license is valid. There will be no quotas for combination shotgun-or- archery licenses or for archery-only licenses for resident hunters.

98.3(2) Landowner/tenant licenses. An eligible resident landowner or tenant may obtain a combination shotgun-or-archery license or a free archery-only license. Nonresident landowners are not eligible for turkey hunting licenses.

- a. *Spring combination shotgun-or-archery licenses.* A spring combination shotgun-or-archery license will be issued by season and will be valid only on the farm unit of the landowner or tenant.
- b. *Spring archery-only licenses.* A spring archery-only license will be valid for all seasons but only on the farm unit of the landowner or tenant.

- c. *Number of spring licenses.* One combination shotgun-or-archery license or one archery-only license may be obtained in addition to the free shotgun-or-archery license or the free archery-only license. If an archery-only license and a combination shotgun-or-archery license are obtained, the shotgun-or-archery license must be for season 4. If a free shotgun-or-archery license and a paid shotgun-or-archery license are obtained, one of the licenses must be for season 4.

98.3(3) Fall license availability. All fall turkey hunting licenses for which a quota is established may be obtained from ELSI agents on a first-come, first-served basis beginning August 15 until the quota fills, or through the last day of the hunting period for which the license is valid. All fall turkey hunting licenses that have no quota may be obtained from ELSI agents beginning August 15 through the last day of the hunting period for which a license is valid.

571—98.4(483A) Providing false information. If anyone provides false information when obtaining any turkey hunting license, that license and transportation tag and any other turkey hunting license and transportation tag obtained during the same year shall be invalid.

571—98.5(483A) Transportation tag. Immediately upon the killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of the turkey. The hunter who shot the turkey must use the transportation tag issued to that hunter to tag the turkey. No one may tag a turkey with a transportation tag issued to another hunter. The tag must be attached in such a manner that it cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The leg that bears the tag must be attached to the carcass of any wild turkey being transported within the state during any wild turkey hunting season. The tag shall be proof of possession of the carcass by the above- mentioned licensee.

571—98.6(483A) Eligibility for free landowner/tenant turkey licenses.

98.6(1) *Who qualifies for a landowner/tenant turkey hunting license.*

- a. Owners and tenants of a farm unit and the spouse or domestic partner as defined by the Iowa department of administrative services and juvenile child of an owner or tenant who reside with the owner or tenant are eligible for free turkey licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.
- b. “Juvenile child” means a person less than 18 years of age or a person who is 18 or 19 years of age and is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma or a high school equivalency diploma. A person 18 years of age or older who has received a high school diploma or high school equivalency diploma does not qualify.

98.6(2) *Who qualifies as a tenant.* A “tenant” is a person other than the landowner who is actively engaged in the operation of the farm. The tenant may be a member of the landowner’s family, including in some circumstances the landowner’s spouse or child, or a third party who is not a family member. The tenant does not have to reside on the farm unit.

98.6(3) *Definition of “actively engaged in farming.”* Landowners and tenants are “actively engaged in farming” if they personally participate in decisions about farm operations and those decisions, along with external factors such as weather and market prices, determine their profit or loss for the products they produce. Tenants qualify if they farm land owned by another and pay rent in cash or in kind. A farm manager or other third party that operates a farm for a fee or a laborer who works on the farm for a wage and is not a family member does not qualify as a tenant.

98.6(4) *Landowners who qualify as active farmers.* These landowners:

- a. Are the sole operator of a farm unit (along with immediate family members); or
- b. Make all decisions about farm operations, but contract for custom farming or hire labor to do some or all of the work; or
- c. Participate annually in decisions about farm operations such as negotiations with federal farm agencies or negotiations about cropping practices on specific fields that are rented to a tenant; or

- d. Raise specialty crops from operations such as orchards, nurseries, or tree farms that do not necessarily produce annual income but require annual operating decisions about maintenance or improvements; or
- e. May have portions of the farm enrolled in a long-term land retirement program such as the Conservation Reserve Program (CRP) as long as other farm operations occur annually; or
- f. Place their entire cropland in the CRP or other long-term land retirement program with no other active farming operation occurring on the farm.

98.6(5) *Landowners who do not qualify.* These landowners:

- a. Use a farm manager or other third party to operate the farm; or
- b. Cash rent the entire farm to a tenant who is responsible for all farm operations including following preapproved operations plans.

98.6(6) *Where landowner/tenant licenses are valid.* A free license is valid only on the farm unit of the landowner or tenant. “Farm unit” means all parcels of land that are at least two contiguous acres in size, that are operated as a unit for agricultural purposes, and that are under lawful control of the landowner or tenant regardless of how that land is subdivided for business purposes. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. “Agricultural purposes” includes but is not limited to field crops, livestock, horticultural crops (e.g., from nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

98.6(7) *How many landowner/tenant licenses may be obtained.* The maximum number of landowner/tenant licenses for the spring turkey season is two per farm unit, one for the landowner (or family member) and one for the tenant (or family member). If there is no tenant, the landowner’s family may obtain only one license. A tenant or the tenant’s family is entitled to only one landowner/tenant license even if the tenant farms land for more than one landowner.

98.6(8) *Registration of landowners and tenants.* Landowners and tenants and their eligible family members who want to obtain free spring wild turkey hunting licenses must register with DNR before the free licenses will be issued. Procedures for registering are described in 571—95.2(481A).

571—98.7(483A) Youth spring wild turkey hunt.

98.7(1) *Licenses.* A special youth spring wild turkey hunting license valid statewide may be issued to any Iowa resident who is 15 years old or younger on the date the youth purchases the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free license for which the youth’s family is eligible. Each participating youth must be accompanied by an adult who possesses a valid wild turkey spring hunting license for one of the seasons and a hunting license, and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). The accompanying adult must not possess a firearm or bow and must be in the direct company of the youth at all times. A person may obtain only one youth turkey hunting license but may also obtain one archery-only license or one combination shotgun-or-archery license for season 4.

98.7(2) *Youth season dates.* The youth turkey hunting license shall be valid during the three days immediately before the first turkey season. A person who is issued a youth spring wild turkey hunting license and does not take a wild turkey during the youth spring wild turkey hunting season may use the wild turkey hunting license and unused tag during any remaining spring wild turkey hunting season in the year in which the youth license was issued.

98.7(3) *Limits and license quotas.* An unlimited number of licenses may be issued. The daily and season bag and possession limit is one bearded (or male) wild turkey.

98.7(4) *Method of take and other regulations.* Wild turkeys may be taken with shotguns, muzzleloaded shotguns or bows as described in 571—98.2(483A). All other spring wild turkey hunting regulations for residents shall apply.

98.7(5) *Procedures for obtaining licenses.* Youth season licenses may be obtained through ELSI beginning December 15 through the last day of the youth season.

571—98.8(481A) Harvest reporting. Each hunter who harvests a turkey must report that kill according to procedures described in 571—95.1(481A).

NONRESIDENT WILD TURKEY HUNTING

571—98.9(483A) General. Wild turkey may be taken during the spring season subject to the following:

98.9(1) License. When hunting wild turkey, all hunters must have in possession a valid nonresident wild turkey spring hunting license, the unused transportation tag issued with that license, a valid nonresident hunting license, and proof of having paid the current year's habitat fee. No one, while hunting turkey, shall carry or have in possession any license or transportation tag issued to another hunter. No one who is issued a wild turkey license and transportation tag shall allow another person to possess that license or transportation tag while turkey hunting or tagging a turkey. Licenses will be issued by zone and season and will be valid in the designated zone and season only. No one shall obtain more than one nonresident wild turkey spring hunting license. A hunter having a license valid for one of the spring turkey seasons may accompany, call for, or otherwise assist any other hunter who has a valid turkey hunting license in that season and zone. The hunter who is providing assistance may not shoot a turkey or carry a firearm or bow unless that hunter has a valid license and an unused tag for the current season and zone. Twotypes of licenses will be issued:

- a. *Combination shotgun-or-archery license.* Shotguns, muzzleloading shotguns and archery equipment as defined in 98.12(1) may be used.
- b. *Muzzleloading shotgun-only license.* Only muzzleloading shotguns as defined in 98.12(1) may be used.

98.9(2) Seasons. Bearded (or male) wild turkey may be taken only by the use of shotguns, muzzleloading shotguns, and bow and arrow during the first, second, third or fourth seasons as defined in 98.2(4) "a."

98.9(3) Daily bag, possession and season limits. The daily bag limit is one bearded (or male) wild turkey; the possession and season limit is one bearded (or male) wild turkey.

98.9(4) Shooting hours. Shooting hours shall be from one-half hour before sunrise to sunset each day.

98.9(5) Fall special licenses. The commission shall issue licenses in conformance with Iowa Code section 483A.24(12) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must

provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

571—98.10(483A) Zones open to hunting. Licenses shall be valid only in designated areas as follows:

1. Zone 4. Zone 4 is that portion of Iowa bounded on the north by Interstate Highway 80 and on the west by U.S. Highway 59.
2. Zone 5. Zone 5 is that portion of Iowa bounded on the north by U.S. Highway 20 and on the east by U.S. Highway 59.
3. Zone 6. Zone 6 is that portion of Iowa lying east of U.S. Highway 63 and north of Interstate Highway 80.
4. Zone 7. Zone 7 is that portion of Iowa bounded on the north by U.S. Highway 20, on the west by U.S. Highway 59, on the south by Interstate Highway 80, and on the east by U.S. Highway 63.
5. Zone 8. Zone 8 is that portion of Iowa north of U.S. Highway 20 and west of U.S. Highway 63.

571—98.11(483A) License quotas. A limited number of wild turkey hunting licenses will be issued in each zone in each season as follows:

98.11(1) *Combination shotgun-or-archery licenses.*

- k.* Zone 4: 262.
- l.* Zone 5: 55.
- m.* Zone 6: 165.
- n.* Zone 7: 35.
- o.* Zone 8: 20.

98.11(2) *Muzzleloading shotgun-only licenses.* 150 statewide. A hunter purchasing a muzzleloading shotgun license must declare a zone and season and hunt only in that zone and season.

571—98.12(483A) Means and method of take.

98.12(1) *Permitted weapons.* Wild turkey may be taken only with shotguns and muzzleloading shotguns not smaller than caliber .410 and shooting only shot sizes number 4 through 10 (lead or nontoxic) shot. No person may have shotshells containing shot of any size other than number 4 through 10 (lead or nontoxic) shot on the person while hunting wild turkey. Except for crossbows for persons with certain afflictions of the upper body, as provided in 571—15.22(481A), only longbow, compound, or recurve bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. No explosive or chemical devices may be attached to the arrow, broadhead, or blunthead.

98.12(2) *Prohibited devices.* The use of live decoys, dogs, horses, motorized vehicles, aircraft, bait, crossbows, except as otherwise provided, and the use or aid of recorded or electronically amplified bird calls or sounds, or recorded or electronically amplified imitations of bird calls or sounds are prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Paraplegic" means an individual afflicted with paralysis of the lower half of the body with the involvement of both legs, usually due to disease of or injury to the spinal cord. "Bait" means grain, fruit, vegetables, nuts or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife.

571—98.13(483A) Application procedure.

98.13(1) Applications for nonresident wild turkey spring hunting licenses must be made through the ELSI telephone ordering system or the ELSI Internet license sales website. Applications will be accepted from December 15 through the last Sunday in January. No one may submit more than one application during the application period. If applications have been sold in excess of the license quota for any license type, zone, or season, a drawing will be held to determine which applicants receive licenses. Licenses or refunds of license fees will be mailed to applicants after the drawing is completed. License agent writing fees, department administrative fees, Internet sales charges and telephone order charges will not be refunded. If any license quota has not been filled, the excess licenses will be sold first-come, first-served through the telephone ordering system or the Internet license sales website beginning at 6 a.m. the second Saturday after the close of the application period until the quota has been filled or the last day of the season for which the license is valid, whichever occurs first. No one may obtain more than one nonresident wild turkey spring hunting license. Hunters may apply individually or as a group of up to 15 applicants. All members of a group will be accepted or rejected as a group in the drawing. If a group is rejected, members of that group may purchase licenses individually if excess licenses are available.

98.13(2) Each individual applicant who is unsuccessful in the drawing will be assigned one preference point for each year in which the individual applies and is unsuccessful. If a person who was unsuccessful in the drawing purchases a leftover license within four weeks, the person will receive a refund for the cost of the preference point. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Once an applicant receives a license, all preference points will be erased. Preference points will apply to any zone or season for which a hunter applies. The first license drawing each year will be made from the pool of applicants with the most preference points. If licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and continue until the license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

571—98.14(483A) Transportation tag. Immediately upon the killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of the turkey. The hunter who shot the turkey must use the transportation tag issued to that hunter to tag the turkey. No one may tag a turkey with a transportation tag issued to another hunter. The tag must be attached in such a manner that it cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The leg that bears the tag must be attached to the carcass of any wild turkey being transported within the state during any wild turkey spring hunting season. The tag shall be proof of possession of the carcass by the above- mentioned licensee.

571—98.15(481A) Harvest reporting. Each hunter who bags a turkey must report that kill according to procedures described in 571—95.1(481A).

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24.

Item 2. Rescind and reserve **571—Chapter 99.**

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

39. Chapter 101, “Falconry Regulations” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 101. This Notice of Intended Action is the result of the Wildlife Bureau’s Executive Order 10 rule review.

Proposed Chapter 101 governs falconry by residents and nonresidents in the state of Iowa. This chapter regulates raptor take and possession for the use of falconry and sets forth permit types and fees, species permitted to be taken from the wild, facility and equipment requirements, the wild Peregrine falcon take process, and annual reporting requirements. This chapter has been reviewed and simplified consistent with Executive Order 10 (2023). This rulemaking proposes to rescind and replace Chapter 101.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 101 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing to rescind and reserve and rescind and replace chapters

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 101, “Falconry Regulations,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 481A.38, 481A.39, and 481A.48.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38 and 481A.48.

Purpose and Summary

Proposed Chapter 101 governs falconry by residents and nonresidents in the state of Iowa. This chapter regulates raptor take and possession for the use of falconry and sets forth permit types and fees, species permitted to be taken from the wild, facility and equipment requirements, the wild Peregrine falcon take process, and annual reporting requirements. This chapter has been reviewed and simplified consistent with Executive Order 10 (2023).

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rule making must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 15, 2025. Comments should be directed to:

Anna Buckardt
Wildlife Bureau
1436 255th Street
Boone, IA 50036
Anna.Buckardt@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Anna.Buckardt@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al Anna.Buckardt@dnr.iowa.gov.

Public Hearing

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

January 14, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

January 15, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Anna.Buckardt@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-823-3945 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al Anna.Buckardt@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-823-3945 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

ITEM 1. Rescind 571—Chapter 101 and adopt the following **new** chapter in lieu thereof:

CHAPTER 101
FALCONRY REGULATIONS

571—101.1(481A) Falconry regulations. No person may take, transport, or possess any raptor without having first obtained a valid state/federal falconer's permit. Falconry permit holders shall comply with the department of natural resources' rules and with the current Code of Federal Regulations pertaining to falconry. Only the following raptors may be taken from the wild: American kestrel, Cooper's hawk, Ferruginous hawk, American goshawk, Eurasian goshawk, Great horned owl, Gyrfalcon, Harris's hawk,

Merlin, Peregrine falcon, Prairie falcon, Red-tailed hawk, Rough-legged hawk, and Sharp-shinned hawk. Raptors taken from the wild shall not be sold, bartered or traded. All wild raptors legally trapped or taken by a resident or nonresident falconer must be marked with an Iowa band provided by the department.

101.1(1) A falconry permit allows for the purchase, capture, possession and use of designated legal raptors in hunting, subject to state regulations.

101.1(2) A falconry permit may be issued to any person 14 years of age or older who has successfully passed a written examination provided by the department and approved by the U.S. Department of the Interior covering basic biology, care and handling of raptors, laws, regulations or other appropriate subject matter, with a minimum score of 80 percent, and who has satisfied the minimum requirements for keeping raptors as determined by inspection of the applicant's facilities. In the event an individual fails the examination, this individual may reapply.

101.1(3) There shall be three classes of falconer permits as follows:

a. Apprentice falconer.

(1) An applicant shall have a sponsor who is a holder of a general or master falconry permit and who has at least two years of active experience as a general falconer. A qualifying sponsor must submit a signed letter to the department in which the sponsor agrees to assist and mentor the apprentice falconer for the duration of the apprenticeship. A sponsor may have no more than two apprentices at any one time.

(2) Apprentice permit holders may only possess a Red-tailed hawk (*Buteo jamaicensis*) and shall not possess more than one individual or obtain more than one replacement bird during any 12-month period. Apprentice permit holders may not take nestling or fledgling birds.

(3) A sponsor has the right to withdraw sponsorship at any time by submitting a signed letter to the department requesting withdrawal of sponsorship. If an apprentice falconer fails to successfully complete the required two-year apprenticeship, the apprentice falconer's Red-tailed hawk shall be transferred to the sponsor of record. The sponsor will be required to properly care for the bird until it is transferred to another permitted falconer or hacked back into the wild.

(4) Upon completion of the apprenticeship requirements, the apprentice's sponsor must submit a signed letter of endorsement confirming that the apprentice has satisfied the terms and conditions of the apprenticeship as required by these rules and approved by the department.

b. General falconer. An applicant shall be at least 18 years old. An applicant shall have at least two years of field experience in the practice of falconry at the apprentice level or its equivalent; the keeping of raptors without actively hunting the bird(s) shall not be considered field experience. General permit holders shall not possess more than three raptors and may not take more than one raptor for a replacement bird from the wild during any 12-month period. Licensed general class falconers may purchase properly marked captive-bred raptors only from federally licensed raptor propagators.

c. Master falconer. An applicant shall have at least five years of field experience in the practice of falconry at the general level or its equivalent. The keeping of raptors without actively hunting the bird(s) shall not be considered field experience. A master falconer shall possess no more than five raptors at any one time and be permitted to take no more than two replacement birds from the wild in any 12-month period. Master class falconers may purchase properly marked captive-bred raptors only from federally licensed raptor propagators.

101.1(4) Falconry permits are \$61.50, are valid for a three-year period, and are nontransferable. Permits shall expire June 30 of the third year after issuance. Permits may be renewed without examination following the falconer's submission of an annual report of birds possessed during the previous year and provided that the department is satisfied as to the competency of the applicant whose permit has expired.

101.1(5) A federal raptor propagation permit is required before any raptor propagator may take, possess, transport, sell, purchase, barter, or transfer any captive-bred raptor, raptor egg, or raptor semen for propagation or sale purposes.

This rule is intended to implement Iowa Code section 481A.48 and conforms to the federal regulations promulgated under the Migratory Bird Treaty Act.

571—101.2(481A) Facilities and equipment. Before any individual shall be issued a falconry permit, the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the department as meeting the following standards:

101.2(1) Facilities. The primary consideration for raptor housing facilities, whether indoors or outdoors, is protection from the environment, predators or undue disturbance. Depending upon climatic conditions, the applicant shall have either or both of the following facilities:

a. Indoor facilities. Indoor facilities (mews) shall be a minimum of 6 feet high, with a floor area at least 6 feet square for each bird. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions. There shall be at least one window, protected on the inside by vertical bars spaced narrower than the width of the bird's body and a door that can be easily closed and secured. The floor of the mews shall permit easy cleaning. Falcons are to be kept on perches with a flat perching surface while accipiters, buteos and eagles are to be kept on perches that have a perching surface round in cross section and all perches should provide a good grasping surface satisfactory to the bird in possession.

b. Indoor facilities—exception. An exception may be allowed from the standard size requirements listed in 101.2(1) "a" to general and master class permittees only for housing the smaller species of raptors; however, the facilities shall be large enough to allow the bird to fully extend its wings without touching the walls of the mew.

c. Outdoor facilities. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators. The enclosed area shall be large enough to ensure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

d. Transportation—temporary holding. A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance for a period not to exceed 30 days.

e. Maintenance and inspection. All facilities and equipment shall be kept at or above the preceding standards at all times and shall be available for inspection by representatives of the department at all reasonable hours.

101.2(2) Falconry permits are \$61.50, are valid for a three-year period, and are nontransferable. Permits shall expire June 30 of the third year after issuance. Permits may be renewed without examination following the falconer's submission of an annual report of birds possessed during the previous year and provided that the department is satisfied as to the competency of the applicant whose permit has expired.

101.2(3) A federal raptor propagation permit is required before any raptor propagator may take, possess, transport, sell, purchase, barter, or transfer any captive-bred raptor, raptor egg, or raptor semen for propagation or sale purposes.

101.2(4) Equipment. The following items shall be in the possession of the applicant before the applicant can obtain a permit.

a. Jesses. At least one pair of Alymeri or similar-type jesses constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free (traditional one-piece jesses may be used on raptors when the raptors are not being flown).

b. Leashes and swivels. At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.

c. Bath container. At least one suitable container for each raptor, two to six inches deep and wider than the length of the raptor.

d. Outdoor perches. At least one weathering area perch of an acceptable design for each raptor.

e. Weighing device. A working scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than two-tenths of an ounce, or five grams.

This rule is intended to implement Iowa Code section 481A.48 and conforms to the federal regulations promulgated under the "Migratory Bird Treaty Act."

571—101.3(481A) Taking and possession provision. The taking of American kestrel, Cooper's hawk, Ferruginous hawk, American goshawk, Eurasian goshawk, Great horned owl, Gyrfalcon, Harris's hawk,

Merlin, Prairie falcon, Red-tailed hawk, Rough-legged hawk, and Sharp-shinned hawk from the wild by resident falconers shall be limited to the following conditions:

101.3(1) Young birds not yet capable of flight may be taken at any time following hatch by a general class or master class falconer. The falconer may take no more than two nestlings, and at least one nestling shall be left in any nest from which a nestling is taken. The taking of nestlings and branchers is permitted only between April 1 and July 31. Removal of eggs from nests is prohibited.

101.3(2) First year (passage) birds shall be taken only from August 1 through March 31.

101.3(3) Only American kestrels (*Falco sparverius*) and Great horned owls (*Bubo virginianus*) may be taken when over one year old; however, the permissible period for taking shall be no different than that prescribed for passage birds of all other legal species.

101.3(4) No permittee shall employ any method of taking raptors that is injurious to the bird.

101.3(5) Any species except endangered or threatened species or exotic birds, the import of which has been banned by the international convention, federal regulation or the department, may be possessed and used for falconry provided the license holder can provide evidence that the bird was legally acquired. No one may import a raptor into Iowa or export a raptor out of Iowa for a period greater than 30 days without having first obtained written permission of the department.

101.3(6) Recapture. Banded raptors that are lost to the wild through accident may be retrapped provided that the department has been advised of the loss and is notified of the attempt to recapture. If the banded raptor is recaptured, the department shall be notified of the recovery within 48 hours.

101.3(7) Previously banded birds. Any raptor captured with a federal leg band or any research band already attached shall be immediately released at the site of capture, and the band number and location of trapping site shall be reported to the department within 48 hours.

101.3(8) Nonresident raptor trapping. A permit may be issued upon application by a nonresident for the purpose of taking a raptor in Iowa, provided that the applicant's resident state provides for the taking of raptors by nonresidents. Nonresidents shall submit a photocopy of a valid state or federal falconry permit. Only general and master class nonresident raptor trapping permits shall be issued.

a. Trapping provisions. Trapping of raptors in Iowa by permitted nonresident falconers shall be limited to the legal species listed in these rules.

b. Marking requirements. Raptors legally trapped by nonresidents must be marked with an Iowa band provided by the department. No raptor shall be transported from Iowa without first having had the Iowa band attached. Permittees may, with written permission from the department, provide their own band issued by their state of residency. Permittees who provide their own band shall place the band on the raptor immediately upon capture and must notify the department within five days of the capture and of the corresponding band number.

c. Fees. Fees for nonresident raptor trapping applications shall be reciprocal to the fee charged by the applicant's resident state. If the applicant's resident state does not provide for a nonresident raptor trapping fee, then the Iowa nonresident raptor trapping application fee shall be \$100.

d. Restrictions. Nonresident falconers may apply for one raptor trapping permit per trapping season. All nonresident raptor trapping permits shall be valid for a period not to exceed 60 consecutive days, beginning on the date of issuance. No nestlings or raptor eggs may be taken. First year (passage) birds may be taken only from September 1 through January 31. The nonresident raptor trapping permit shall be valid for only one raptor of the species designated on the permit. The raptor trapping permit shall be carried by the permittee while in the act of trapping and the transportation of any subsequently trapped raptor.

571—101.4(481A) Wild Peregrine falcons. A wild Peregrine falcon permit allows for the capture, possession and use of a wild Peregrine falcon in hunting, subject to 571—Chapter 101. In addition to the following provisions, the holder of a wild Peregrine falcon permit shall comply with 571—101.1(481A), 571—101.2(481A), and 571—101.5(481A) through 571—101.7(481A) as well as other applicable law.

101.4(1) The taking of Peregrine falcons from the wild shall be conducted only by resident general or master falconers with at least five consecutive years of field experience in the years immediately preceding the filing of an application as described in 101.4(4) and subject to the following conditions:

a. Nestling birds shall not be taken. Young birds not yet capable of flight shall not be taken. Removal of eggs from nests is prohibited.

b. Only wild Peregrine falcons less than one year old shall be taken, and only between September 20 and October 20.

c. No permittee shall employ any method of take that is injurious to the bird.

d. No more than one wild Peregrine falcon per person may be possessed at any given time.

101.4(2) Recapture. Banded Peregrine falcons that are lost to the wild through accident may be retrapped at any time provided that the department has been advised of the loss and is notified of the attempt to recapture. If the banded raptor is recaptured, the department shall be notified of the recovery within 48 hours.

101.4(3) Previously banded Peregrines. Any wild Peregrine falcon captured with a federal leg band or any research band already attached shall be immediately released at the site of capture, and the band number and location of trapping site shall be reported to the department within 48 hours.

101.4(4) Lottery. Applications for wild Peregrine falcon permits shall be received by the department no later than July 31 of each year. Permit drawing from the names of qualifying applicants will be held at the August commission meeting.

571—101.5(481A) Annual reports. Each holder of a falconer's permit shall submit an annual report to the department by July 31 of each year. This report shall list all raptors in possession on the preceding thirtieth day of June and any raptor held during the year by species, sex (if known), age (if known), date acquired and where or from whom acquired, and whether the raptor escaped, died, was recaptured, or was released during this time period and the date on which the event occurred.

571—101.6(481A) Other provisions.

101.6(1) Any raptor captured with a research radio transmitter attached must be reported to the department within five days, and the raptor shall be released immediately.

101.6(2) No permittee may take, purchase, receive or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits federal Form 3-186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the issuing regional fish and wildlife service office within five days of such transaction. A falconry permittee shall notify the department in writing of the death, replacement, loss, release or temporary transfer or other such change in the status of the permittee's raptors within five days of such occurrence. Written authorization shall be obtained from the department before a replacement raptor may be secured. Each dead raptor shall be surrendered to the department or disposed of at the department's direction. Primary, secondary, and tail feathers may be retained and exchanged from these birds to imp or repair broken feathers.

101.6(3) Raptor exportation and importation permits may be issued to resident and nonresident falconers licensed to practice falconry in other states. Such permits shall be issued only when the export or import term will exceed 30 days. In the case of exportation or importation terms of less than 30 days, the permittee shall have in possession a photocopy of raptor possession documentation (Form 3-186A) and a photocopy of a valid state or federal falconry permit. Persons wishing to participate in hunting will be required to possess appropriate hunting licenses or permits.

101.6(4) A falconry permit holder shall obtain written authorization from the department before any raptor not indigenous to the state is intentionally released to the wild, at which time the band from the released raptor shall be removed and surrendered to the department. The band from an intentionally released raptor which is indigenous to the state shall also be removed and surrendered to the department. A standard federal bird band shall be attached to such raptors by the state or a service-authorized federal bird bander whenever possible. A falconer shall not permanently release a captive-bred raptor to the wild.

101.6(5) A raptor possessed under a state or federal falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors and only if the raptor is accompanied at all times by the properly completed Form 3-186A (Migratory Bird Acquisition/Disposition Report) designating the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

101.6(6) A general or master falconer may charge a fee for presentation of a raptor education program to the public. The fee cannot exceed the amount required to cover the falconer's expenses.

101.6(7) When a hybrid or exotic falconry bird is flown free, it must be fitted with two working radio telemetry transmitters.

571—101.7(481A) Compliance. Permits will be revoked for any individual failing to comply with the provisions of these rules.

These rules are intended to implement Iowa Code sections 481A.39 and 481A.42.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

40. Chapter 105, “Deer Population Management Zones – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 105. This Notice of Intended Action is the result of the Wildlife Bureau’s Executive Order 10 rule review.

Proposed Chapter 105 establishes deer management zone hunts to be used in areas that do not typically have hunting opportunities in order to safely, ethically, and effectively manage deer populations. The chapter includes additional measures for state parks, urban environments, county conservation board property, other government jurisdictions, and private property to make sure that the program is conducted safely and to guide the managing entities through the process. This chapter has been reviewed consistent with Executive Order 10 (2023). This rulemaking proposes to rescind and replace Chapter 105.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 105 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing to rescind and replace chapters

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 105, “Deer Population Management Zones,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 481A.38, 481A.39, 481A.48, and 483A.8.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38 and 481A.48; see also Iowa Code section 483A.8.

Purpose and Summary

Proposed Chapter 105 establishes deer management zone hunts to be used in areas that do not typically have hunting opportunities in order to safely, ethically, and effectively manage deer populations. The chapter includes additional measures for state parks, urban environments, county conservation board property, other government jurisdictions, and private property to make sure that the program is conducted safely and to guide the managing entities through the process. This chapter has been reviewed consistent with Executive Order 10 (2023).

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rule making must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 15, 2025. Comments should be directed to:

Andy Kellner
Wildlife Bureau
55 East Jefferson Street
Winterset, IA 50273
Andrew.Kellner@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Andrew.Kellner@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al Andrew.Kellner@dnr.iowa.gov.

Public Hearing

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

January 14, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

January 15, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Andrew.Kellner@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-975-8318 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al Andrew.Kellner@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-975-8318 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

ITEM 1. Rescind 571—Chapter 105 and adopt the following **new** chapter in lieu thereof:

CHAPTER 105
DEER POPULATION MANAGEMENT ZONES

571—105.1(481A) Definitions.

“*Commission*” means the natural resource commission.

“*Department*” means the department of natural resources.

“*Special deer management zones*” means defined units of public and private land, including state parks, state recreation areas, county parks, urban areas, and areas managed by other governmental jurisdictions.

“*Urban deer management zones*” means areas mostly within incorporated city limits including city, county, state, and private land.

571—105.2(481A) Special deer management zones. Special deer management zone boundaries, seasons, permitted weapons, license quotas, and other conditions for hunting shall be designated annually by the commission.

105.2(1) *Seasons.* Deer hunting in a special deer management zone may occur only on dates established by the commission. Season dates may or may not coincide with seasons for general deer hunting outside special deer management zones.

105.2(2) *Licenses.* Every hunter must have in possession a paid special hunting license valid only for the specific special deer management zone. The hunting license shall specify dates of hunting and the type of deer that may be taken as designated by the commission. The special licenses will be issued at locations and on dates announced by the commission. Special licenses shall be issued to Iowa residents only and shall cost the same as deer licenses issued during the general deer seasons. Incentives, including but not limited to issuing additional antlerless-only or any-deer licenses, may be used to attract hunters to a special hunt.

105.2(3) *Permitted weapons.* Only weapons permitted during the general deer seasons may be used. The commission may limit the use of specific weapons in some deer management zones and seasons on a case-by-case basis to improve the safety of hunters and the surrounding area.

105.2(4) *Hunter safety and proficiency.* Hunters may be required to pass a weapons proficiency test and attend a meeting prior to hunting in special deer management zones. The meeting will be used to familiarize hunters with zone boundaries, location of private lands, safety areas around buildings, access points, objectives of the hunt and other aspects of hunting in a special deer management zone.

105.2(5) *Checking deer.* A hunter who takes a deer may be required to check the deer at a designated headquarters prior to leaving the area.

105.2(6) *Educational hunts.* Hunts in designated special deer management zones may be restricted to youth or novice hunters to introduce them to safe and ethical deer hunting.

a. Age, experience or other eligibility restrictions may be designated by the commission. Zones, seasons and other conditions for hunting will be designated the same as specified in this rule.

b. An adult must accompany each youth participating in an educational hunt. The adult must be licensed as specified in 571—subrule_106.10(1).

c. A novice, nonyouth hunter may be accompanied by an adult mentor. The mentor must have a valid hunting license and have paid the habitat fee, if otherwise required to do so.

105.2(7) *Zone request.* Deer management zones will be established only upon request from cities, task forces, a county government, the federal government, or an appropriate responsible entity and when approved by the commission.

571—105.3(481A) State parks and recreation areas. A summary of public comments shall be included with other recommendations to the commission related to hunting in a state park or state recreation area.

571—105.4(481A) Urban deer management zones.

105.4(1) *Special restrictions.* Cities, deer task forces, or other public entities may require hunters to do one or more of the following: pass a hunter safety and education course, pass a weapons proficiency test, or be approved by the appropriate police department or conservation officer.

105.4(2) *Other methods.* The natural resource commission in cooperation with the city government may approve other methods of deer removal in urban areas.

571—105.5(481A) County park deer management zones—special restrictions. County park managers may require hunters to do one or more of the following: pass a hunter safety and education course, pass a weapons proficiency test, or be approved by the appropriate county sheriff or conservation officer.

571—105.6(481A) Special deer management zones on private land. Special deer management zones may be established on private land when approved by the commission. Zones, seasons, and other conditions for hunting will be determined by the commission. Hunters will be required to comply with all applicable regulations specified in 571—Chapter_106.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.8.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

41. Chapters 108, 109, 110, “Wild Furbearer Trapping and Hunting” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapters 108, 109, and 110. This Notice of Intended Action is the result of the Wildlife Bureau’s Executive Order 10 rule review.

Proposed Chapter 108 sets the season dates, daily bag limits, possession limits, and areas open to hunting or trapping furbearers. This chapter is a consolidation of existing Chapters 108, 109, and 110, which collectively regulate the take of various species of furbearers and trapping generally. This consolidation has been made consistent with Executive Order 10 (2023).

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 108, 109, 110 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing to rescind and reserve and rescind and replace chapters

The Natural Resource Commission (Commission) hereby proposes to rescind and reserve Chapter 109, “Groundhog Season,” and to rescind and reserve Chapter 110, “Trapping Limitations”, and to rescind Chapter 108, “Mink, Muskrat, Raccoon, Badger, Opossum, Weasel, Striped Skunk, Fox (Red and Gray), Beaver, Coyote, River Otter, Bobcat, Gray (Timber) Wolf, and Spotted Skunk Seasons,” Iowa Administrative Code, and adopt a new Chapter 108 with the title, “Wild Furbearer Trapping and Hunting.”

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, and 481A.90.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.6, 481A.38, 481A.87, and 481A.92.

Purpose and Summary

Proposed Chapter 108 sets the season dates, daily bag limits, possession limits, and areas open to hunting or trapping furbearers. This chapter is a consolidation of existing Chapters 108, 109, and 110, which collectively regulate the take of various species of furbearers and trapping generally. This consolidation has been made consistent with Executive Order 10 (2023).

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rule making must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 15, 2025. Comments should be directed to:

Chris Ensminger
Wildlife Bureau
6200 Park Avenue
Des Moines, IA 50319
Chris.Ensminger@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Chris.Ensminger@dnr.iowa.gov.

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Public Hearing

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

January 14, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

January 15, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Chris.Ensminger@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-250-6886 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al Chris.Ensminger@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-250-6886 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

ITEM 1. Rescind and reserve **571—Chapter 109**.

ITEM 2. Rescind and reserve **571—Chapter 110**.

ITEM 3. Rescind 571—Chapter 108 and adopt the following **new** chapter in lieu thereof:

CHAPTER 108
WILD FURBEARER TRAPPING AND HUNTING

571—108.1(481A) Badger, opossum, striped skunk, red fox, gray fox, mink, muskrat and weasel. Open season for the taking of mink, muskrat and weasel shall be from 8 a.m. on the first Saturday in November through February 28 of succeeding year. Entire state open. No bag or possession limit.

108.1(1) *Disturbing muskrat houses.* Any department of natural resources officer, natural resource biologist, or county conservation board director may permit trappers to dig into or disturb muskrat houses on specific state or county game management areas as provided in Iowa Code section 481A.90, after finding that muskrats are causing excessive damage by destroying the vegetation essential to the welfare of a marsh and after so posting the area.

108.1(2) *Game management areas.* Open season for taking muskrats on certain state game management areas, certain federal national wildlife refuges, and certain county conservation board areas, only where approved by the wildlife bureau and posted accordingly, shall be from 8 a.m. the day after the regular muskrat trapping season ends until April 1. The use of foothold traps during this season is prohibited unless each trap is placed completely inside a muskrat house. No bag or possession limit.

571—108.2(481A) Groundhog. Continuous open season. Entire state open. No daily bag or possession limit.

571—108.3(481A) Raccoon.

108.3(1) *Hunting.* Continuous open season on private lands and from 8 a.m. on the first Saturday in November through February 28 of the succeeding year on public lands. Entire state open. No bag or possession limit.

108.3(2) *Trapping.* Continuous open season using cage traps and dog-proof traps on private lands year-round. Trapping limitations described in 571—Chapter 110 apply to trapping raccoons from 8 a.m. on the first Saturday in November through February 28 of succeeding year on all lands. Entire state open. No bag or possession limit.

571—108.4(481A) Beaver. Open season for the taking of beaver shall be from 8 a.m. on the first Saturday in November through April 15 of succeeding year. No bag or possession limit.

571—108.5(481A) Coyote.

108.5(1) *Hunting.* Continuous open season. Entire state open. No bag or possession limit.

108.5(2) *Trapping.* Open season for trapping coyote shall be 8 a.m. on the first Saturday in November through February 28 of succeeding year. Entire state open. No bag or possession limit. Any conservation officer or wildlife biologist may authorize a landowner, tenant or designee to trap coyotes causing damage outside the established trapping season dates.

571—108.6(481A) Gray (timber) wolf and spotted skunk. Continuous closed season.

571—108.7(481A) River otter and bobcat.

108.7(1) *License requirements.* Each person who takes river otters or bobcats shall have a valid fur harvester license and pay the habitat fee if normally required to have a license to hunt or trap.

108.7(2) *Open area.* River otters may be taken statewide. Bobcats may be taken in the following counties: Adair, Adams, Appanoose, Audubon, Boone, Cass, Cedar, Cherokee, Clarke, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Fremont, Guthrie, Harrison, Henry, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Plymouth, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Shelby, Sioux, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, and Woodbury.

108.7(3) *Seasonal bag limit.*

a. The seasonal bag limit for river otters is 3 river otters per person.

b. The seasonal bag limit for bobcats is 1 bobcat per person in the following counties: Audubon, Boone, Cedar, Cherokee, Clinton, Crawford, Dallas, Delaware, Guthrie, Harrison, Iowa, Jackson, Jasper, Johnson,

Jones, Lyon, Monona, Muscatine, Plymouth, Polk, Poweshiek, Scott, Shelby, Sioux, Webster, and Woodbury.

c. The seasonal bag limit for bobcats is 3 bobcats per person in the following counties: Adair, Adams, Appanoose, Cass, Clarke, Davis, Decatur, Des Moines, Fremont, Henry, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monroe, Montgomery, Page, Pottawattamie, Ringgold, Taylor, Union, Van Buren, Wapello, Warren, Washington, and Wayne.

d. No more than 3 bobcats total can be legally harvested by a fur harvester in a season. River otters or bobcats trapped in excess of the seasonal bag limit or in a closed area must be turned over to the department; the fur harvester shall not be penalized.

108.7(4) Season dates. The season for taking river otters and bobcats opens on the first Saturday in November and closes on February 28 of the following year.

108.7(5) Reporting requirements. Anyone, including a landowner or tenant not required to have a fur harvester license, who takes a river otter or bobcat must report the harvest and arrange to receive a CITES tag from the officer or designated DNR employee within seven days of harvest. The river otter or bobcat shall be skinned and its lower jaw or skull turned over to the DNR conservation officer or designated DNR employee at the time the CITES tag is issued. If the specimen is to be kept whole for taxidermy purposes, a cut shall be made by the trapper between the gum line and eye so the CITES tag can be attached to the skin.

108.7(6) Tagging requirements. Every river otter or bobcat that may legally be kept must have a CITES tag attached. Tags will be supplied by the conservation officer or designated DNR employee. The tag must remain with the pelt until the pelt is sold or used for other purposes that render it no longer available for sale. Persons displaying river otters or bobcats as taxidermy mounts or as other decorative items must keep the tags in their possession as proof of legal harvest.

571—108.8(481A) Accidental capture of a river otter or bobcat during a closed season. A person who accidentally captures a river otter or bobcat during a closed season or in a closed area or after the person's individual bag limit has been reached shall not be penalized provided that:

1. The river otter or bobcat is captured during a legal trapping season or as part of a legal depredation control process; and
2. A conservation officer is contacted within 24 hours and the river otter or bobcat and all parts thereof are turned over to a conservation officer as soon as practical.

571—108.9(481A) Trapping restrictions. Trapping for all furbearers will be restricted as follows:

108.9(1) Exposed bait. No person shall set or maintain any leghold, body-clasping trap, or snare within 20 feet of exposed bait on land anywhere in the state or over water in the following areas:

a. Mississippi River corridor—Allamakee, Clayton, Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee Counties.

b. Missouri River corridor—Those portions of Woodbury, Monona, Harrison, Pottawattamie, Mills and Fremont Counties west of Interstate 29.

c. Des Moines River corridor—Boone, Dallas, Polk, Marion, Mahaska, Wapello and Van Buren Counties.

Exposed bait means meat or viscera or any animal, bird, fish, amphibian, or reptile with or without skin, hide, or feathers visible to soaring birds.

571—108.10(481A) Public roadside limitations—snares and body-gripping type traps. No person shall set or maintain any snare or body-gripping type trap within any public road right-of-way within 200 yards of buildings inhabited by human beings unless a resident of the dwelling adjacent to the public road right-of-way has given permission or unless the body-gripping type trap is completely underwater or at least one-half of the loop of a snare is underwater. Nothing in this rule shall be construed as limiting the use of foothold traps or box-type live traps in public road rights-of-way. No person shall place or leave any trap, stake, or nonindigenous set making material upon any public road right-of-way except during a period of time that begins two weeks before the trapping season opens and ends on the last day of the season.

571—108.11(481A) Snares.

108.11(1) Placement. No person shall set or maintain any snare in any public road right-of-way so that the snare when fully extended can touch any fence. Snares may not be attached to a drag.

108.11(2) Loop size. No snare when set will have a loop larger than 8 inches in horizontal measurement

except for snares set with at least one-half of the loop underwater or snares set on private land other than roadsides within 30 yards of a pond, lake, drainage ditch, creek, stream or river shall not have a loop larger than 11 inches in horizontal measurement.

108.11(3) Deer locks. All snares must have a functional deer lock that will not allow the snare loop to close smaller than 2½ inches in diameter.

108.11(4) Mechanical snares. It shall be illegal to set any mechanically powered snare designed to capture an animal by the neck or body unless such snares are placed completely underwater.

571—108.12(481A) Body-gripping traps. No person shall set or maintain any body-gripping trap on any public road right-of-way within 5 feet of any fence.

571—108.13(481A) Foothold traps. No person shall set or maintain on land any foothold trap with metal-serrated jaws, metal-toothed jaws or a spread inside the set jaws of greater than 7 inches.

571—108.14(481A) Removal of animals from traps and snares. All animals or animal carcasses caught in any type of trap or snare, except those which are placed entirely underwater and designed to drown the animal immediately, must be removed from the trap or snare by the trap or snare user immediately upon discovery and within 24 hours of the time the animal is caught.

571—108.15(481A) Trap tag requirements. All traps and snares, whether set or not, possessed by a person who can reasonably be presumed to be trapping shall have a metal tag attached plainly labeled with the user's name and address.

571—108.16(481A) Colony traps. All colony traps must be set entirely under water.

This chapter implements Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, 481A.90, 481A.92.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

42. Chapter 114, “Nuisance Wildlife Control” – Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 114. This Notice of Intended Action is the result of the Wildlife Bureau’s Executive Order 10 rule review.

Proposed Chapter 114 governs the nuisance wildlife control program. The rules contain specific requirements for application, testing, license requirements, special species considerations, annual reporting, and special permit guidance to nuisance wildlife control operators (NWCOs). NWCOs are experienced professionals who assist homeowners, businesses, and cities with removal of wildlife in conflict scenarios. Strong relationships between the Department and NWCOs have resulted in a positive customer service response to the public. This rulemaking proposes to rescind and replace Chapter 114.

Todd Bishop, Wildlife Bureau Chief
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 114 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing to rescind and reserve and rescind and replace chapters

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 114, “Nuisance Wildlife Control,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 456A.24(8), 481A.38, 481A.39 and 481A.48.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 456A.24(8) and 481A.48.

Purpose and Summary

Proposed Chapter 114 governs the nuisance wildlife control program. The rules contain specific requirements for application, testing, license requirements, special species considerations, annual reporting, and special permit guidance to nuisance wildlife control operators (NWCOs). NWCOs are experienced professionals who assist homeowners, businesses, and cities with removal of wildlife in conflict scenarios. Strong relationships between the Department and NWCOs have resulted in a positive customer service response to the public.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rule making must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 15, 2025. Comments should be directed to:

Andy Kellner
Wildlife Bureau
55 East Jefferson Street
Winterset, IA 50273
Andrew.Kellner@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at Andrew.Kellner@dnr.iowa.gov.

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Public Hearing

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

January 14, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

January 15, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at Andrew.Kellner@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-975-8318 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al Andrew.Kellner@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-975-8318 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

ITEM 1. Rescind 571—Chapter 1114 and adopt the following **new** chapter in lieu thereof:

CHAPTER 114
NUISANCE WILDLIFE CONTROL

571—114.1(456A) Nuisance wildlife control program. No provision of this chapter shall restrict a landowner from lawfully removing nuisance wildlife pursuant to Iowa Code section 481A.87.

571—114.2(456A) Definitions.

“*Annual activity report*” means an annual report submitted on a form provided by the department of natural resources.

“*Biologist*” means a natural resource biologist employed by the wildlife bureau of the department.

“*Guidebook*” means the nuisance wildlife control operator’s manual provided by the department, updated November 2024.

“*Helper*” means a person who possesses a fur harvester license, has paid the habitat fee, and is listed, by name, on the permit as authorized to perform nuisance wildlife control operator duties under the direction of the permittee.

“*Nuisance wildlife*” means wild, native animals or birds under the jurisdiction of the department that are causing damage to property, creating a nuisance, or presenting a health hazard.

“*Nuisance wildlife control operator*” or “*NWCO*” means a person who operates as a business and charges a fee to remove nuisance wildlife.

“*Permit*” means an annual permit issued by the department under the authority of Iowa Code section 455A.5(6)“*e*” for the purpose of capturing and removing nuisance wildlife.

“*Permittee*” means an NWCO who possesses a valid nuisance wildlife control operator’s permit issued by the department.

“*Special Canada goose control permit*” or “*SCGCP*” means a permit to engage in the Canada goose population control activities specified by the department.

“*Translocate*” means to transport and release an animal at a site other than the site at which it was captured.

571—114.3(456A) Nuisance wildlife control operator’s permit. An NWCO permit may be issued to an NWCO who complies with all requirements established within this chapter. This is an annual permit and may be renewed by January 10 of the following year and is not transferable. The department shall not renew a permit without first receiving a completed annual activity report for the previous year.

571—114.4(456A) Application requirements. All applicants must be at least 18 years of age and possess a valid driver’s license.

571—114.5(456A) Nuisance wildlife control operator’s guidebook. All applicants will receive an NWCO guidebook at the time they submit a completed permit application form. The permittee shall refer to the guidebook as an operating manual for nuisance wildlife control activity. All requirements and procedures listed in the guidebook must be followed. The NWCO guidebook is hereby adopted by reference and shall be a part of this chapter as if set forth herein.

571—114.6(456A) Nuisance wildlife control operator’s test and interview. An applicant must successfully pass a written test with a minimum test score of 80 percent before an NWCO permit will be issued. If the applicant fails the written test, the applicant must wait 45 days before retaking the test. If the applicant fails the written test a second time, the applicant must wait 180 days before reapplying. A \$25 testing fee will be assessed when the applicant successfully completes the test. In addition, the applicant must successfully complete an oral, in-person interview with a representative of the department to determine the applicant’s knowledge of wildlife and wildlife capture techniques, and to determine if the applicant has the ability to provide effective services to the public.

571—114.7(456A) Records and recordkeeping requirements. All permittees shall keep an up-to- date daily record of their nuisance wildlife control activities and keep it on file at the business location specified in the permit. Each record must contain the client’s name, address, telephone number, date of service, service provider’s name, species of animal, number of animals removed, control methods used, and disposition of the animals. Permittees holding an SCGCP must also document the locations of all Canada goose nests destroyed, the numbers of Canada goose eggs destroyed, and the numbers of Canada geese killed at each project site. The permittee shall provide these records for inspection by a department representative at any reasonable time.

571—114.8(456A) Annual activity report. The permittee shall submit an annual activity report on forms provided by the department no later than January 31 of the following year. The department shall not renew a permit until a complete and accurate annual activity report has been received for the preceding year.

571—114.9(456A) Permit renewal. An NWCO permit may be renewed by the department when all reporting requirements for the previous year have been met. An administrative fee of \$20 will be assessed at the time of permit renewal.

571—114.10(456A) Helper. A helper shall operate under the same conditions as the permittee. The permittee shall be responsible for all actions of the helpers listed on the permit. Compliance violations committed by a helper may be cause for the department to revoke the NWCO permit.

571—114.11(456A) Capture methods and trap tagging. The permittee and designated helpers shall observe all Iowa fur trapping and fur possession regulations as provided by Iowa law, the Iowa Administrative Code, and the NWCO guidebook. If traditional capture methods fail, the permittee may use chemicals, smoking devices, mechanical ferrets, wire, tools, instruments, or water to remove nuisance animals in accordance with the procedures contained in the guidebook. No person, except a person acting under an NWCO permit, shall capture or take, or attempt to capture or take, with any trap, snare, or net, any game bird.

571—114.12(456A) Endangered and threatened wildlife species. The permittee is not authorized to capture or possess any wildlife species listed as endangered or threatened. A permittee may only capture or possess a federally protected species to the extent that the permittee is authorized to engage in specific Canada goose population control activities by the terms of a valid SCGCP. This prohibition includes, but is not limited to, the capture or possession of bobcats, spotted skunks, hawks, owls, eagles, migratory birds, waterfowl, and songbirds. When a nuisance wildlife problem involves an endangered or threatened species, the local state conservation officer must be contacted, and the officer will determine how the situation should be handled.

571—114.13(456A) Special Canada goose control permits. A person applying for a special Canada goose control permit to use lethal methods to control Canada goose populations or to trap and translocate Canada geese must be a currently certified NWCO and must abide by the following rules:

114.13(1) Lethal control practices. Permittees wishing to use lethal methods, such as nest destruction, egg oiling, egg addling, or killing geese, must comply with the following procedures:

- a.* Permittees must obtain written permission from the biologist responsible for the county in which the lethal control practice is proposed for every site where a lethal control practice is proposed before implementing any such practice. The biologist will determine if lethal control practices are necessary and will specify the number of nests, eggs, or adult geese that can be destroyed at each site.
- b.* The permittee must follow the procedures in the NWCO guidebook for implementing lethal control practices and disposing of dead birds, eggs, and nests. Failure to follow such procedures will result in immediate revocation of the permit.
- c.* Permittees must satisfactorily complete at least two lethal control projects under the direct supervision of a biologist before being granted an SCGCP for lethal control practices. Upon the permittee's satisfactory completion of two lethal control projects, the biologist can issue the NWCO an SCGCP to perform lethal control activities without direct supervision by department personnel. The NWCO must carry this permit whenever engaged in lethal Canada goose control activities and exhibit it upon request by department personnel. Any persons assisting with the lethal control practices must be listed on the SCGCP. The permittee is responsible for the conduct of all persons listed on the SCGCP who are helping conduct lethal control operations.
- d.* All Canada goose work must be reported as specified in the NWCO guidebook by December 31 of the year for which the SCGCP is valid. The department will not renew a permit until a complete and accurate annual activity report has been received for the preceding year.

114.13(2) Trapping and translocation operations. Permittees wishing to trap and translocate Canada geese must comply with the following procedures:

- a.* Permittees must obtain written permission from the biologist responsible for the county in which the trap and translocation operation is proposed for every site where such operation is proposed before implementing any such operation. The biologist will determine if a trap and translocation operation is

necessary and will specify the number of geese that can be translocated from each site. The biologist will also specify release sites for the captured geese. Release sites must be approved by the biologist before any geese are captured.

b. The permittee must follow the procedures in the NWCO guidebook for implementing trap and translocation operations. Failure to follow such procedures will result in immediate revocation of the permit.

c. Before the permittee engages in a trap and translocation operation, the permittee's trapping and transport equipment must be inspected and approved by a biologist.

d. Permittees must satisfactorily complete at least four trap and translocation projects under the direct supervision of a biologist before being granted an SCGCP for trap and translocation operations. Upon satisfactory completion of four trap and translocation projects, the biologist can issue the NWCO an SCGCP to perform trap and translocation operations without direct supervision by department personnel. The NWCO must carry this permit whenever engaged in trap and translocation operations and exhibit it upon request by department personnel. Any persons assisting with the trap and translocation operations must be listed on the SCGCP. The permittee is responsible for the conduct of all persons listed on the SCGCP who are helping with trap and translocation operations.

e. Permittees must inform the biologist of the number of birds captured and translocated within 48 hours of the completion of each operation. Permittees must document the number of Canada geese trapped and released for each capture and release site and the number of geese that died during each trap and translocation operation. Any banded geese that are captured and translocated must be reported as specified in the NWCO guidebook within 48 hours of completion of the project.

f. Permittees must provide the department a written report of all trap and translocation operations by December 31 of the year for which the SCGCP is valid. Failure to provide this report by December 31 will result in the permittee's not being reauthorized to trap and translocate geese the following year.

114.13(3) General provisions.

a. The SCGCP is valid for one year and must be reauthorized by a biologist each year when the NWCO permit is renewed.

b. Any plumage, eggs, eggshells, nests, or dead birds encountered by the permittee when performing activities permitted under this rule may not be sold, offered for sale, bartered or shipped or possessed for the purposes of being sold, offered for sale, bartered or shipped.

c. Any properties on which lethal control or trap and transport operations are conducted must be open at all reasonable times, including during actual operations, to any biologist, conservation officer, U.S. Fish and Wildlife Service special agent, or U.S. Department of Agricultural Wildlife Services agent wishing to inspect the activity or the results of the activity.

d. Nothing in the permit should be construed to authorize the killing of any migratory bird or the destruction of the nests or eggs of any migratory bird other than resident Canada geese.

571—114.14(481A) Pigeons.

114.14(1) Pigeons causing a health or safety hazard may be taken by trapping, or any current Environmental Protection Agency (EPA)- and Iowa-registered pesticide repellent, or toxic perches. Strychnine-based products cannot be used. The person or organization engaging in such a program will provide for proper removal and disposal of all pigeons taken by such means.

114.14(2) If a specific problem involving the use of a toxic substance or a procedure designed to destroy problem pigeons proves not to be species-specific, the director, conservation officer or biologist will issue an immediate order to stop the particular method being employed or the substance being used.

571—114.15(456A) Disposition of captured nuisance wildlife. Nuisance wildlife, with the exception of endangered or threatened species, may be relocated or euthanized. The permittee shall comply with the euthanization and release methods described in the NWCO guidebook. Sick or injured wildlife must be handled as described in the NWCO guidebook. The carcass of a dead nuisance animal must be disposed of in a legal manner and within 24 hours of the animal's death.

571—114.16(456A) General conditions for permits. Records and facilities shall be available for inspection by officers of the department during reasonable hours. All records and reports must be kept current and shall reflect a true and accurate account of the permittee's activities. The department's law enforcement bureau shall be notified in writing within 30 days if the permittee ceases operation as a nuisance wildlife control operator. Permittees and helpers must obtain and possess valid fur harvester licenses and have paid the habitat fees, except that permittees and helpers solely conducting Canada goose control activities with an SCGCP do not need to have a valid fur harvester license nor to have paid the habitat fee. Permittees must renew their NWCO permits by January 31 of each year.

571—114.17(456A) Permit refusal. The department may suspend, revoke, refuse to issue, or refuse to renew a nuisance wildlife control operator's permit if the department finds that the permittee, a helper, or an employee of the permittee is not in compliance with this chapter. In addition, any violation of Iowa Code chapter 481A, 481B, 482, 483A, 484A, 484B, or 716 shall be cause for the department to suspend, revoke, refuse to issue, or refuse to renew a permit.

571—114.18(456A) Penalties. A person or organization that violates a provision of this chapter is guilty of a simple misdemeanor.

These rules are intended to implement Iowa Code sections 456A.24(8), 481A.38, 481A.39 and 481A.48.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

43. Chapter 54, “Restrictions on Introduction and Removal of Plant life”– Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 54. This Notice of Intended Action is the result of Fisheries Bureau’s Executive Order 10 rule review.

Proposed Chapter 54 governs the introduction and removal of aquatic plants in public waters and the harvest of other plants and fungi on public lands. More specifically, the rule provides guidance on mushrooms and asparagus, fruit, American ginseng, and trees on public lands, and aquatic plants. Proposed changes include prohibiting aquatic plant introduction into public water due to potential issues with invasive species. Additionally, it is proposed to remove the Sovereign Land Permit for cities and counties to use chemicals to remove aquatic vegetation from water intake structures, as long as the cities and counties are operating under an approved vegetation management plan. This chapter is being rescinded and replaced.

Joe Larscheid
Conservation and Recreation
Meeting Date: November 14, 2024

Attached: Chapter 54 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 54, “Restrictions on Introduction and Removal of Plant Life,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 455A.5(6), 456A.24(11), 461A.35, and 461A.41.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 455A.5(6), 456A.24(11), 461A.35, and 461A.41.

Purpose and Summary

Proposed Chapter 54 governs the introduction and removal of aquatic plants in public waters and the harvest of other plants and fungi on public lands. More specifically, the rule provides guidance on mushrooms and asparagus, fruit, American ginseng, and trees on public lands and aquatic plants under the jurisdiction of the Commission. This chapter has been reviewed and edited consistent with Executive Order 10 (2023).

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rulemaking must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on January 15, 2025. Comments should be directed to:

Randy Schultz
6200 Park Avenue
Suite 200
Des Moines, IA 50321
randy.schultz@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at randy.schultz@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al randy.schultz@dnr.iowa.gov.

Public Hearing

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

January 14, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

January 15, 2025 1:00 to 2:00 p.m. at 6200 Park Avenue, 2nd Floor Des Moines, Iowa

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 rulemaking.

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

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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at randy.schultz@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 319-217-9317 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al randy.schultz@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 319-217-9317 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

Item 1. Rescind 571—Chapter 54 and adopt the following **new** chapter in lieu thereof:

CHAPTER 54
RESTRICTIONS ON REMOVAL OF PLANT LIFE

571—54.1(461A) Mushrooms and asparagus. The public may harvest mushrooms and asparagus on lands under the jurisdiction of the natural resource commission during the hours the areas are open to the public.

571—54.2(461A) Fruit. Lands under the jurisdiction of the commission shall be open for the harvesting of all varieties of nuts, fruits, and berries unless signs are posted prohibiting such activity. Nut, fruit, and berry gathering shall be permitted only during the hours the areas are open to the public and shall not be permitted in state preserves unless allowed by the preserve's management plan.

571—54.3(461A) American ginseng. The harvesting of American ginseng (*Panax quinquefolius*) is subject to regulation by 571—Chapter 78.

571—54.4(461A) Trees. The commercial harvest of trees from lands under the jurisdiction of the commission shall be done in accordance with 561—8.5(17A,456A,461A) and 561—8.6(455B), according to the department's Forest Ecosystem Management Guide, approved by the commission on December 8, 1994, and hereby adopted by reference.

571—54.5(461A) Aquatic plants. This rule applies to the removal of plants in public waters as those waters are defined by rule 571—13.2(455A,461A,462A). For purposes of this rule, aquatic plants include vegetation that exists at or below the ordinary high-water line of a waterway.

54.5(1) Permits.

a. The department may issue permits for the removal of aquatic plants in public waters. To be considered for a permit under this rule, applicants shall use the department's application form for sovereign lands construction permits, as described in 571—13.9(455A,461A,462A), and complete all relevant information on that application form. Applicants shall also provide any additional information as may be necessary, as described in 571—13.10(455A,461A). The term of the permit shall be stated in the permit. Permits are nontransferable and are subject to reevaluation upon expiration. Permits may be issued for between one and five years.

b. Cities and counties in Iowa may use chemicals, including herbicides, to remove aquatic vegetation from water intake structures. Such cities and counties shall be required to obtain a permit under this rule unless operating under a vegetation management plan approved by the director. Permits under 567—Chapter 66 may be required separately. Additionally, a certified aquatic applicator is required to conduct all such use of chemicals, and any application is subject to the terms of a vegetation management plan approved by the director. Issuance of such permits and approval of a vegetation management plan is at the sole discretion of the department.

54.5(2) Evaluation. The department shall evaluate all permits sought under this rule in accordance with the evaluation criteria enumerated in 571—13.6(455A,461A,462A). In addition, the department shall consider the following criteria for aquatic plant removal:

a. The plants shall be removed by hand-cutting, hand-pulling, hand-raking or mechanical cutting only;

b. The plants shall be removed to establish a designated travel lane from a boat dock that has been permitted in accordance with 571—Chapter 16. Such travel lane shall not exceed a 15-foot width, and the placement of such lane shall be subject to the review and approval of the department. A travel lane allowed under this rule may be in the same location during the term of the permit, may be sited by the department to accommodate vegetation, and may not necessarily be the most direct path from the dock to the open water area; and

c. All plant material removed under the permit must be left in place or collected and composted on the land owned, leased or otherwise subject to use by the applicant that is adjacent to the removal area.

d. Unless otherwise provided by this rule, in no event may a person be allowed to apply chemicals including, without limitation, herbicides to remove aquatic plants from public waters. For nonpublic waters that meet certain designations in 567—Chapter 66, a person may be required to seek a permit under the rules established herein to use herbicides.

54.5(3) *Inspection requirements.* For the purpose of inspecting for compliance with permit conditions, the department shall have the right to enter the property attached to the public water at or near the place of removal. This inspection shall include, without limitation, identification of introduced species, a determination as to whether the travel lane is being maintained in accordance with the permit conditions, and whether removed plant material is left on site.

54.5(4) *Violations.* Persons in violation of this rule or who introduce aquatic plants to public waters are guilty of a simple misdemeanor as described by Iowa Code section 461A.57.

54.5(5) *Exceptions.*

a. A dock permittee whose dock meets the conditions of 571—16.4(461A,462A), 571—16.6(461A,462A), or 571—16.7(461A,462A) may remove aquatic vegetation without a permit if the aquatic vegetation: (1) Creates a hazardous or detrimental condition in the boating area around the dock, or (2) covers a minimum of 75 percent of the boating area around the dock.

b. A dock permittee meeting one of the exceptions in 54.5(5)“a” must verify at inspection that the dock meets the criteria for a Class I, Class II or Class III dock permit and is limited to the following:

- (1) Removal of vegetation in a 20-foot radius around the dock;
- (2) Removal of a hazardous or detrimental condition when it interferes with safe boating passage and is located within the boating area around the dock;
- (3) Creation of a 15-foot-wide boating pathway utilizing a direct route from the dock to open water;
- (4) Adherence to the requirement to leave the vegetation in place or collect and compost it on land that is owned, leased or otherwise subject to use by the dock permittee and is adjacent to the removal area; and
- (5) Removal of the vegetation by hand-cutting, hand-pulling, hand-raking or mechanical cutting devices, excluding automated plant control devices that disturb the bottom substrate.

These rules are intended to implement Iowa Code sections 456A.24, 461A.35, and 461A.42.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

44. Chapter 72, “Timber Buyers”– Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 72. This Notice of Intended Action is the result of the Forestry section’s Executive Order 10 rule review.

Proposed Chapter 72 outlines the procedures by which a timber buyer can become bonded in order to engage in the business of buying timber in Iowa. The bond amount is available to be claimed by the seller of timber in a situation in which a timber buyer cuts and takes possession of the timber, but fails to pay for it. In other words, this chapter ensures compliance with the law and provides protection for timber owners. This chapter has been reviewed and edited consistent with Executive Order 10 (2023).

Jeff Goerndt, State Forester
Conservation and Recreation Division
Meeting Date: November 14, 2024

Attached: Chapter 72 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 72, “Timber Buyers,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code subsection 456A.36(6).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 456A.36.

Purpose and Summary

Proposed Chapter 72 outlines the procedures by which a timber buyer can become bonded in order to engage in the business of buying timber in Iowa. The bond amount is available to be claimed by the seller of timber in a situation in which a timber buyer cuts and takes possession of the timber, but fails to pay for it. In other words, this chapter ensures compliance with the law and provides protection for timber owners. This chapter has been reviewed and edited consistent with Executive Order 10 (2023).

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on January 14, 2025. Comments should be directed to:

Jeff Goerndt
Iowa DNR
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: jeff.goerndt@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at jeff.goerndt@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al jeff.goerndt@dnr.iowa.gov.

Public Hearing

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

1:00 p.m. on January 15, 2025	Virtual
1:00 p.m. on January 16, 2025	Virtual

Persons wishing to attend a hearing may contact Jeff Goerndt for the hearing link. 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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at jeff.goerndt@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-971-1724 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al jeff.goerndt@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-971-1724 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

Item 1. Rescind 571—Chapter 72 and adopt the following **new** chapter in lieu thereof:

CHAPTER 72
TIMBER BUYERS

571—72.1(456A) Definitions.

“*Collateral bond*” means a bond signed by the timber buyer as principal and accompanied by a bank certificate of deposit.

“*Corporate surety bond*” means a bond signed by the timber buyer as principal and a corporate surety authorized to engage in the business of executing surety bonds within Iowa.

“*Department*” means the department of natural resources.

“*Director*” means the director of the department of natural resources or the administrator of the division of forests and forestry who has been designated to act for the director.

“*Proof of ownership*” means a timber sale contract; bill of sale or bill of lading showing owner’s name, address, and telephone number, point of origin, and destination.

“*The Act*” means Iowa Code section 456A.36.

“*Timber buyer*” means a person engaged in the business of buying timber for sawing into lumber for processing or resale, but does not include a person who occasionally purchases timber for sawing or processing for the person’s own use and not for resale. “Timber buyer” includes a person who contracts with a timber grower on a shared-profit basis to harvest timber from the grower’s land.

“*Timber buyer surety bond*” means a bond signed by the timber buyer as principal, bonding the timber buyer to the commission for the performance under the Act.

571—72.2(456A) Applicability of rules.

72.2(1) *Duty to file.*

a. General. On and after January 1, 1981, no person shall engage in the business of timber buying in the state of Iowa unless the timber buyer shall have on file with the department a bond and application for bond approval in compliance with these rules.

b. Timber buying. All persons engaged in the business of timber buying shall file prior to engaging in business as a timber buyer, a bond complying with these rules and an application for bond approval as specified in 571—72.2(456A) and 571—72.3(456A). Should the department determine that the bond or application, although in substantial compliance, is insufficient to comply with the law, it shall provide notice by certified mail, return receipt requested. The timber buyer will be given 20 days to correct the insufficiency. If not corrected within that time period, or within an additional time period approved by the director, the timber buyer shall be deemed to be in violation of the Act and of these rules. If the department determines that the bond or application does not substantially comply with the Act or these rules, it shall immediately notify the timber buyer that the filing does not satisfy the statutory requirements for filing a bond or surety and that the buyer may not lawfully engage in the business of timber buying until a bond has been approved by the department.

c. Date of filing. For purposes of this rule, the date of filing shall be the date on which the materials are received by the department or the date postmarked, if mailed.

72.2(2) *Filing of required forms.*

a. Application for Bond Approval, Form NRC72-1.

(1) Form NRC72-1 shall be filed as a single copy with the department.

(2) Form NRC72-1 shall be filed prior to buying timber from timber growers in Iowa.

(3) Form NRC72-1 shall be refiled annually by January 1 of each calendar year the timber buyer will be engaged in the business of buying timber from timber growers in Iowa.

(4) The timber buyer shall report the amount of dollars paid to timber growers in one of the following ways: (1) for the timber buyer’s most recently completed fiscal or business year, or (2) for the 12 months preceding the filing of the application for bond approval and bond.

(5) Forms are available from the department.

b. Corporate Surety Bond, Form NRC72-2.

(1) Form NRC72-2 shall be filed as a single copy with the department at the same time as the application for bond approval unless a collateral bond and bank certificate of deposit are submitted.

(2) Form NRC72-2 shall be filed prior to buying timber from timber growers in Iowa.

(3) Form NRC72-2 shall be in the amount determined by the timber buyer and reported to the department by the timber buyer on Form NRC72-1, Application for Bond Approval.

(4) Forms are available from the department.

c. Timber Buyer Surety Bond, Form NRC72-3.

(1) Form NRC72-3 shall be filed as a single copy at the same time as the collateral assignment of certificate of deposit, Form NRC72-4, and the bank certificate of deposit, with the department.

(2) Form NRC72-3 shall be filed prior to buying timber from timber growers in Iowa.

(3) Forms are available from the department.

d. Collateral Assignment of Certificate of Deposit, Form NRC72-4.

(1) Form NRC72-4 shall be filed as a single copy with the department unless a surety bond is submitted.

(2) Form NRC72-4 shall be filed prior to buying timber from timber growers in Iowa.

(3) Form NRC72-4 shall be accompanied by a bank certificate of deposit in the amount determined by the timber buyer and reported to the department by the timber buyer on the Application for Bond Approval, Form NRC72-1, and by Timber Buyer Surety Bond, Form NRC72-3.

(4) Forms are available from the department.

e. Verified Application for Release of Bond and Certificate of Deposit, Form NRC72-5.

(1) Form NRC72-5 shall be filed with the department by timber buyers who wish the release of their certificate of deposit being held by the department in lieu of a surety bond because that person wishes to replace it with a surety bond or because that person no longer wishes to stay in the timber buying business in Iowa.

(2) Forms are available from the department.

f. All filings must be on approved department forms.

72.2(3) *Terms and conditions of bank certificate of deposit and collateral bond.* Collateral bonds shall be subject to the following conditions:

a. The department shall obtain possession of and keep in custody all collateral deposited by the timber buyer, until released or replaced.

b. Certificates of deposit shall be assigned to the department, in writing, and upon the books of the bank issuing such certificates.

c. Banks issuing these certificates shall waive all rights of setoff or liens which they have or might have against those certificates.

d. Certificates of deposit shall be automatically renewed unless the director approves release of the funds in writing.

e. The funds shall be made payable upon demand to the director, subject to the provisions of the Act, for the use and benefit of the people of the state and for the use and benefit of a timber grower whose timber has been cut by the timber buyer or the timber buyer's agents, and who has not been paid.

f. The timber buyer may, upon 60 days' written notice to the department, provide a surety bond in lieu of the certificate of deposit and collateral bond.

g. The certificate of deposit and collateral bond will be kept in custody by the department for one year beyond the date of presentation by the timber buyer of a surety bond in lieu of certificate of deposit and collateral bond or upon written notice to the department of termination of the business of buying timber in Iowa.

72.2(4) *Determination of the bond amount.*

a. The standard applied by the department in determining the amount of the bond shall be:

(1) The bond shall be in the principal amount of 10 percent of the total amount paid to timber growers during the preceding year, plus 10 percent of the total amount due or delinquent and unpaid to timber growers at the end of the preceding year, and 10 percent of the market value of growers' share of timber harvested during the previous year. However, the total amount of the bond shall be not less than \$25,000 and no more than \$50,000.

(2) In the case of a timber buyer not previously engaged in business as a timber buyer, the amount of the bond shall be based on the estimated dollar amount to be paid by the timber buyer to timber growers for timber purchased during the next succeeding year.

(3) In determining the amount of the bond, the department shall consider only amounts paid or estimated to be paid, to Iowa timber growers.

b. The timber buyer is responsible for maintaining the proper amount of bond to comply with the Act.

c. Change in bond amount. If the amount of the bond, as determined under this section, has changed from that of the existing bond on file, the timber buyer shall enclose a rider to the bond or an additional certificate of deposit as necessary to increase the amount of bonding to meet the required amount for the new year or may request approval of a substituted bond or certificate of deposit if the amount required for future bonding is reduced.

72.2(5) Release of collateral bond and certificate of deposit. The timber buyer or any person authorized to act on behalf of the timber buyer, may file Form NRC72-5, Verified Application for Release of Bond and Certificate of Deposit with the department for release of the security and the department will respond as follows:

a. If the timber buyer replaces the certificate of deposit and collateral assignment with a surety bond, the department will release the certificate of deposit and collateral assignment to the timber buyer or the timber buyer's authorized representative one year after the timber buyer files a surety bond, if no known claims on the collateral bond exist.

b. If the timber buyer no longer wishes to stay in the timber buying business in Iowa, the department will hold the verified application for 12 months from the date of receipt and after that time release the certificate of deposit and collateral bond to the timber buyer or the timber buyer's authorized representative by certified mail or in person, if no known claims on the collateral bond exist.

c. Should any person be adversely affected by the release of the collateral bond, that person may file a written request with the department to obtain notice of any application by the timber buyer for release of collateral bond. The request shall give name, mailing address, and the reason why that party would be affected.

72.2(6) Use of bond proceeds when the bond is forfeited. If the department realizes more than the amount of the liability from the security, after deducting expenses including all costs and expenses of the state in forfeiture proceedings and incurred by the state in converting the security into money, the department shall pay the excess as follows:

a. Certificate of deposit excess will be paid to the timber buyer who furnished the security.

b. Surety bond excess will be paid to the corporate surety.

72.2(7) Requests for confidential treatment.

a. If any person filing a document with the director for use in carrying out the responsibilities under the Act relating to timber buyer bonding claims that some or all the information contained in the document is exempted from disclosure by Iowa Code chapter 22, or is otherwise exempt by law from public disclosure, and if the person requests the director not to disclose this information, the person shall file together with the document a second copy of the document from which has been deleted the information for which confidential treatment is claimed. The person shall conspicuously indicate on the face of the original document that it is confidential information and shall file a statement specifying the justification of nondisclosure of the information for which confidential treatment is claimed. If the person filing a document does not submit a second copy of the document with the confidential information deleted, the director may assume that there is no objection to public disclosure of the document in its entirety.

b. The director retains the right to make a determination with regard to any claim of confidentiality. Notice of the decision by the director to deny a claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than five days if possible prior to its public disclosure, or placement in files open to the public.

571—72.3(456A) Forms. The forms required for use in complying with this chapter and Iowa Code section 456A.36 shall be available from the department. The forms are as follows:

NRC72-1	APPLICATION FOR BOND (Revised 2/23)
NRC72-2	CORPORATE SURETY BOND COVERING THE PURCHASE OF TIMBER FROM TIMBER GROWERS BY TIMBER BUYER OR BUYER'S AGENT (Revised 3/21)
NRC72-3	TIMBER BUYER SURETY BOND (USING A CERTIFICATE OF DEPOSIT) GOVERNING THE PURCHASE OF TIMBER FROM TIMBER GROWERS BY BUYER OR BUYER'S AGENT (Revised 8/17)
NRC72-4	COLLATERAL ASSIGNMENT OF CERTIFICATE OF DEPOSIT (Revised 8/17)
NRC72-5	VERIFICATION APPLICATION FOR RELEASE OF BOND AND CERTIFICATE OF DEPOSIT (Revised 8/17)
NRC72-6	TIMBER TRANSPORT CERTIFICATE (Revised 5/20)

Copies of the forms may be obtained by writing Forestry Section, Iowa Department of Natural Resources, 6200 Park Avenue, Suite 200, Des Moines, Iowa 50321; by calling 515.725.8200; or online at iowadnr.gov.

These rules are intended to implement Iowa Code sections 456A.24 and 456A.36.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

45. Chapter 73, “Forest and Fruit Tree Reservations”– Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 73. This Notice of Intended Action is the result of the Forestry section’s Executive Order 10 rule review.

Proposed Chapter 73 sets the criteria for establishing forest and fruit-tree reservations and defines the format and components of the related annual report due to the Department. This chapter will ensure consistent application of the tax exemptions afforded such reservations as provided by Iowa Code chapter 427C and Iowa Code section 441.22. Additionally, county assessors are required to report forest and fruit-tree reservation data to the Department annually. The current chapter does not specify the format for this data. This proposed chapter clarifies the format for the data to provide consistency across counties, and so that the data can be sorted and analyzed by the Department. This data is often requested by legislators and the public. This chapter has been otherwise reviewed and edited consistent with Executive Order 10 (2023).

Jeff Goerndt, State Forester
Conservation and Recreation Division
Meeting Date: November 14, 2024

Attached: Chapter 73 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and replace Chapter 73, “Forest and Fruit-Tree Reservations,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 427C.12.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 427C and 441.

Purpose and Summary

Proposed Chapter 73 sets the criteria for establishing forest and fruit-tree reservations and defines the format and components of the related annual report due to the Department of Natural Resources (Department). forest and fruit-tree reservations, which are exempt from taxation by Iowa Code. This chapter will ensure consistent application of the tax exemptions afforded such reservations as provided by Iowa Code chapter 427C and section 441.22. Additionally, county assessors are required to report forest and fruit-tree reservation data to the Department annually. The current chapter does not specify the format for this data. This proposed rule making clarifies the format for the data to provide consistency across counties, and so that the data can be sorted and analyzed by the Department. This data is often requested by legislators and the public. This chapter has been otherwise reviewed and edited consistent with Executive Order 10 (2023).

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on January 14, 2025. Comments should be directed to:

Jeff Goerndt
Iowa DNR
6200 Park Avenue, Suite 200
Des Moines, IA 50319
Email: jeff.goerndt@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. contact DNR at jeff.goerndt@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el DNR al jeff.goerndt@dnr.iowa.gov.

Public Hearing

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

1:00 p.m. on January 15, 2025 Virtual

1:00 p.m. on January 16, 2025 Virtual

Any person who wishes to attend a hearing may contact Jeff Goerndt at jeff.goerndt@dnr.iowa.gov for the hearing link. 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 rulemaking.

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

Free Language Assistance: if you need assistance in a language other than English, contact DNR at jeff.goerndt@dnr.iowa.gov or civilrights@dnr.iowa.gov; or by telephone at 515-971-1724 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el DNR al jeff.goerndt@dnr.iowa.gov o civilrights@dnr.iowa.gov; o por teléfono a 515-971-1724 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

Item 1. Rescind 571—Chapter 73 and adopt the following **new** chapter in lieu thereof:

CHAPTER 73
FOREST AND FRUIT-TREE RESERVATIONS

571—73.1(427C,456A) Criteria for establishing and maintaining forest and fruit-tree reservations.

73.1(1) Designation. The selection of a forest or fruit-tree reservation is the prerogative of the taxpayer and shall not be denied unless the criteria set forth in Iowa Code chapter 427C and these rules have not been satisfied.

73.1(2) *Area designated.* The area designated as a forest or fruit-tree reservation may be less than one legally described tract of land if the minimum acreage requirement of Iowa Code section 427C.2 is satisfied.

73.1(3) *Size of reservation.* As used in Iowa Code section 427C.2, the term “continuous area” means an area of land which is not separated by public roads or streets. A continuous area may include land contained in more than one legal description.

73.1(4) *Fencing.* It is not mandatory that a forest or fruit-tree reservation be fenced. However, it is the taxpayer’s responsibility to ensure that livestock are not permitted on the reservation (1938 O.A.G. 198).

73.1(5) *Number of trees.* To qualify initially as a forest reservation, a tract of land must contain at least 200 growing trees on each acre. However, if trees are removed pursuant to Iowa Code section 427C.4, a taxpayer has up to one year to replace the trees.

73.1(6) *Economic gain.* As used in Iowa Code section 427C.10, the term “gain from raising fruit or forest trees” means gain from the harvest from trees, including but not limited to fruit, nuts, Christmas trees and greens, posts, poles, logs, fuelwood, pulpwood, and tree sap.

571—73.2(427C,456A) County assessor’s annual report on forest and fruit-tree reservations to the department of natural resources.

73.2(1) *Report content.* The report shall be submitted in a sortable Microsoft Excel file and shall contain the county, parcel ID, class of parcel (agricultural, commercial, residential, etc.), name of owner, mailing address of owner, number of acres for each parcel, and exempted dollar value of each parcel for each forest and fruit-tree reservation. In addition, the report shall include the total number of acres, total number of parcels, and total exempted value.

73.2(2) *Report due date.* The report shall be submitted annually to the department of natural resources no later than June 15 of the assessment year.

This rule is intended to implement Iowa Code chapters 427C and 441.

Iowa Department of Natural Resources
Natural Resource Commission

Decision Item

46. Chapter 74, “Forest Land Enhancement Program (FLEP)”– Notice of Intended Action

The Commission is requested to approve the Notice of Intended Action for Chapter 74. Notice of Intended Action is the result of the Forestry Section Executive Order 10 rule review.

Chapter 74 defines procedures by which federal, state or private monies designated for forestry cost-share practices on private lands may be utilized for those purposes. This rule chapter is unnecessary. The Department can utilize funds for these purposes under the authority provided by Iowa Code sections 455A.13(1) and 456A.24(13). Therefore, consistent with Executive Order 10 (2023), this rule is proposed for rescission.

Jeff Goerndt, State Forester
Conservation and Recreation Division
Meeting Date: November 14, 2024

Attached: Chapter 74 - NOIA

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

The Natural Resource Commission (Commission) hereby proposes to rescind and reserve Chapter 74, “Forest Land Enhancement Program (FLEP),” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 456A.24.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 456A.24(13).

Purpose and Summary

Chapter 74 defines procedures by which federal, state or private monies designated for forestry cost-share practices on private lands may be utilized for those purposes. This rule chapter is unnecessary. The Department of Natural Resources (Department) can utilize funds for these purposes under the authority provided by Iowa Code 455A.13(1) and 456A.24(13). Therefore, consistent with Executive Order 10 (2023), this rule is proposed for rescission.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking 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 rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on January 14, 2025. Comments should be directed to:

Jeff Goerndt
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
email: jeff.goerndt@dnr.iowa.gov

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Public Hearing

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

1:00 p.m. on January 15, 2025 Virtual

Any person who wishes to attend may contact Jeff Goerndt at jeff.goerndt@dnr.iowa.gov for the hearing link. 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 rulemaking.

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

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Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action proposed:

Item 1. Rescind and reserve **571—Chapter 74.**